
STATUTES OF CALIFORNIA
REGULAR SESSION
1971

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Passed at the 1971 Regular Session of the Legislature

CHAPTER 1

An act to amend Section 46867 of, and to add and repeal Section 46867.5 of, the Agricultural Code, relating to citrus fruit, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 19, 1971. Filed with Secretary of State January 19, 1971.]

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

SECTION 1. Section 46867 of the Agricultural Code is amended to read:

46867. Grapefruit which are produced in the desert areas are not mature unless they meet the following requirements:

In view of differences in climatic conditions that prevail in the desert areas, which result in the grapefruit grown in those areas having, at maturity, a higher percentage of soluble solids to acid than the mature grapefruit which are grown in other areas of the state, grapefruit which are produced in the desert areas are considered mature if at the time of picking and at all times thereafter the juice contains soluble solids equal to or in excess of $6\frac{1}{2}$ parts to every part of acid which is contained in the juice except as provided in Section 46867.5. The acidity of the juice shall be calculated as citric acid without water of crystallization.

SEC. 2. Section 46867.5 is added to the Agricultural Code, to read:

46867.5. Grapefruit which are produced in the desert areas are not mature unless they meet the following requirements:

In view of differences in climatic conditions that prevail in the desert areas, which result in the grapefruit grown in those areas having, at maturity, a higher percentage of soluble solids to acid than the mature grapefruit which are grown in other areas of the state, grapefruit which are produced in the desert areas are considered mature if at the time of picking and at all times thereafter the juice contains soluble solids equal to or in excess of 6 parts to every part of acid which is contained in the juice. The acidity of the juice shall be calculated as citric acid without water of crystallization. However, the director may, by regulation, establish a higher maturity standard when he finds that it would provide a more acceptable grapefruit to the consumer.

The provisions of this section shall be in effect only until the 61st day after the final adjournment of the 1971 Regular Session of the Legislature and as of that date is repealed.

SEC. 3. This act is an emergency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The harvest season for desert grapefruit will begin before the normal effective date of legislation passed at this session of the Legislature and it is necessary that these new standards go into immediate effect to meet the needs of the current marketing season of the desert grapefruit crop.

CHAPTER 2

An act to repeal Section 95.5 of, and to add Section 95.5 to, the Streets and Highways Code, relating to snow removal, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 25, 1971. Filed with Secretary of State January 25, 1971.]

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

SECTION 1. Section 95.5 of the Streets and Highways Code is repealed.

SEC. 2. Section 95.5 is added to the Streets and Highways Code, to read:

95.5. From and after November 8, 1967, the department shall remove snow from that portion of former U.S. Route 40, which has been superseded by the relocation and construction of Interstate Route 80, commencing at its intersection with Interstate Route 80 near Donner Memorial Park westerly approximately four miles to the vicinity of Donner Lake.

SEC. 3. The Legislature hereby finds and declares that this act does not constitute a change in, but is only declarative of, the existing law.

SEC. 4. All expenditures for the snow removal on the portion of former U.S. Route 40 described in Section 95.5 of the Streets and Highways Code, including, but not limited to, the period from July 1, 1970, to the effective date of this act, shall be paid from money in the State Highway Fund available for maintenance of state highways, and no claim shall be made against any county for any portion thereof.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

go into immediate effect. The facts constituting such necessity are:

A question has arisen regarding the effect of Chapter 818 of the Statutes of 1970, which was enacted for the purpose of continuing in force and effect Section 95.5 of the Streets and Highways Code which requires the Department of Public Works to remove snow from a specified portion of former U.S. Route 40, in the vicinity of Donner Lake.

It is necessary to remove any such question as quickly as possible, and thus, it is necessary that this act go into immediate effect.

CHAPTER 3

An act to add Division 14.8 (commencing with Section 32000) to the Agricultural Code, relating to animals, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 28, 1971 Filed with
Secretary of State January 28, 1971.]

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

SECTION 1. Division 14.8 (commencing with Section 32000) is added to the Agricultural Code, to read:

DIVISION 14.8. ANIMALS

32000. The selling or giving away of any animal to any facility subject to the provision of Public Law 89, Chapter 544, of the 89th Congress, Second Session (7 U.S.C. Sec. 2131 et seq.) shall be conditioned upon compliance by such facility with the provisions of such law, and such selling or giving away shall be exempt from the provisions of Sections 31750 and 31751.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The ability of the medical profession to protect the public health through appropriate investigatory studies has been made impossible because of the impact upon research unintentionally provoked by unanticipated effect of existing law. It is necessary that this act become effective immediately in order to terminate such effect and to permit such essential research to continue.

CHAPTER 4

An act to add Sections 25410.1 and 25410.2 to the Education Code, and to add Section 54931.13 to the Government Code, relating to school district annexations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 4, 1971. Filed with Secretary of State February 4, 1971.]

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

SECTION 1. Section 25410.1 is added to the Education Code, to read:

25410.1. Notwithstanding any other provisions of law, when a unified district is proposed to be annexed to a community college district the boundaries of which are coterminous with the boundaries of another unified district and which is governed by the same governing board as the coterminous unified district, the annexation agreement provided for in Section 2097.5 may contain a provision that following annexation the community college district shall be governed by a governing board consisting of seven members to be elected from designated trustee areas by one of the methods set forth in Section 25411, provided such provision in the agreement is approved by the county committee on school district organization.

When an annexation agreement contains such a provision, the county superintendent of schools shall call an election for purposes of electing the seven members of the governing board and for submitting to the voters of the enlarged community college district the proposal that trustee areas be established. For purposes of consolidating such election with other school district governing board elections to be held in 1971, such election may be called prior to the holding of the annexation election. The election shall be called and conducted in the manner provided by law for the election of the first governing board members of newly formed community college districts insofar as such manner is consistent with the provisions of this section.

If the electorate does not approve the proposal to establish trustee areas at an election held for that purpose pursuant to this section, the annexation shall be deemed void and ineffective for any purposes.

SEC. 2. Section 25410.2 is added to the Education Code, to read:

25410.2. Notwithstanding the provisions of Section 1704, if, at an election held prior to March 1, 1971, a unified district has been annexed to a community college district, the boundaries of which are coterminous with the boundaries of another unified district and which is governed by the same governing board as the coterminous unified district, such annexation shall, except as provided in Section 25410.1, be deemed effective for all purposes on July 1, 1971.

SEC. 3. Section 54931.13 is added to the Government Code, to read:

54931.13. Notwithstanding the provisions of Sections 54902 and 54903 or any other provision of this chapter, if, at an election held prior to March 1, 1971, a unified district has been annexed to a community college district, the boundaries of which are coterminous with the boundaries of a unified district other than the annexed unified district and which is governed by the same governing board as the coterminous unified district, such annexation shall be effective for assessment and taxation purposes for the 1971-1972 fiscal year, provided that the statement and map or plat required by Sections 54900 and 54903.1 are filed on or before May 1, 1971.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such a necessity are: Maximum education benefits are achieved where unified school districts are included within community college districts. In order that the students residing within a unified school district which is annexed to a community college district at an election held prior to March 1, 1971, shall receive this maximum benefit, it is necessary to permit the new community college district to become effective for all purposes on July 1, 1971, and that such annexation be permitted in accordance with agreements which may have been entered into between petitioning unified districts and the community college districts involved.

SEC. 5. This act shall be effective solely with respect to school district elections held during the 1970-1971 school year, and shall have no force or effect after July 1, 1971.

SEC. 6. Annexations which come within the provisions of this act shall not be subject to the provisions of Sections 200.3, 3296.5, 25436, and 25454.5 of the Education Code, insofar as such sections pertain to the formation, organization or re-organization of community college districts.

CHAPTER 5

An act to add Section 35417 to the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 11, 1971. Filed with Secretary of State February 11, 1971.]

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

SECTION 1. Section 35417 is added to the Vehicle Code, to read:

35417. A combination of vehicles consisting of a motor-truck and a logging dolly may exceed a total length of 60 feet but may not exceed a total length of 65 feet.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Legislation was enacted in 1963 extending the length limitation for a combination of vehicles consisting of a motortruck and a logging dolly from 60 to 65 feet.

This provision was inadvertently repealed during the 1970 session, thereby restricting such combinations of vehicles to 60 feet in length. The reduction in length limitations for these vehicles was without legislative intent and will constitute a severe hardship upon the logging industry by prohibiting the use of motortruck and logging dolly combinations which exceed 60 feet in length.

CHAPTER 6

An act to add Section 454.5 to the Education Code, relating to surplus federal property, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 22, 1971 Filed with
Secretary of State February 22, 1971.]

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

SECTION 1. Section 454.5 is added to the Education Code, to read:

454.5. (a) Notwithstanding any other provision of law, the agency may, with respect to surplus federal food of the United States Department of Agriculture's supplemental food program in its possession, waive any and all charges otherwise required therefor by Section 454 to the extent that surplus operating funds are available within the educational surplus property revolving fund. A waiver of charges under this section may be made only if a party thereafter elects to take direct delivery as provided for in subdivision (b). This subdivision shall be effective until June 30, 1971, and shall have no force or effect after that date.

(b) Notwithstanding any other provision of law, any party receiving surplus food pursuant to this article which elects to take direct delivery thereof from the federal government shall be required to reimburse the agency only for the actual cost to the agency of processing the documents relating to each

such direct delivery of surplus food. Any party electing to take direct delivery must demonstrate that party's capability for the proper storage and distribution of the surplus food in accordance with regulations adopted by the Superintendent of Public Instruction.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Under existing law, the timely and economical distribution of surplus federal food to the poverty stricken in metropolitan areas has become so impaired as to substantially delay or preclude the distribution of such food to the needy. In order to remove the statutory barriers to such timely and economical delivery it is necessary that this act take effect immediately.

CHAPTER 7

An act to amend Section 581a of the Code of Civil Procedure, relating to dismissal of actions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 26, 1971. Filed with Secretary of State February 26, 1971.]

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

SECTION 1. Section 581a of the Code of Civil Procedure is amended to read:

581a. (a) No action heretofore or hereafter commenced by complaint shall be further prosecuted, and no further proceedings shall be had therein, and all actions heretofore or hereafter commenced shall be dismissed by the court in which the same shall have been commenced, on its own motion, or on the motion of any party interested therein, whether named as a party or not, unless the summons on the complaint is served and return made within three years after the commencement of said action, except where the parties have filed a stipulation in writing that the time may be extended or the party against whom the action is prosecuted has made a general appearance in the action.

(b) No action heretofore or hereafter commenced by cross-complaint shall be further prosecuted, and no further proceedings shall be had therein, and all actions heretofore or hereafter commenced shall be dismissed by the court in which the same shall have been commenced, on its own motion, or on the motion of any party interested therein, whether named as a

party or not, unless, if a summons is not required, the cross-complaint is served within three years after the filing of the cross-complaint or unless, if a summons is required, the summons on the cross-complaint is served and return made within three years after the filing of the cross-complaint, except where the parties have filed a stipulation in writing that the time may be extended or, if a summons is required, the party against whom service would otherwise have to be made has made a general appearance in the action.

(c) All actions, heretofore or hereafter commenced, shall be dismissed by the court in which the same may be pending, on its own motion, or on the motion of any party interested therein, if no answer has been filed after either service has been made or the defendant has made a general appearance, if plaintiff fails, or has failed, to have judgment entered within three years after service has been made or such appearance by the defendant, except where the parties have filed a stipulation in writing that the time may be extended.

(d) The time during which the defendant was not amenable to the process of the court shall not be included in computing the time period specified in this section.

(e) A motion to dismiss pursuant to the provisions of this section shall not, nor shall any extension of time to plead after such motion, or stipulation extending time for service of summons and return thereof, constitute a general appearance.

SEC. 2. The amendment of Section 581a of the Code of Civil Procedure made by Section 1 of this act does not constitute a change in, but is declaratory of, the existing law.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

An interpretation of subdivision (c) of Section 581a of the Code of Civil Procedure, as amended by Chapter 582, Statutes of 1970, has been suggested to the effect that the term "general appearance" as used therein, includes answers, demurrers, and other responses which prohibit the entry of default, and that judgment in even a contested case must be obtained within three years or the action must be dismissed. Unless this bill takes effect immediately, the uncertainty in the statute will lead to unmeritorious motions to dismiss and needless litigation.

CHAPTER 8

An act relating to the repair, restoration, or replacement of public property damaged or destroyed by a natural disaster and, in this connection, to amend Section 54152 of the Government Code, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 9, 1971. Filed with Secretary of State March 10, 1971.]

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

SECTION 1. "Natural disaster" as used in this act means a flood, storm, tidal wave, earthquake, or other similar public calamity resulting from natural causes.

SEC. 2. "Unusual circumstances" as used in this act, are unavoidable delays which result from the recurrence of a disaster, prolonged severe weather within a one-year period, or other conditions beyond the control of an applicant. Delays resulting from administrative procedures are not unusual circumstances which warrant extensions of time.

SEC. 3. The unexpended balance of the appropriation made by Section 1 of Chapter 52 of the Statutes of 1969 shall be available for expenditure by the Department of Finance for the purposes of the Emergency Flood Relief Law (Article 6 (commencing with Section 54150), Chapter 5, Part 1, Division 2, Title 5, Government Code) for damage or destruction to public real property, other than the repair, restoration, or replacement of streets, roads, and bridges damaged by a natural disaster which occurred between July 1, 1970, and June 30, 1971, declared by the governing body of the local agency affected, which declaration is acceptable to the Director of the Office of Emergency Services; provided, that the local agency has applied to the Department of Finance for an allocation of funds within 45 days after the disaster has occurred, or within 45 days of the effective date of this act, whichever is the longer period.

SEC. 4. The funds made available by Section 3 of this act may also be expended for the purposes described in Section 54155 of the Government Code.

SEC. 5. Allocations of funds under Section 3 of this act may be expended, if the local agency so elects, for the repair, restoration, or replacement of a public building to present-day standards; provided, that the square footage of such building is not increased thereby.

SEC. 6. Notwithstanding the provisions of Section 54157 of the Government Code, whenever the Department of Finance determines that a local agency to which funds available pur-

suant to Section 3 of this act are proposed to be allocated is financially unable to meet the matching requirements set forth in Section 54157 of the Government Code due to exhaustion of its financial resources because of disaster expenditures, the provisions of Section 54157 of the Government Code shall not apply, and the Department of Finance may allocate funds available pursuant to Section 3 of this act to pay all of the cost of repairing, restoring, or replacing public buildings of such local agency or such portion of such cost as the department determines is necessary to accomplish the project, taking into consideration the financial ability of the local agency to meet the matching requirements of Section 54157 of the Government Code, less any money provided by the United States or any agency thereof for any portion of the cost of the project; provided, that the total amount of state funds allocated for any one project pursuant to this section shall not exceed the sum of two hundred thousand dollars (\$200,000).

SEC. 7. The money in the Street and Highway Disaster Fund under subdivision (b) of Section 186.95 of the Streets and Highways Code shall be available for expenditure for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law, including the purposes provided for in Section 54160 of the Government Code, for the repair, restoration, or replacement of any local street, road, or bridge damaged or destroyed by a natural disaster occurring between July 1, 1970, and June 30, 1971, declared by the governing body of the local agency affected, which declaration is acceptable to the Director of the Office of Emergency Services; provided, that the local agency has applied to the State Allocation Board for an allocation of funds within 45 days after the disaster has occurred, or within 45 days of the effective date of this act, whichever is the longer period.

SEC. 8. Whenever the Department of Finance determines that a local agency which would otherwise be eligible for an allocation under the formula of Section 54157 of the Government Code is unable to finance the work due to exhaustion of its financial resources because of disaster expenditures, the State Allocation Board may allocate funds available pursuant to Section 7 of this act to pay such portion of the cost of repairing, restoring, or replacing the streets, roads and bridges of such local agency as the department has determined is necessary to accomplish such work; provided, that if the local agency is a county, the amount contributed by each local agency shall not be reduced to less than an amount of money equal to the amount allocated to such local agency for the 1969-70 fiscal year pursuant to Section 2110.5 of the Streets and Highways Code; and provided, further, that if the local agency is a county, the Department of Finance, in determining whether the county's financial resources are exhausted, shall ascertain whether the county has levied, during the then current year, the maximum property tax for highway purposes authorized by Section 1550 of the Streets and Highways Code

in the road district in which the work is proposed, and if such tax is being levied at less than the maximum rate authorized by Section 1550, the amount to be allocated by the State Allocation Board under this section shall be reduced by an amount equivalent to the difference between the revenue derived from the property tax being levied for highway purposes in such road district and the revenue which would have been derived from such tax at the maximum rate authorized by Section 1550. In determining if a county has levied sufficient taxes, amounts to be received from other taxes levied by that county and used for road purposes shall be included.

SEC. 9. The unexpended balance of the money transferred to the Street and Highway Disaster Fund pursuant to subdivision (a) of Section 17 of Chapter 52 of the Statutes of 1969 shall be available for expenditure for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law, including the purposes provided for in Section 54160 of the Government Code, for the repair, restoration, or replacement of any local street, road, or bridge damaged or destroyed by a natural disaster occurring between July 1, 1970, and June 30, 1971, declared by the governing body of the local agency affected, which declaration is acceptable to the Director of the Office of Emergency Services; provided, that the local agency has applied to the State Allocation Board for an allocation of funds within 45 days after the disaster has occurred, or within 45 days of the effective date of this act, whichever is the longer period, unless the Director of the Office of Emergency Services extends this period because of unusual circumstances.

SEC. 10. The unexpended balance of the money transferred to the State Highway Fund pursuant to subdivision (b) of Section 17 of Chapter 52 of the Statutes of 1969 shall be available for expenditure, without regard to the provisions of Sections 188, 188.8, and 188.9 of the Streets and Highways Code, for the repair, replacement, or restoration of highways and bridges in the state highway system damaged or destroyed by a natural disaster occurring between July 1, 1970, and June 30, 1971, to present-day standards and to accommodate present traffic.

SEC. 11. All moneys which are made available by the various provisions of this act for expenditure or allocation for the repair, restoration, or replacement of public real property damaged or destroyed by a natural disaster are hereby appropriated for expenditure, without regard to fiscal years, for the particular purposes specified by the respective provisions.

SEC. 12. No financial aid shall be provided under any of the provisions of this act until a state agency, upon the request of the Director of the Department of Finance, has first investigated and reported upon the proposed work, has estimated the cost of the work, and has filed its report thereon with the Director of the Department of Finance within 60 days from the

date the local agency makes application, unless the Director of Finance extends this period because of unusual circumstances.

SEC. 13. Section 54152 of the Government Code is amended to read:

54152. "Project" means the repair or restoration, or both, other than normal maintenance, or the replacement of public real property, including but not limited to buildings, levees, flood control works, channels, irrigation works, city streets, county roads, bridges, and other public works that are damaged or destroyed by a natural disaster, occurring during any specified period of time for which an appropriation is made by the Legislature. The completion of all or part of a project prior to application for funds hereunder shall not disqualify such project or any part thereof.

SEC. 14. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Annual natural disasters occurring in various counties of the state have caused and are expected to cause severe damage and destruction to essential streets, roads, highways, and bridges, public facilities and property in said counties, including public facilities supplying domestic water to inhabitants thereof. In order that funds may be made available immediately for the repair, restoration, or replacement of such streets, roads, highways, and bridges, public facilities and property, it is essential that this act go into immediate effect.

CHAPTER 9

An act to change the grade level for school building apportionment for certain districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 12, 1971. Filed with Secretary of State March 12, 1971.]

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

SECTION 1. The State Allocation Board may amend, approve and make apportionments for any application filed pursuant to Chapter 10 (commencing with Section 19551) of Division 14 of the Education Code on the basis of the kindergarten-grades 1 to 12 grade level maintained by the district, where the filing occurred before February 1, 1969, and the application was one by a school district which became unified effective July 1, 1964, and has an enrollment in excess of 30,000 pupils. Irrespective of anything to the contrary contained in Section 19553.1 of the Education Code, such amend-

ment, approval and apportionment may be based upon a grade level consisting of grades 9 through 12.

SEC. 2. This act shall have no force and effect after January 1, 1972.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

School districts which may receive the benefits of this act are in dire need of additional school buildings for the pupils of their districts. The school building need in these districts will become greater unless this act takes immediate effect.

CHAPTER 10

An act to amend Section 1006 of the Education Code, relating to educational programs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 17, 1971. Filed with Secretary of State March 17, 1971.]

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

SECTION 1. Section 1006 of the Education Code is amended to read:

1006. The governing board of any school district, or any county superintendent of schools, may participate in any program authorized by the "Economic Opportunity Act of 1964," the "Elementary and Secondary Education Act of 1965," the "Demonstration Cities and Metropolitan Development Act of 1966," by the act of Congress known as the "Manpower Development and Training Act of 1962" (as amended), including but not limited to the "JOBS program" (Job Opportunities in the Business Sector), or the "Education Professions Development Act of 1965."

Participation may include, but is not limited to, entering into agreements with the Director of the Office of Economic Opportunity, the United States Commissioner of Education, or any public or private nonprofit agency, or combination thereof, pursuant to the "Economic Opportunity Act of 1964" (P.L. 88-452; 78 Stat. 508), the "Elementary and Secondary Education Act of 1965" (P.L. 89-10; 79 Stat. 27), the "Demonstration Cities and Metropolitan Development Act of 1966" (P.L. 89-754; 80 Stat. 1259), by the act of Congress known as the "Manpower Development and Training Act of 1962" (as amended), including but not limited to the "JOBS program (Job Opportunities in the Business Sector), or the "Education Professions Development Act of 1965" (P.L. 89-329;

79 Stats. 1254), as the case may be, and acts amending or supplementing those acts. Participation may also include the expenditure by county superintendents of schools and school districts of whatever funds may be required by the federal government as a condition to such participation.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

One or more school districts would be eligible to participate in several very beneficial projects pursuant to the Model Cities Program if authorization to enter into the necessary contractual relations is afforded. These programs would increase the educational opportunities and would greatly benefit the children of the district. In order that these programs contemplated by this act can be undertaken at the earliest possible time, it is necessary that this act take immediate effect.

CHAPTER 11

An act relating to school district elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 22, 1971. Filed with Secretary of State March 22, 1971.]

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

SECTION 1. An election held pursuant to Section 15708 of the Education Code may be held in conjunction with the regularly held election for governing board members of the school district in the Ballico-Cressey Elementary School District in 1971.

SEC. 2. The Legislature hereby finds and declares that special facts exist with respect to the financial situation of the Ballico-Cressey Elementary School District which make it impossible to apply the general law relating to the election permitted by this act applicable thereto. To require the district to wait until 1972 to hold the election would be tantamount to imposing an unusual and unfair financial burden upon the district.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

School districts may enter into leases and agreements relating to real property and buildings pursuant to Article 9 (commencing with Section 15701) of Chapter 2 of Division 11 of the Education Code. These types of agreements are

necessary for the proper functioning of school districts and must be approved by voters of the district before they can become effective. In order that an election may be held in conjunction with the regularly held election for governing board members scheduled for early 1971 in the Ballico-Cressey Elementary School District, it is essential that this act take immediate effect.

CHAPTER 12

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

[Approved by Governor March 25, 1971. Filed with Secretary of State March 25, 1971.]

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

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

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

Agencies, boards, commissions, or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.

Air pollution control districts.

Airport districts.

Assessment districts.

Bridge and highway districts.

California water district improvement districts.

California water districts.

Cemetery districts.

Citrus pest control districts.

City general improvement district improvement districts.

City general improvement districts.

City maintenance districts.

Community college districts.

Community facilities districts.

Community service districts.

Conservancy districts.

County boards of education.

County drainage districts.

County fire protection districts.

County flood control and water districts.

County maintenance districts.

County power pumping districts.

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

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

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

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues, or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

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

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

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

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

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

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

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

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

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

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

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

would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by such sections.

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

SEC. 10. This act may be cited as the First Validating Act of 1971.

SEC. 11. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The peace, health and safety of the citizens of the state require the orderly and unhampered functioning of public bodies and such functioning depends upon the validity of the organization, boundaries, and governing officers or boards of public bodies, and upon the validity of acts, proceedings, and bonds of public bodies, and it is therefore imperative and essential that such matters be validated so that during the period before this act would otherwise become effective:

(1) Citizens of the state can be afforded the protection of the police, fire, safety, sanitary, and other regulations and protections provided by public bodies;

(2) Public works and construction by public bodies can be commenced and continued without delay or restriction, to provide sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety, and immediately needed to provide for an increased population;

(3) Public bodies can issue and sell bonds heretofore authorized for the purpose of providing sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health, and safety and immediately needed to provide for an increased population, which cannot now be sold because of defects in the organization or boundaries of some public body or in the authorization of such bonds, which defects will be cured by this act.

CHAPTER 13

An act to establish procedures for the assessment of open-space lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 25, 1971. Filed with Secretary of State March 25, 1971.]

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

SECTION 1. Notwithstanding any other provision of law to the contrary, the assessment procedures specified under Sections 423 and 423.5 of the Revenue and Taxation Code shall be effective with respect to land subject to taxation for the 1971-1972 fiscal year, if such land is subject to an instrument meeting the requirements of Section 422 of the Revenue and Taxation Code and such instrument is signed or accepted and recorded on or before May 15, 1971; provided, that prior to 5 o'clock p.m. on March 1, 1971, either the land which is subject to a contract was included in a proposal to establish an agricultural preserve submitted to the planning commission or planning department or the matter of accepting an open-space easement or scenic restriction had been referred to such commission or department.

Sec. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Some counties and cities have inadvertently failed to file the instruments reflecting the true status of property as being eligible for the assessment authorized by the Constitution for open-space lands, and in some cases negotiations to sign such instruments were not completed by the lien date in 1971. As a result, some individuals now are confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the proper valuation of such property for tax purposes. In so doing, the public policy of the state as expressed in the Constitution will be entirely fulfilled and the state as a whole will benefit.

CHAPTER 14

An act to amend Sections 18405 and 18617.1 of the Financial Code, relating to industrial loan companies, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 25, 1971. Filed with Secretary of State March 25, 1971.]

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

SECTION 1. Section 18405 of the Financial Code is amended to read:

18405. An industrial loan company may make loans and purchase, sell, or discount the following obligations: bona fide trust receipts, secured or unsecured choses in action, chattel mortgages, conditional sales contracts, or security agreements.

(a) No industrial loan company shall make any loan or purchase or discount any other obligation that provides for a scheduled repayment of principal over more than the maximum terms set forth below opposite the respective size of loan or other obligation:

Principal amount of	Maximum term
Loan of less than \$1,500_____	24 months and 15 days
Loan of \$1,500 but less than \$2,500 or other obligation of less than \$2,500__	36 months and 15 days
Loan or other obligation of \$2,500 but less than \$4,000_____	48 months and 15 days
Loan or other obligation of \$4,000 but less than \$6,000_____	60 months and 15 days
Loan or other obligation of \$6,000 or more _____	84 months and 15 days

Notwithstanding any other provision of this division, a loan or other obligation secured by real property shall not have term or maturity exceeding the term or maturity permitted by Section 18406.1.

(b) Loans may be made or other obligations may be purchased or discounted with a maturity of more than 60 months and 15 days provided all of the following conditions are met:

(1) The loan or other obligation is secured.

(2) The property, or collateral securing the loan or other obligation, is of a kind or class that has been declared eligible by regulation of the commissioner.

(3) The aggregate face balance of such loans and other obligations outstanding at any time shall not exceed a percentage of the aggregate face balance due on all loans and other obligations owing to the industrial loan company authorized by rule of the commissioner.

SEC. 2. Section 18617.1 of the Financial Code is amended to read:

18617.1. An industrial loan company shall not use any advertising nor make any representations which indicate, infer or might lead a person to believe that the company is a bank or that investment certificates are insured unless such is the fact. Advertising pertaining to protection of accounts by Thrift Guaranty Corporation of California shall be in accordance with Section 18995.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is essential that this act take effect immediately in order to enable industrial loan companies to purchase or discount other obligations of less than one thousand five hundred dollars (\$1,500) having a maximum term of 36 months and 15 days.

The Industrial Loan Law prior to its amendments by Chapter 1306 of the Statutes of the 1970 Regular Session allowed industrial loan companies to purchase contracts having a maximum maturity of three years in amounts not to exceed two thousand dollars (\$2,000). The 1970 amendments to subdivision (a) of Section 18405 of the Financial Code reached the unintended result of precluding industrial loan companies from purchasing contracts of less than one thousand five hundred dollars (\$1,500) that have a three-year maturity. The 1970 amendments to subdivision (a) of Section 18405 also reached the unintended result of not providing a maximum maturity for loans of industrial loan companies in excess of ten thousand dollars (\$10,000).

Corrective legislation is needed in order to clarify the authority of industrial loan companies under Section 18405 of the Financial Code.

CHAPTER 15

An act to amend Section 11501 of, and to add Section 11501.1 to, the Education Code, relating to adult classes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 29, 1971. Filed with
Secretary of State March 29, 1971.]

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

SECTION 1. Section 11501 of the Education Code is amended to read:

11501. The units of average daily attendance in classes for adults for a fiscal year maintained by a district, other than a community college district, shall be computed by dividing the total days of pupils' attendance in such classes during the fiscal year by 175. Except as provided in Section 11501.1, the average daily attendance so computed shall be credited to the district maintaining the classes for adults. The units of average daily attendance in classes for adults for a fiscal year maintained by a community college district shall be computed as set forth in Section 11476.5.

SEC. 2. Section 11501.1 is added to the Education Code, to read:

11501.1. Whenever two or more school districts have entered into an interdistrict attendance agreement whereby one of the districts shall provide for the adult education classes for all districts included in the agreement, the average daily attendance of adults attending such classes shall, for apportionment purposes, be reported by and credited to the district in which such adult resides. This section shall only apply to those cases in which the school district providing adult education is a unified school district situated in a county of the sixth class and having, for the 1969-1970 school year, a high school average daily attendance of 9,600 or more.

SEC. 3. Section 11501.1 of the Education Code, as added by Section 2 of this act, shall be deemed operative with respect to the computation of average daily attendance in adult education classes for the entire 1970-1971 fiscal year as though it had been enacted into law and became operative on July 1, 1970. The Superintendent of Public Instruction shall, for such purposes, have authority to take all necessary steps to effect the mid-fiscal-year transition involved, including the authority to adjust State School Fund apportionments, allowances, and disbursements on the basis of the revised computation procedures.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

At least one school district in the state has established a metropolitan adult education center to provide an adult education program for its own pupils and the pupils of two contiguous school districts. It has been determined that it is in the best interests of such districts, and the governing boards of such districts have entered into an agreement so providing, that for purposes of apportioning state funds provided for adult education, adult attendance at the center should be credited to the school district in which the adult pupil resides, rather than to the school district maintaining the center. Unless statutory authorization is given for crediting attendance in the manner agreed upon, the districts participating in the program may suffer financial hardship jeopardizing continuation of this valuable program. Therefore, in order that apportionments from the State School Fund may be made in accordance with the provisions of this act during the current 1970-1971 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 16

An act relating to field trips to Canada, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 29, 1971. Filed with Secretary of State March 29, 1971.]

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

SECTION 1. The governing board of any school district may provide for a field trip during the school year to the Dominion of Canada for pupils enrolled in any of grades 6 to 8, inclusive, to provide language, history, geography, natural science, and other studies relative to the foreign country. The governing board may provide for such pupils to be accompanied by those employees of the school district as the governing board deems essential to the activities of the pupils.

SEC. 2. No travel and maintenance expenses of pupils or school district employees making the field trip shall be paid with school district funds. The governing board shall not charge any pupil or employee making the field trip any fee or other charge.

SEC. 3. To the extent possible, no pupil shall be prevented from making the field trip because of lack of sufficient funds. To this end, the governing board shall coordinate efforts of community service groups to supply funds for pupils in need of them.

SEC. 4. The governing board shall have no authority to provide or arrange for transportation incident to the field trip by the use of district equipment.

SEC. 5. The governing board of any school district providing for a field trip pursuant to this article shall provide, or make available, medical or hospital service, or both, through nonprofit membership corporations defraying the cost of medical service or hospital service, or both, or through group, blanket, or individual policies of accident insurance from an authorized insurer, for pupils or employees of the district injured while participating in such field trip under the jurisdiction of, or sponsored or controlled by, the district or the authorities of any school of the district. The cost of the insurance or membership may be paid from the funds of the district, or by the insured or, in the case of a pupil, his parent or guardian.

The insurance may be purchased from, or the membership may be taken in, only such companies or corporations as are authorized to do business in this state.

The governing board shall require that each person making the field trip obtain medical or hospital insurance.

All persons making the field trip shall be deemed to have waived all claims against the district or the State of California

for injury, accident, illness, or death occurring during or by reason of the field trip.

SEC. 6. The attendance or participation in a field trip authorized by this act shall be considered attendance for the purpose of crediting attendance for apportionments from the State School Fund in the fiscal year. Attendance resulting from such field trip shall be limited to the amount of attendance which would have accrued had the students not been engaged in the field trip.

SEC. 7. This act shall remain in effect until June 30, 1971, and shall have no force or effect after that date.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit pupils to participate in field trips to the Dominion of Canada, during the 1970-1971 school year, according to schedules which have been established, it is necessary that this act go into immediate effect.

CHAPTER 17

An act to amend Sections 4140 and 4141 of, and to add Section 4147 to, the Business and Professions Code, relating to pharmacy, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 30, 1971. Filed with Secretary of State March 31, 1971.]

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

SECTION 1. Section 4140 of the Business and Professions Code is amended to read:

4140. The board may, upon written application, on a form furnished by the board, and in its discretion, issue a permit to any person, permitting and authorizing such person to sell and dispense hypodermic syringes and hypodermic needles for the purposes and uses specified in said permit.

Separate certificates, licenses, permits or registrations, shall be required for each of the premises of any business establishment having more than one location. Such certificate, license, permit or registration shall be renewed, annually on or before January 1 of each year and shall not be transferable.

No person shall furnish, by sale or otherwise, any hypodermic syringe or hypodermic needle if he has not obtained a permit from the board, unless he is authorized to furnish a hypodermic syringe or hypodermic needle without a permit from the board, or unless he is otherwise exempted from such requirement.

SEC. 2. Section 4141 of the Business and Professions Code is amended to read:

4141. Any furnishing of a hypodermic syringe or hypodermic needle without a prescription shall at the time of furnishing be recorded in a book by the furnisher. The record of furnishing shall consist of the date and hour of such furnishing, the type or kind, size, and quantity of syringe or needle furnished, the purpose and use for which such needle or syringe was obtained, the signature of the furnisher, and the signature and address of the person to whom the needle or syringe was furnished. Such record book shall be available for inspection by any authorized officer of the law.

SEC. 3. Section 4147 is added to the Business and Professions Code, to read:

4147. Notwithstanding any other provision of law, a pharmacist or physician may, without a prescription or a permit, furnish hypodermic needles and syringes for human use in the administration of insulin or adrenalin, a pharmacist or veterinarian may, without a prescription or a permit, furnish hypodermic needles and syringes for use on poultry or animals, and a person may, without a prescription or permit, obtain hypodermic needles and syringes from a pharmacist or physician for human use in the administration of insulin or adrenalin, or from a pharmacist, veterinarian, or permit holder, for use on poultry or animals, if all of the following requirements are met:

a. No needle or syringe shall be furnished to a person who is unknown to the furnisher and unable to properly establish his identity.

b. The furnisher, at the time the furnishing occurs makes a record of the furnishing in the manner required by Section 4141.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

If this act does not go into immediate effect, persons who need hypodermic needles and syringes for the administration of insulin or adrenalin and for the treatment of livestock, poultry, or other animals will not be able to obtain them without a prescription or a permit, which may have adverse effect upon human health and will make it extremely difficult to economically and effectively treat livestock, poultry, and other animals.

CHAPTER 18

An act to add Section 54933.4 to the Government Code, relating to county service area tax zones, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 1, 1971. Filed with Secretary of State April 1, 1971.]

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

SECTION 1. Section 54933.4 is added to the Government Code, to read:

54933.4. Notwithstanding any other provision of this chapter, any establishment by a board of supervisors of a tax zone within any county service area pursuant to Section 25210.8, the proceedings for which were completed on January 12, 1971, shall be effective for assessment and taxation purposes for the 1971-72 fiscal year if the statement and map or plat required by Sections 54900 and 54901 were filed with the State Board of Equalization on or before January 31, 1971.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Unless this act takes effect immediately, a board of supervisors which has established zones within any county service area with tax rates varying with the extent of benefit to each zone derived from services provided to the property within each zone pursuant to Section 25210.8 of the Government Code and otherwise qualified to levy taxes in the zone, except for a procedural filing defect, will not be able to levy taxes in the zone for the fiscal year to cover the cost of services being furnished the zone.

CHAPTER 19

An act to amend Section 14672.1 of the Government Code, relating to leasing of land, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 1, 1971. Filed with Secretary of State April 1, 1971.]

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

SECTION 1. Section 14672.1 of the Government Code is amended to read:

14672.1. Notwithstanding Section 14670, the Director of General Services, with the consent of the Department of Cor-

rections, may let to a nonprofit corporation, for the purpose of conducting an educational and work program for mentally retarded persons, and for a period not to exceed 50 years, real property not exceeding 10 acres, located within the grounds of the Medical Facility at Vacaville, California.

Any lease executed pursuant to this section shall include a provision that such lease shall be canceled if permanent facilities are not constructed on the leased land within five years after the effective date of the amendments to this section enacted at the 1967 Regular Session of the Legislature.

Any lease executed pursuant to this section may be assigned or sublet in whole or in part by the lessee nonprofit corporation to any public agency with the approval of the Director of General Services and the Department of Corrections.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to prevent a delay of up to six months in establishing an adult center and more preschool activities for the trainable mentally retarded in Solano County, it is necessary that this act take effect immediately.

CHAPTER 20

An act to amend Section 76019 of the Government Code, relating to jury fees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 1, 1971 Filed with
Secretary of State April 1, 1971.]

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

SECTION 1. Section 76019 of the Government Code is amended to read:

76019. In a county of the 19th class, for acting as a grand juror or as a trial juror in the superior court, municipal court, or justice court, each juror shall be paid five dollars (\$5) for each day's attendance and mileage as allowed county employees traveling on county business for each mile actually traveled. At regularly called grand jury meetings, or committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, grand jurors shall be paid five dollars (\$5) and mileage as allowed county employees traveling on county business for each mile actually traveled.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Stanislaus County has a combined superior and municipal court jury panel and under existing law is required to pay different mileage to jurors on the same panel. This has created a great and unnecessary administrative burden on the county, including increased costs of administration. In order to eliminate this confusion as soon as possible it is necessary that this act go into immediate effect.

CHAPTER 21

An act to amend Section 1171 of the Health and Safety Code, relating to drugs.

[Approved by Governor April 1, 1971. Filed with Secretary of State April 2, 1971.]

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

SECTION 1. Section 1171 of the Health and Safety Code is amended to read:

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

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

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

CHAPTER 22

An act to add Section 31703.8 to the Water Code, relating to county water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 8, 1971. Filed with Secretary of State April 8, 1971.]

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

SECTION 1. Section 31703.8 is added to the Water Code, to read:

31703.8. Annually, the El Dorado Hills County Water District, El Dorado County, may request, and the board of supervisors shall levy, a bond tax on land only in the district or improvement district benefited by the purposes of the bonded debt. The bond tax levied pursuant to this section constitutes a lien on all property, both land and improvements, located on the land benefited by the purposes of the bonded debt.

This special provision is necessary because of the benefit to undeveloped land within the El Dorado Hills County Water District by the availability of improvements in the area.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The peace, health and safety of the citizens of the state require the orderly and unhampered functioning of public bodies and such functioning depends on the avoidance of oppressive taxation for necessary services. Water is essential to the effective use of the lands in the El Dorado Hills County Water District and when provided increases the value of land manifold. However, because building density is low, a water bond tax on land and improvements places a disproportionate burden of the costs on homeowners in the district in relation to the benefits received. In order that fair and equitable bond taxes may be levied during the fiscal year 1971-1972 in the district, it is necessary that this act take effect immediately.

CHAPTER 23

An act relating to school attendance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 8, 1971. Filed with Secretary of State April 8, 1971.]

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

SECTION 1. Notwithstanding Section 11052 of the Education Code, the minimum schoolday when the student bodies of

more than one high school are required to attend the physical plant of one high school shall be computed by determining the number of minutes of attendance in any 10 consecutive schooldays and dividing that number by 10. If the resulting quotient is 240 or more then the pupils shall be deemed to have complied with Section 11052 of the Education Code, even if the number of minutes attended in any one schoolday is less than 240.

SEC. 2. This act shall be deemed to have been operative for the entire 1970-1971 fiscal year and for fiscal years thereafter as though it had been enacted and become operative on July 1, 1970. The Superintendent of Public Instruction shall, for such purposes have authority to take all necessary steps to effect the mid-fiscal-year transition involved, including the authority to adjust allowance computations, apportionments, and disbursements ordered from the State School Fund.

SEC. 3. This act shall cease to be operative on June 30, 1972.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Because of the earthquake which occurred in California in February 1971, certain high schools became unsafe with the result that the student bodies of such high schools were required to share the physical plant of other high schools. As a result of such double use of school facilities, major revisions in scheduling were made necessary. In order that these revisions be made in the most expeditious manner possible, it is essential that school authorities be able to schedule classes without being faced with the choice of providing 240 minutes of instruction in each schoolday or losing credit for average daily attendance. In order to permit the more flexible scheduling of high school classes during the remainder of the 1970-1971 school year, and in succeeding school years, it is necessary that this act take effect immediately.

CHAPTER 24

An act to amend Section 1356 of the Education Code, relating to school district elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 13, 1971. Filed with
Secretary of State April 13, 1971.]

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

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

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

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to effectuate the legislative purpose in providing an orderly and coherent body of school district election law, and in order to permit the payment of all persons charged with the conduct of school district elections held in the spring and summer of 1971, it is necessary that this act take effect immediately.

CHAPTER 25

An act to amend Section 15 of Chapter 481 of the Statutes of 1970, and to amend Section 14105.5 of the Welfare and Institutions Code, relating to health facilities and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 14, 1971. Filed with Secretary of State April 14, 1971.]

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

SECTION 1. Section 15 of Chapter 481 of the Statutes of 1970 is amended to read:

Sec. 15. Within 90 days of the effective date of this act, the Health Planning Council shall adopt guidelines pursuant to Section 437.7 of the Health and Safety Code. By July 1, 1970, all voluntary area health planning agencies shall adopt guidelines pursuant to Section 437.7 of such code. This act shall not apply to applicants who have filed applications for licenses, prior to January 1, 1970, which meet all requirements and regulations of the appropriate state agency existing at the time of application, including at least preliminary submission of plans, but only if such applicants commence construction of their facilities prior to July 1, 1971. The exception provided for in the preceding sentence shall not apply to transferees of the applications of such applicants.

Voluntary area health planning agencies may extend, until July 1, 1972, the date upon which applicants, qualifying under the exception in this section, shall commence construction, if the voluntary area health planning agencies declare that good cause has been shown why such extension should be granted, provided that an applicant applying for such extension had, prior to January 1, 1970, received approval of a health planning association in the county wherein the applicant is located.

SEC. 2. Section 14105.5 of the Welfare and Institutions Code is amended to read:

14105.5. The director shall make no payment for services to any hospital facility which secures a license under the provisions of Chapter 2 (commencing with Section 1400) of Division 2 of the Health and Safety Code or Chapter 1 (commencing with Section 7000) of Division 7 of this code after July 1, 1970, covering a new facility or additional bed capacity or the conversion of existing bed capacity to a different license category, unless such licensee received a favorable final decision by the voluntary area health planning agency in the area, the consumer members of a voluntary area health planning agency acting as an appeals body or the Health Planning Council pursuant to Sections 437.7 to 438.5, inclusive, of the Health and Safety Code; or unless the licensee had filed an application for a license prior to January 1, 1970, and the application met all then existing requirements and regulations of the appropriate state agency at the time of application including, at least, preliminary submission of plans, and if such licensee commences construction of facilities prior to July 1, 1971. The exception provided for in the preceding sentence with respect to applications filed prior to January 1, 1970, shall not apply to transferees of the applications of the original applicants.

Voluntary area health planning agencies may extend, until July 1, 1972, the date upon which applicants, qualifying under the exception in this section, shall commence construction, if the voluntary area health planning agencies declare that good cause has been shown why such extension should be granted, provided that an applicant applying for such extension had, prior to January 1, 1970, received approval of a health planning association in the county wherein the applicant is located.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There are applicants who, in good faith, applied prior to January 1, 1970, for licenses to construct health facilities and received approval of their plans from the health planning association, and who, because of the requirement to construct before July 1, 1971, will suffer financial ruin resulting in the nonconstruction of such facilities to the detriment of the sick and the medically needy of the communities wherein such

applicants are located. The situation is grave and the time of the crises is not far off, and, thus, it is imperative that the remedial steps provided in this act take effect immediately.

CHAPTER 26

An act to add Section 54932 to the Government Code, relating to community service district reorganization and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 20, 1971. Filed with Secretary of State April 20, 1971.]

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

SECTION 1. Section 54932 is added to the Government Code, to read:

54932. Notwithstanding Sections 54902 and 54903, or any other provisions of this chapter, any changes in the boundaries of a community services district formed and operated under Division 3 (commencing with Section 61000) of Title 6 of this code, as a result of the detachment of territory from the district, the proceedings for which were completed on April 9, 1971, shall be effective for assessment and taxation purposes for the 1971-1972 fiscal year if the statement and map or plat required by Sections 54900 and 54902 are filed with the assessor and the State Board of Equalization on or before April 15, 1971.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to avoid double taxation where a city has annexed an area and the area has not yet been detached from its community services district, it is necessary for this act to take effect immediately.

CHAPTER 27

An act to amend Section 1181 of the Civil Code, relating to acknowledgment or proof of documents.

[Approved by Governor April 20, 1971. Filed with Secretary of State April 20, 1971.]

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

SECTION 1. Section 1181 of the Civil Code is amended to read:

1181. The proof or acknowledgment of an instrument may be made before a notary public at any place within this state, or within the county or city and county in this state in which the officer specified below was elected, or appointed, before either:

1. A clerk of a municipal or justice court;
2. A county recorder;
3. A county clerk;
4. A court commissioner;
5. A judge of a municipal or justice court;
6. A district attorney;
7. A clerk of a board of supervisors;
8. A city clerk;
9. A county counsel;
10. A city attorney.

CHAPTER 28

An act to add Section 54931.14 to the Government Code, relating to school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 20, 1971. Filed with
Secretary of State April 20, 1971.]

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

SECTION 1. Section 54931.14 is added to the Government Code, to read:

54931.14. Notwithstanding the provisions of Sections 54902, 54903, 54903.1, or any other provisions of this chapter, the transfer and consolidation of school district territory, approved by the electors of the affected school district or districts at an election conducted in Calaveras County on June 2, 1970, shall be effective for assessment and taxation purposes for the 1971-1972 fiscal year, provided that the statement and map or plat required by Sections 54900, 54902, and 54903.1 are filed on or before February 10, 1971.

Sec. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Unless this act takes immediate effect a newly reorganized school district will not be able to levy taxes to fund its operations for the entire 1971-1972 fiscal year.

CHAPTER 29

An act making a transfer for homemaker or attendant care services and board and care rate allowances, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 26, 1971 Filed with
Secretary of State April 26, 1971.]

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

SECTION 1. There shall be transferred from the sums appropriated under Item 279 of Chapter 303 of the Statutes of 1970 the sum of six million nine hundred thirty-six thousand four hundred dollars (\$6,936,400) in augmentation of subdivision a, Item 280 of Chapter 303 of the Statutes of 1970 and six hundred eighty-seven thousand dollars (\$687,000) in augmentation of subdivision b, Item 280 of Chapter 303 of the Statutes of 1970 to be used by the Department of Social Welfare for homemaker or attendant care services and board and care rate allowances.

SEC. 2. All funds appropriated under Items 280(a) and 280(b) of Chapter 303 of the Statutes of 1970 and subsequent augmentations for the state share of homemaker or attendant care services and board and care rate allowances for which federal grants in aid are made to the state, as specified in Sections 11172 and 13900 of the Welfare and Institutions Code, is transferred to and augments the appropriation authorized by Sections 15200 to 15204, inclusive, of the Welfare and Institutions Code. The total amount transferred is limited to the amount appropriated for homemaker or attendant care services and board and care rate allowances.

SEC. 3. This act is an urgency statute and is necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The 1970 Budget Act included funding for homemaker and attendant care and board and care rate allowances. These funds were incorrectly included in Item 279 of Chapter 303 of the Statutes of 1970. In order for the State Department of Social Welfare to provide for those recipients receiving homemaker or attendant care services or board and care rate allowances, the above fund transfer is required.

CHAPTER 30

An act to add Section 16401.5 to the Education Code, relating to school district property, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 26, 1971. Filed with Secretary of State April 26, 1971.]

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

SECTION 1. Section 16401.5 is added to the Education Code, to read:

16401.5. Notwithstanding the provisions of Section 16401, the governing board of a community college district may, with the consent of a county purchasing agent, utilize his services for the sale of personal property, as authorized by Section 25505 of the Government Code.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that community college districts may utilize the services of a county purchasing agent at the earliest possible time to dispose of their excess personal property by a more economical and efficient means, it is essential that this act take immediate effect.

CHAPTER 31

An act to amend Section 19681 of the Education Code, relating to school housing aid for exceptional children, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 26, 1971. Filed with Secretary of State April 26, 1971.]

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

SECTION 1. Section 19681 of the Education Code is amended to read:

19681. An amount not to exceed 3½ percent of any sum appropriated by the Legislature at the 1952 Second Extraordinary Session and not to exceed 3½ percent of the total amount of any state bonds heretofore or hereafter authorized by the electorate for state school building aid may be expended by apportionments pursuant to this article for assistance to school districts in providing necessary housing and equipment for the education of exceptional children. All the provisions of Article 1 (commencing with Section 19551) and Article 2 (commencing with Section 19651) of this chapter, except Sections 19556 and 19581 shall apply to this article unless otherwise provided herein.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the urgent need for special education facilities may be met at once, and in order that assistance be given to school districts which have made construction commitments for such special education facilities and which will be delayed in meeting these commitments unless funds are immediately available, it is essential that this act go into immediate effect.

CHAPTER 32

An act relating to the regulation of snowmobiles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 26, 1971. Filed with
Secretary of State April 26, 1971.]

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

SECTION 1. The Department of Motor Vehicles shall not enforce the provisions of Chapter 1290 of the Statutes of 1970 until July 1, 1971.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is necessary that the enforcement of Chapter 1290 of the Statutes of 1970 be delayed immediately to give the Department of Motor Vehicles and the snowmobile dealers and retailers adequate time to make administrative and inventory adjustments in order that they may adequately comply with the provisions of that chapter.

CHAPTER 33

An act relating to the Vallecito Union Elementary School District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 26, 1971. Filed with
Secretary of State April 26, 1971.]

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

SECTION 1. A transfer of property from the Calaveras Unified School District to the Vallecito Union Elementary School District was approved at a recent election. This transfer of

property will become effective July 1, 1971, will increase the assessed valuation of the Vallecito Union Elementary School District from \$1,000,000 to \$23,000,000, and will increase the enrollment from 60 students to approximately 450 students. In order to prepare for this drastic change in the Vallecito Union Elementary School District, the board of trustees has been forced into expenditures that were not anticipated. The Vallecito Union Elementary School District does not have any revenues to meet these unexpected expenditures and has no unencumbered reserves.

The Legislature finds that the unique circumstances in the Vallecito Union Elementary School District require immediate and special legislation and that a general statute cannot be made applicable to these circumstances within the meaning of Section 16 of Article IV of the California Constitution. The loan made by Section 2 of this act is made in view of the unique circumstances in the Vallecito Union Elementary School District, and is made for that purpose only. It is not the intention of the Legislature to establish a precedent with respect to the loan made by this act, but rather to assist in a situation involving unique circumstances when appropriate justification for such assistance has been found.

SEC. 2. Notwithstanding the provisions of Section 17310 of the Education Code and Article 4.5 (commencing with Section 17460) of Chapter 2 of Division 14 of the Education Code, the Superintendent of Public Instruction shall, upon application of the Governing Board of the Vallecito Union Elementary School District, certified by the county superintendent of schools having jurisdiction thereof, make a loan from the School District Organization Revolving Fund in the amount of twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, to the Vallecito Union Elementary School District to enable the district to adequately plan and provide for the change in the district due to the transfer of property and the resulting conditions described in Section 1 of this act.

SEC. 3. During the 1971-1972 fiscal year, and during the 1972-1973 fiscal year, the State Controller shall deduct from apportionments made to the Vallecito Union Elementary School District in each of those fiscal years an amount equal to one-half of the amount actually loaned to the school district pursuant to Section 2 of this act, together with amounts representing interest at a rate based on the most current investment rate of the Pooled Money Investment Account as of the date of the disbursement of the loan to the district, and pay the same amount into the School District Organization Revolving Fund in the State Treasury.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that money may be made available to the Vallecito Union Elementary School District at the earliest possible time to aid the district in averting a financial crisis which directly involves the entire area of the district, it is necessary that this act take immediate effect.

CHAPTER 34

An act to repeal Chapter 3 (commencing with Section 28101) of Part 5 of Division 2 of Title 3 of the Government Code, relating to county officers.

[Approved by Governor April 26, 1971. Filed with Secretary of State April 26, 1971.]

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

SECTION 1. Chapter 3 (commencing with Section 28101) of Part 5 of Division 2 of Title 3 of the Government Code is repealed.

CHAPTER 35

An act transferring jurisdiction and control over certain real property in the City of Santa Barbara from the Department of General Services to the Department of Parks and Recreation.

[Approved by Governor April 28, 1971. Filed with Secretary of State April 28, 1971.]

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

SECTION 1. Jurisdiction and control over that certain real property hereafter described situated in the City of Santa Barbara, County of Santa Barbara, is hereby transferred from the Department of General Services to the Department of Parks and Recreation:

(a) That portion of Block 139 in the City of Santa Barbara, County of Santa Barbara, State of California, according to the official map thereof, described as follows:

Beginning at the most easterly corner of said block, thence southwesterly along the northwesterly line of Carrillo Street, 75 feet; thence at right angles northwesterly 139 feet; thence at right angles northeasterly 75 feet to the southwesterly line of Garden Street; thence southeasterly along the said line of Garden Street, 139 feet to the point of beginning.

(b) That portion of Block 139 in the City of Santa Barbara, County of Santa Barbara, State of California, according to the official map thereof, described as follows:

Beginning at a point on the northwesterly line of Carrillo Street, distant thereon 75 feet southwesterly from the easterly

corner of said Block; thence southwesterly on said street line 35 feet; thence at right angles northwesterly into said Block 70 feet; thence at right angles northeasterly 35 feet; thence at right angles southeasterly 70 feet to the point of beginning.

(c) That portion of Block 138 of the City of Santa Barbara, in the County of Santa Barbara, according to the official map thereof, described as follows:

Beginning at the most southerly corner of said Block; thence northeasterly, along the northwesterly line of Carrillo Street, 50 feet; thence at a right angle northwesterly, into said Block, 90 feet; thence at a right angle southwesterly 50 feet, to the northeasterly line of Garden Street; thence southeasterly, along said line of Garden Street, 90 feet to the place of beginning.

(d) That portion of Block 139 in the City of Santa Barbara, County of Santa Barbara, State of California, according to the official map thereof bounded and described as follows:

Beginning at a point in said Block 139, which is distant 70 feet at right angles northwesterly from the northwesterly line of Carrillo Street, and 75 feet distant at right angles southwesterly from the southwesterly line of Garden Street, and running thence southwesterly parallel with said line of Carrillo Street 35 feet; thence at right angles northwesterly 5 feet; thence at right angles northeasterly 35 feet; thence at right angles southeasterly 5 feet to the point of beginning.

CHAPTER 36

An act to repeal Sections 263 and 268 of the Revenue and Taxation Code, to repeal Sections 43015, 54931, 54931.10, 54931.11, 54931.12, 54933, 54933.2, 54933.3, 54936 and 54939 of the Government Code, to repeal Section 3 of Chapter 1266 of, Section 2 of Chapter 1291 of, and Section 6.5 of Chapter 1351 of, the Statutes of 1968, to repeal Section 1 of Chapter 7 of, Section 1 of Chapter 84 of, Section 2 of Chapter 86 of, Section 3 of Chapter 88 of, Sections 3, 4, 5, 7 and 8 of Chapter 129 of, Chapter 899 of, and Chapter 900 of, the Statutes of 1969, and to repeal Section 1 of Chapter 6 of, Section 1 of Chapter 20 of, Section 2 of Chapter 99 of, and Section 1 of Chapter 728 of, the Statutes of 1970, relating to taxation.

[Approved by Governor April 29, 1971. Filed with Secretary of State April 29, 1971.]

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

SECTION 1. Section 263 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 268 of the Revenue and Taxation Code is repealed.

- SEC. 3. Section 43015 of the Government Code is repealed.
- SEC. 4. Section 54931 of the Government Code is repealed.
- SEC. 5. Section 54931.10 of the Government Code is repealed.
- SEC. 6. Section 54931.11 of the Government Code is repealed.
- SEC. 7. Section 54931.12 of the Government Code is repealed.
- SEC. 8. Section 54933 of the Government Code is repealed.
- SEC. 9. Section 54933.2 of the Government Code is repealed.
- SEC. 10. Section 54933.3 of the Government Code is repealed.
- SEC. 11. Section 54936 of the Government Code is repealed.
- SEC. 12. Section 54939 of the Government Code is repealed.
- SEC. 13. Section 3 of Chapter 1266 of the Statutes of 1968 is repealed.
- SEC. 14. Section 2 of Chapter 1291 of the Statutes of 1968 is repealed.
- SEC. 15. Section 6.5 of Chapter 1351 of the Statutes of 1968 is repealed.
- SEC. 16. Section 1 of Chapter 7 of the Statutes of 1969 is repealed.
- SEC. 17. Section 1 of Chapter 84 of the Statutes of 1969 is repealed.
- SEC. 18. Section 2 of Chapter 86 of the Statutes of 1969 is repealed.
- SEC. 19. Section 3 of Chapter 88 of the Statutes of 1969 is repealed.
- SEC. 20. Section 3 of Chapter 129 of the Statutes of 1969 is repealed.
- SEC. 21. Section 4 of Chapter 129 of the Statutes of 1969 is repealed.
- SEC. 22. Section 5 of Chapter 129 of the Statutes of 1969 is repealed.
- SEC. 23. Section 7 of Chapter 129 of the Statutes of 1969 is repealed.
- SEC. 24. Section 8 of Chapter 129 of the Statutes of 1969 is repealed.
- SEC. 25. Chapter 899 of the Statutes of 1969 is repealed.
- SEC. 26. Chapter 900 of the Statutes of 1969 is repealed.
- SEC. 27. Section 1 of Chapter 6 of the Statutes of 1970 is repealed.
- SEC. 28. Section 1 of Chapter 20 of the Statutes of 1970 is repealed.
- SEC. 29. Section 2 of Chapter 99 of the Statutes of 1970 is repealed.
- SEC. 30. Section 1 of Chapter 728 of the Statutes of 1970 is repealed.

SEC. 31. The repeals effected by this act shall not be construed to deprive any person or public agency of any substantial right which would have existed or hereafter exists had such repeals not been effected.

CHAPTER 37

An act to amend Section 771 of the Insurance Code, relating to insurance in connection with sales and loans.

[Approved by Governor April 29, 1971 Filed with Secretary of State April 29, 1971.]

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

SECTION 1. Section 771 of the Insurance Code is amended to read:

771. Section 770 shall not prevent:

(a) The exercise by any person engaged in such business of his right to approve or disapprove of the insurer selected to underwrite the insurance, nor of his right to furnish such insurance or to renew any insurance required by the contract of sale or trust deed or other loan agreement if the borrower, or purchaser shall have failed to furnish the insurance or renewal thereof within such reasonable time or form as may be specified in the sale or loan agreement. The lender shall not refuse to accept insurance provided by an acceptable insurer on the ground that such insurance provides more coverage than is required in the sale or loan agreement, unless the additional coverage consists of automobile, life or disability insurance.

(b) Any lender from recommending to any borrower or prospective borrower the placing of insurance with a specified insurer or through a specified insurance agent or broker as long as such recommendation, with respect to a sale of real property or a loan upon the security of real property, clearly sets forth both the name and the mailing address of the recommended insurer or insurance agent or broker and does not violate the provisions of Section 770 or of any other section of this code. On and after July 1, 1972, such recommendation clearly setting forth the name and the mailing address of the recommended insurer or insurance agent or broker, shall be in writing.

(c) The free choice of insurance agent or broker by any borrower or purchaser at any time, and he may revoke any designation of insurance agent or broker at any time irrespective of the provisions of any loan or purchase agreement or trust deed.

(d) The exercise of any person engaged in such business of his right to furnish such insurance or to renew such insurance, and to charge the account of the borrower or purchaser

with the costs thereof, if the borrower or purchaser fails to deliver to the lender such insurance at least 30 days prior to the expiration of the policy. If an insurance policy procured by the borrower or purchaser is subsequently substituted for that then in force, the lender may impose a reasonable service charge as determined by the Insurance Commissioner for the transaction, the payment of which charge by the agent or broker is not a violation of any other provision of this code. No service charges shall be imposed for normal insurance changes made during the term of the policy.

(e) The Insurance Commissioner is authorized to adopt a uniform statewide schedule of permissive maximum charges for the substitution of policies authorized in subdivision (d).

SEC. 2. Section 771 of the Insurance Code is amended to read:

771. Section 770 shall not prevent:

(a) The exercise by any person engaged in such business of his right to approve or disapprove, for reasonable cause, of the insurer selected to underwrite the insurance, nor of his right to furnish such insurance or to renew any insurance required by the contract of sale or trust deed or other loan agreement if the borrower, or purchaser shall have failed to furnish the insurance or renewal thereof within such reasonable time or form as may be specified in the sale or loan agreement. The lender shall not refuse to accept insurance provided by an acceptable insurer on the ground that such insurance provides more coverage than is required in the sale or loan agreement, unless the additional coverage consists of automobile, life or disability insurance.

(b) Any lender from recommending to any borrower or prospective borrower the placing of insurance with a specified insurer or through a specified insurance agent or broker as long as such recommendation, with respect to a sale of real property or a loan upon the security of real property, clearly sets forth both the name and the mailing address of the recommended insurer or insurance agent or broker and does not violate the provisions of Section 770 or of any other section of this code. On and after July 1, 1972, such recommendation clearly setting forth the name and the mailing address of the recommended insurer or insurance agent or broker, shall be in writing.

(c) The free choice of insurance agent or broker by any borrower or purchaser at any time, and he may revoke any designation of insurance agent or broker at any time irrespective of the provisions of any loan or purchase agreement or trust deed.

(d) The exercise of any person engaged in such business of his right to furnish such insurance or to renew such insurance, and to charge the account of the borrower or purchaser with the costs thereof, if the borrower or purchaser fails to deliver to the lender such insurance at least 30 days prior to

the expiration of the policy. If an insurance policy procured by the borrower or purchaser is subsequently substituted for that then in force, the lender may impose a reasonable service charge as determined by the Insurance Commissioner for the transaction, the payment of which charge by the agent or broker is not a violation of any other provision of this code. No service charges shall be imposed for normal insurance changes made during the term of the policy.

(e) The Insurance Commissioner is authorized to adopt a uniform statewide schedule of permissive maximum charges for the substitution of policies authorized in subdivision (d).

SEC. 3. It is the intent of the Legislature, if amendments to Section 771 of the Insurance Code proposed by both this bill and A.B. 691 are enacted, that both amendments be given effect and incorporated in Section 771 in the form set forth in Section 2 of this act. Therefore, in the event A.B. 691 is enacted and amends Section 771, Section 2 of this act shall become operative at the same time that Section 771 as amended by A.B. 691 becomes operative, and at that time, Section 771 of the Insurance Code as amended by Section 1 of this act is repealed.

CHAPTER 38

An act to amend Section 1714.5 of the Civil Code, to amend Section 31301 of the Education Code, to amend Sections 1229, 3100, 3101, 3102, 3104, 3105, 3107, 3109, 8638, 26620, 26621, 26624, 43068, and 53021 of the Government Code, to amend Sections 3211.9 and 3211.92 of the Labor Code, and to amend Section 433.5 of the Military and Veterans Code, relating to the California Emergency Services Act.

[Approved by Governor April 29, 1971. Filed with Secretary of State April 29, 1971.]

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

SECTION 1. Section 1714.5 of the Civil Code is amended to read:

1714.5. There shall be no liability on the part of one, including the State of California, county, city and county, city or any other political subdivision of the State of California, who owns or maintains any building or premises which have been designated as a shelter from destructive operations or attacks by enemies of the United States by any disaster council or any public office, body, or officer of this state or of the United States, or which have been designated or are used as mass care centers, first aid stations, temporary hospital annexes, or as other necessary facilities for mitigating the effects of a natural, manmade, or war-caused emergency, for any injuries arising out of the use thereof for such purposes sustained by any person while in or upon said building or premises as a

result of the condition of said building or premises or as a result of any act or omission, or in any way arising from the designation of such premises as a shelter, or the designation or use thereof as a mass care center, first aid station, temporary hospital annex, or other necessary facility for emergency purposes, except a willful act, of such owner or occupant or his servants, agents or employees when such person has entered or gone upon or into said building or premises for the purpose of seeking refuge, treatment, care, or assistance therein during destructive operations or attacks by enemies of the United States or during tests ordered by lawful authority or during a natural or manmade emergency.

No disaster service worker who is performing disaster services ordered by lawful authority during a state of war emergency or state of emergency which is either statewide or within any region or regions of the state shall be liable for civil damages on account of personal injury to or death of any person or damage to property resulting from any act or omission in the line of duty, except one that is willful.

SEC. 2. Section 31301 of the Education Code is amended to read:

31301. Notwithstanding the provisions of Section 1714.5 of the Civil Code, no superintendent, principal, teacher or other employee of a school district employed in a position requiring or not requiring certification qualifications, and no person authorized by the governing board of the school district to assist any employee of the district, shall be held personally liable for civil damages on account of personal injury to or death of any person resulting from the participation of the person in a fire drill or other drill or test related to a potential emergency situation, ordered by lawful authority to be held in the schools of the employing district, unless negligence or the willful act of the employee is the proximate cause of the injury or death.

SEC. 3. Section 1229 of the Government Code is amended to read:

1229. Any public officer who is charged with the custody of public records may take any action, including the transfer of such records to another place within the state, necessary for the safekeeping of such records during any duly proclaimed state of war emergency or state of emergency pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

SEC. 4. Section 3100 of the Government Code is amended to read:

3100. It is hereby declared that the protection of the health and safety and preservation of the lives and property of the people of the state from the effects of natural, manmade, or war-caused emergencies which result in conditions of disaster or in extreme peril to life, property, and resources is of paramount state importance requiring the responsible efforts of public and private agencies and individual citizens. In fur-

therance of the exercise of the police power of the state in protection of its citizens and resources, all public employees are hereby declared to be disaster service workers subject to such disaster service activities as may be assigned to them by their superiors or by law.

SEC. 5. Section 3101 of the Government Code is amended to read:

3101. For the purpose of this chapter the term "disaster service worker" includes all public employees and all volunteers in any disaster council or emergency organization accredited by the California Emergency Council. The term "public employees" includes all persons employed by the state or any county, city, city and county, state agency or public district, excluding aliens legally employed.

SEC. 6. Section 3102 of the Government Code is amended to read:

3102. All disaster service workers shall, before they enter upon the duties of their employment, take and subscribe to the oath or affirmation required by this chapter. In the case of intermittent, temporary, emergency or successive employments, then in the discretion of the employing agency, an oath taken and subscribed as required by this chapter shall be effective for the purposes of this chapter for all successive periods of employment which commence within one calendar year from the date of such subscription.

SEC. 7. Section 3104 of the Government Code is amended to read:

3104. The oath or affirmation may be taken before any officer authorized to administer oaths. The oath or affirmation of any disaster service worker may be taken before his appointing power or before any person authorized in writing by his appointing power.

No fee shall be charged by any person before whom the oath or affirmation is taken and subscribed.

SEC. 8. Section 3105 of the Government Code is amended to read:

3105. The oath or affirmation of any disaster service worker of the state shall be filed as prescribed by State Personnel Board rule within 30 days of the date on which it is taken and subscribed.

The oath or affirmation of any disaster service worker of any county shall be filed in the office of the county clerk of the county except that where election precinct officers take and subscribe to such oath or affirmation which is an integral part of a claim for compensation, such oath and claim for compensation may be filed in either the office of the county auditor or in the office of the clerk of the board of supervisors of the county.

The oath or affirmation of any disaster service worker of any city shall be filed in the office of the city clerk of the city.

The oath or affirmation of any disaster service worker of any other agency or district shall be filed with such officer or employee of the agency or district as may be designated by such agency or district.

SEC. 9. Section 3107 of the Government Code is amended to read:

3107. No compensation nor reimbursement for expenses incurred shall be paid to any disaster service worker by any public agency unless such disaster service worker has taken and subscribed to the oath or affirmation required by this chapter. It shall be the duty of the person certifying to public payrolls to ascertain and certify that such disaster service worker has taken such oath or affirmation. Whenever there is more than one officer certifying to public payrolls the governing body of a city or county or school district may designate and make it the duty of a certain officer or officers to ascertain and certify that such disaster service worker has taken such oath or affirmation. The governing body of a city or county or school district may designate and make it the duty of a local disaster service officer to ascertain and certify that each volunteer disaster service worker has taken such oath or affirmation.

Nothing in this chapter, however, shall prevent the correction of any technical error or deficiency in an oath taken pursuant to this chapter; provided, such correction is made before the disaster service worker is actually paid or reimbursed.

SEC. 10. Section 3109 of the Government Code is amended to read:

3109. Every person having taken and subscribed to the oath or affirmation required by this chapter, who, while in the employ of, or service with, the state or any county, city, city and county, state agency, public district, or disaster council or emergency organization advocates or becomes a member of any party or organization, political or otherwise, that advocates the overthrow of the government of the United States by force or violence or other unlawful means, is guilty of a felony, and is punishable by imprisonment in the state prison not less than one or more than 14 years.

SEC. 11. Section 8638 of the Government Code is amended to read:

8638. To provide for the continuance of the legislative and executive departments of the political subdivision during a state of war emergency, the governing body thereof shall have the power to appoint the following standby officers:

(a) Three for each member of the governing body.

(b) Three for the chief executive, if he is not a member of the governing body.

In case a standby office becomes vacant because of removal, death, resignation, or other cause, the governing body shall have the power to appoint another person to fill said office.

Standby officers shall be designated Nos. 1, 2, and 3 as the case may be.

SEC. 12. Section 26620 of the Government Code is amended to read:

26620. The office of county director of emergency services shall be held *ex officio* by the county sheriff.

SEC. 13. Section 26621 of the Government Code is amended to read:

26621. The county director of emergency services shall have the duties prescribed by state law and executive order, the California Disaster and Civil Defense Master Mutual Aid Agreement, mutual aid operational plans adopted pursuant thereto, and by county ordinances and resolutions.

SEC. 14. Section 26624 of the Government Code is amended to read:

26624. In the event the board of supervisors elects to make the provisions of this chapter operative, it may provide for the payment to the county director of emergency services of such compensation as it may deem proper. The board of supervisors may elect to provide such compensation upon consolidation of such offices or at any time thereafter. Such compensation may be increased or reduced by action of the board of supervisors and is in addition to any other compensation provided by law.

SEC. 15. Section 43068 of the Government Code is amended to read:

43068. Unless a majority of the city electors voting at an election held for that purpose are in favor of it, the annual property tax shall not exceed one dollar (\$1) on each one hundred dollars (\$100) of assessed valuation, exclusive of such tax as may be necessary to pay the costs of any pension plan for city employees adopted pursuant to Article 2 (commencing with Section 45341) of Chapter 2 of Division 5 of this title, exclusive of such tax, not to exceed five cents (\$0.05) on each one hundred dollars (\$100) of assessed valuation, as may be necessary to pay the costs of emergency preparedness, exclusive of such tax as may be necessary to pay the costs of sewerage facilities, exclusive of such tax as may be necessary to pay the costs of park and recreation facilities, exclusive of such tax as may be necessary to pay the expense of workmen's compensation insurance and health and medical benefits for municipal officers and employees and exclusive of such tax in addition to the annual tax levy for other municipal purposes authorized by Sections 20532, 37465, 37558, 43069, and 51204 of this code, Section 5304 of the Public Resources Code, Section 27401 of the Education Code, and Chapter 3 (commencing with Section 65100) of Title 7 of this code.

SEC. 16. Section 53021 of the Government Code is amended to read:

53021. Services performed or expenditures made by a local agency within or without its territorial limits are conclusively deemed for the direct protection and benefit of its inhabitants and property if made or performed for:

(a) A national or local emergency created by military attack or sabotage.

(b) Providing adequate national or local defense.

(c) A local emergency, as defined in subdivision (c) of Section 8558.

(d) Before one local agency may respond to a request for material fire protection or aid pursuant to this article the requesting agency must have primary fire protection by an organized fire department pursuant to law, and the request for aid must come from the chief or other authorized agent of such requesting agency.

Notwithstanding budget limitations and restrictions imposed by law, except limitations imposed by the Constitution, all such services performed or expenditures made are payable from any funds of the public agency rendering the services or making the expenditure upon the adoption of a resolution by the governing body of that agency determining that the services were performed or the expenditures were made in connection with such an emergency and designating the fund or funds from which the obligation is to be paid.

SEC. 17. Section 3211.9 of the Labor Code is amended to read:

3211.9. "Disaster council" means a public agency established by ordinance which is empowered to register and direct the activities of disaster service workers within the area of the county, city, city and county, or any part thereof, and is thus, because of such registration and direction, acting as an instrumentality of the state in aid of the carrying out of the general governmental functions and policy of the state.

SEC. 18. Section 3211.92 of the Labor Code is amended to read:

3211.92. "Disaster service worker" means any natural person who is registered with a disaster council for the purpose of engaging in disaster service pursuant to the California Emergency Services Act without pay or other consideration.

"Disaster service worker" includes public employees and also includes any unregistered person impressed into service during a state of war emergency or a state of emergency by a person having authority to command the aid of citizens in the execution of his duties.

Persons registered with a disaster council at the time such council becomes accredited need not reregister in order to be entitled to the benefits provided by Chapter 10 of this part.

"Disaster service worker" does not include any male registered as an active firefighting member of any regularly organized volunteer fire department, having official recognition, and full or partial support of the county, city, town or district in which such fire department is located.

SEC. 19. Section 433.5 of the Military and Veterans Code is amended to read:

433.5. All state armories may be used for emergency purposes on such terms and conditions as shall be mutually agreeable to the Military Department and the Office of Emergency Services.

CHAPTER 39

An act making an appropriation in augmentation of Item 292, Budget Act of 1970, relating to the homeowners' property tax exemption, to take effect immediately, usual current expenses.

[Approved by Governor April 30, 1971. Filed with Secretary of State April 30, 1971.]

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

SECTION 1. The sum of four million seven hundred thousand dollars (\$4,700,000) is hereby appropriated for providing homeowners' property tax exemption in augmentation of and upon the same terms and conditions as the appropriation made by Item 292, Budget Act of 1970

SEC. 2. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 40

An act to add Section 15352.1 to the Education Code, relating to school buildings.

[Approved by Governor May 3, 1971. Filed with Secretary of State May 3, 1971.]

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

SECTION 1. Section 15352.1 is added to the Education Code, to read:

15352.1. In bidding on contracts to be made pursuant to Section 15352, bidders may include in their bids abstractions of their quotations indicating the pricing structure used to compute the annual lease or rental payments for the sole purpose of identifying that portion of each annual lease or rental payment which may represent tax exemption reimbursement to the vendor, lessor or to their assignees.

CHAPTER 41

An act to amend Sections 13470 and 13651.4 of the Education Code, relating to bereavement leave of absence.

[Approved by Governor May 3, 1971. Filed with Secretary of State May 3, 1971.]

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

SECTION 1. Section 13470 of the Education Code is amended to read:

13470. Every person employed by a school district in a position requiring certification qualifications is entitled to a leave of absence, not to exceed three days, or five days if out-of-state travel is required, on account of the death of any member of his immediate family. No deduction shall be made from the salary of such employee nor shall such leave be deducted from leave granted by other sections of this code or provided by the governing board of the district. The governing board may enlarge the benefits of this section and may expand the class of relatives listed below as members of the immediate family. Members of the immediate family, as used in this section, means the mother, father, grandmother, grandfather, or a grandchild of the employee or of the spouse of the employee, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the employee, or any relative living in the immediate household of the employee.

SEC. 2. Section 13651.4 of the Education Code is amended to read:

13651.4. Every person employed in the classified service of any school district shall be granted necessary leave of absence, not to exceed three days, or five days if out-of-state travel is required, on account of the death of any member of his immediate family. No deduction shall be made from the salary of such employee nor shall such leave be deducted from leave granted by other sections of this code or provided by the governing board of the district. The governing board may enlarge the benefits of this section and may expand the class of relatives listed below as members of the immediate family. Members of the immediate family, as used in this section, means the mother, father, grandmother, grandfather, or a grandchild of the employee or of the spouse of the employee, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the employee, or any relative living in the immediate household of the employee.

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

CHAPTER 42

An act to repeal Sections 705 and 8380 of the Fish and Game Code, relating to fish and game.

[Approved by Governor May 3, 1971. Filed with Secretary of State May 3, 1971.]

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

SECTION 1. Section 705 of the Fish and Game Code is repealed.

SEC. 2. Section 8380 of the Fish and Game Code is repealed.

CHAPTER 43

An act to amend Section 18358 of the Education Code, relating to special classes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 4, 1971. Filed with Secretary of State May 4, 1971.]

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

SECTION 1. Section 18358 of the Education Code is amended to read:

18358. For all physically handicapped pupils, mentally retarded minors and educationally handicapped minors of secondary grade, and handicapped adults, educated by the county superintendent of schools and for all secondary schools maintained in juvenile halls, juvenile homes and juvenile camps by the county superintendent of schools, the Superintendent of Public Instruction shall allow the same amount as he would compute for the foundation program of a high school district under Section 17665.

However, with respect to handicapped adults, the following limits shall apply:

(a) The total of allowances for education of handicapped adults in classes established by the county superintendent of schools pursuant to Section 5746 shall not exceed fifty thousand dollars (\$50,000) in any one fiscal year. The Superintendent of Public Instruction shall establish a system of priorities that he shall by rule or regulation adopt which shall give highest priority to those counties in which no or an insufficient program for the education of handicapped adults is provided by the school districts within the county, in order to comply with the limitation prescribed by this subdivision.

(b) The Superintendent of Public Instruction shall allow for handicapped adults the amount specified in Section 17951 for each unit of average daily attendance for adults for high school districts.

SEC. 2. The Superintendent of Public Instruction shall have all powers necessary, including the power to adjust State School Fund apportionments, allowances, and disbursements on the basis of the revision effected by this act, to carry out the provisions of this act.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to ensure the proper support and operation of special classes established by county superintendents of schools for the instruction of handicapped adults and in order that

the eligible programs and average daily attendance in such programs may be ascertained in accordance with the changes in law made by this act, for the 1970-1971 fiscal year, or as early as possible in the 1971-1972 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 44

*An act to add Section 1774.7 to the Government Code,
relating to gubernatorial appointments.*

[Approved by Governor May 6, 1971. Filed with
Secretary of State May 6, 1971.]

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

SECTION 1. Section 1774.7 is added to the Government Code, to read:

1774.7. Whenever the appointment by the Governor of a person to a public office is subject to confirmation by the Senate, and the Senate fails, rather than refuses, to confirm the appointment at the session described in Section 1774, such person does not remain in office pursuant to Section 1302. If such person is holding that office at the time of adjournment of the Senate, the office shall become vacant on such adjournment. However, such person may be granted an interim appointment to the same office for which the Senate failed to confirm him.

CHAPTER 45

*An act to add Sections 9172 and 9327.5 to the Elections Code,
relating to Republican central committees.*

[Approved by Governor May 6, 1971. Filed with
Secretary of State May 6, 1971.]

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

SECTION 1. Section 9172 is added to the Elections Code, to read:

9172. A person between the ages of 18 and 21 years who is registered to vote at federal elections is qualified for appointment to the committee if otherwise eligible.

SEC. 2. Section 9327.5 is added to the Elections Code, to read:

9327.5. Notwithstanding the provisions of Section 9327, a person shall be eligible for election or appointment to a committee if he is between the ages of 18 and 21 years and is registered to vote at federal elections.

CHAPTER 46

An act relating to state school building aid, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 6, 1971. Filed with Secretary of State May 6, 1971.]

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

SECTION 1. (a) In the event the board of supervisors failed in the fiscal year 1970-1971 to levy a tax upon the property in a school district sufficient to raise for the district the amount of money to be withheld by the State Controller during the fiscal year 1970-1971, as required by Section 19695 of the Education Code, and in the event the county auditor certifies that fact and the amount of such insufficiency to the State Controller, that officer shall reduce the total amount of the deductions from apportionments to be made to that district pursuant to Section 19695 of the Education Code for the 1970-1971 fiscal year by the amount of such insufficiency.

(b) For the fiscal year 1970-1971 the apportionments from the State School Fund for any district which is subject to subdivision (a) shall be increased by an amount equal to the total amount of deductions made pursuant to Section 19695 during the 1970-1971 fiscal year.

(c) For the fiscal year 1971-1972 the State Controller shall add to the amounts to be deducted under Section 19695 of the Education Code the amounts of any reductions in any such deductions effected during the fiscal year 1970-1971, pursuant to subdivision (a) plus an amount equal to 6 percent of such deductions.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

By reason of clerical error, there was a failure to levy a tax, for at least one school district, sufficient to provide the full amount of the 1970-1971 annual repayments of apportionments made under the State School Building Aid Law of 1952. If this act were not to take effect immediately, the State Controller would be required by Section 19695 of the Education Code to deduct the total amount of the annual repayment for such district in equal amounts from the February through May installments of the apportionments to be made to the district from the State School Fund, which would seriously deplete the general fund of such district and would have its consequent effect upon the educational opportunities afforded to the children of the district.

CHAPTER 47

An act to amend Section 67401 of the Government Code, and to amend Section 2 of Chapter 913 of the Statutes of 1968, relating to the Western Interstate Nuclear Compact.

[Approved by Governor May 6, 1971. Filed with Secretary of State May 6, 1971.]

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

SECTION 1. Section 67401 of the Government Code is amended to read:

67401. The provisions of this interstate compact are as follows:

WESTERN INTERSTATE NUCLEAR COMPACT

Article I. Policy and Purpose

The party states recognize that the proper employment of scientific and technological discoveries and advances in nuclear and related fields and direct and collateral application and adaptation of processes and techniques developed in connection therewith, properly correlated with the other resources of the region, can assist substantially in the industrial progress of the West and the further development of the economy of the region. They also recognize that optimum benefit from nuclear and related scientific or technological resources, facilities and skills requires systematic encouragement, guidance, assistance, and promotion from the party states on a cooperative basis. It is the policy of the party states to undertake such cooperation on a continuing basis. It is the purpose of this compact to provide the instruments and framework for such a cooperative effort in nuclear and related fields, to enhance the economy of the West and contribute to the individual and community well-being of the region's people.

Article II. The Board

(a) There is hereby created an agency of the party states to be known as the "Western Interstate Nuclear Board" (hereinafter called the board). The board shall be composed of one member from each party state designated or appointed in accordance with the law of the state which he represents and serving and subject to removal in accordance with such law. Any member of the board may provide for the discharge of his duties and the performance of his functions thereon (either for the duration of his membership or for any lesser period of time) by a deputy or assistant, if the laws of his state make specific provisions therefor. The federal government may be represented without vote if provision is made by federal law for such representation.

(b) The board members of the party states shall each be entitled to one vote on the board. No action of the board shall be binding unless taken at a meeting at which a majority of all members representing the party states are present and unless a majority of the total number of votes on the board are cast in favor thereof.

(c) The board shall have a seal.

(d) The board shall elect annually, from among its members, a chairman, a vice chairman, and a treasurer. The board shall appoint and fix the compensation of an executive director who shall serve at its pleasure and who shall also act as secretary, and who, together with the treasurer, and such other personnel as the board may direct, shall be bonded in such amounts as the board may require.

(e) The executive director, with the approval of the board, shall appoint and remove or discharge such personnel as may be necessary for the performance of the board's functions irrespective of the civil service, personnel or other merit system laws of any of the party states.

(f) The board may establish and maintain, independently or in conjunction with any one or more of the party states, or its institutions or subdivisions, a suitable retirement system for its full-time employees. Employees of the board shall be eligible for social security coverage in respect of old age and survivors insurance provided that the board takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The board may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The board may borrow, accept, or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation.

(h) The board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation, and may receive, utilize, and dispose of the same. The nature, amount and conditions, if any, attendant upon any donation or grant accepted pursuant to this paragraph or upon any borrowing pursuant to paragraph (g) of this article, together with the identity of the donor, grantor or lender, shall be detailed in the annual report of the board.

(i) The board may establish and maintain such facilities as may be necessary for the transacting of its business. The board may acquire, hold, and convey real and personal property and any interest therein.

(j) The board shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules, and regulations. The board shall publish its bylaws, rules, and regulations in convenient form and shall file a copy thereof, and shall also file a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

(k) The board annually shall make to the governor of each party state, a report covering the activities of the board for the preceding year, and embodying such recommendations as may have been adopted by the board, which report shall be transmitted to the legislature of said state. The board may issue such additional reports as it may deem desirable.

Article III. Finances

(a) The board shall submit to the Governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that jurisdiction for presentation to the legislature thereof.

(b) Each of the board's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. Each of the board's requests for appropriations pursuant to a budget of estimated expenditures shall be apportioned equally among the party states. Subject to appropriation by their respective legislatures, the board shall be provided with such funds by each of the party states as are necessary to provide the means of establishing and maintaining facilities, a staff of personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the board.

(c) The board may meet any of its obligations in whole or in part with funds available to it under Article II (h) of this compact; provided, that the board takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the board makes use of funds available to it under Article II (h), the board shall not incur any obligation prior to the allotment of funds by the party jurisdictions which are adequate to meet any such obligation.

(d) Any expenses and any other costs for each member of the board in attending board meeting shall be met by the board.

(e) The board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the board shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the board shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become a part of the annual report of the board.

(f) The accounts of the board shall be open at any reasonable time for inspection to persons authorized by the board, and duly designated representatives of governments contributing to the board's support.

Article IV. Advisory Committees

The board may establish such advisory and technical committees as it may deem necessary, membership on which may include but not be limited to private citizens, expert and lay personnel, representatives of industry, labor, commerce, agriculture, civic associations, medicine, education, voluntary health agencies, and officials of local, state and federal government, and may cooperate with and use the services of any such committees and the organizations which they represent in furthering any of its activities under this compact.

Article V. Powers

The board shall have power to:

(a) Encourage and promote cooperation among the party states in the development and utilization of nuclear and related technologies and their application to industry and other fields.

(b) Ascertain and analyze on a continuing basis the position of the West with respect to the employment in industry of nuclear and related scientific findings and technologies.

(c) Encourage the development and use of scientific advances and discoveries in nuclear facilities, energy, materials, products, byproducts, and all other appropriate adaptations of scientific and technological advances and discoveries.

(d) Collect, correlate, and disseminate information relating to the peaceful uses of nuclear energy, materials, and products, and other products and processes resulting from the application of related science and technology.

(e) Encourage the development and use of nuclear energy, facilities, installations, and products as part of a balanced economy.

(f) Conduct, or cooperate in conducting, programs of training for state and local personnel engaged in any aspects of:

1. Nuclear industry, medicine, or education, or the promotion or regulation thereof.

2. Applying nuclear scientific advances or discoveries, and any industrial commercial or other processes resulting therefrom.

3. The formulation or administration of measures designed to promote safety in any matter related to the development, use or disposal of nuclear energy, materials, products, byproducts, installations, or wastes, or to safety in the production, use and disposal of any other substances peculiarly related thereto.

(g) Organize and conduct, or assist and cooperate in organizing and conducting, demonstrations or research in any of the scientific, technological or industrial fields to which this compact relates.

(h) Undertake such nonregulatory functions with respect to nonnuclear sources of radiation as may promote the economic development and general welfare of the West.

(i) Study industrial, health, safety, and other standards, laws, codes, rules, regulations, and administrative practices in or related to nuclear fields.

(j) Recommend such changes in, or amendments or additions to the laws, codes, rules, regulations, administrative procedures and practices or local laws or ordinances of the party states or their subdivisions in nuclear and related fields, as in its judgment may be appropriate. Any such recommendations shall be made through the appropriate state agency, with due consideration of the desirability of uniformity but shall also give appropriate weight to any special circumstances which may justify variations to meet local conditions.

(k) Consider and make recommendations designed to facilitate the transportation of nuclear equipment, materials, products, byproducts, wastes, and any other nuclear or related substances, in such manner and under such conditions as will make their availability or disposal practicable on an economic and efficient basis.

(l) Consider and make recommendations with respect to the assumption of and protection against liability actually or potentially incurred in any phase of operations in nuclear and related fields.

(m) Advise and consult with the federal government concerning the common position of the party states or assist party states with regard to individual problems where appropriate in respect to nuclear and related fields.

(n) Cooperate with the Atomic Energy Commission, the National Aeronautics and Space Administration, the Office of Science and Technology, or any agencies successor thereto, any other officer or agency of the United States, and any other governmental unit or agency or officer thereof, and with any private persons or agencies in any of the fields of its interest.

(o) Act as licensee, contractor or subcontractor of the United States government or any party state with respect to the conduct of any research activity requiring such license or contract and operate such research facility or undertake any program pursuant thereto, provided that this power shall be exercised only in connection with the implementation of one or more other powers conferred upon the board by this compact.

(p) Prepare, publish and distribute (with or without charge) such reports, bulletins, newsletters or other materials as it deems appropriate.

(q) Ascertain from time to time such methods, practices, circumstances, and conditions as may bring about the pre-

vention and control of nuclear incidents in the area comprising the party states, to coordinate the nuclear incident prevention and control plans and the work relating thereto of the appropriate agencies of the party states and to facilitate the rendering of aid by the party states to each other in coping with nuclear incidents.

The board may formulate and, in accordance with need from time to time, revise a regional plan or regional plans for coping with nuclear incidents within the territory of the party states as a whole or within any subregion or subregions of the geographic area covered by this compact.

Any nuclear incident plan in force pursuant to this paragraph shall designate the official or agency in each party state covered by the plan who shall coordinate requests for aid pursuant to Article VI of this compact and the furnishing of aid in response thereto.

Unless the party states concerned expressly otherwise agree, the board shall not administer the summoning and dispatching of aid, but this function shall be undertaken directly by the designated agencies and officers of the party states.

However, the plan or plans of the board in force pursuant to this paragraph shall provide for reports to the board concerning the occurrence of nuclear incidents and the requests for aid on account thereof, together with summaries of the actual working and effectiveness of mutual aid in particular instances.

From time to time, the board shall analyze the information gathered from reports of aid pursuant to Article VI and such other instances of mutual aid as may have come to its attention, so that experience in the rendering of such aid may be available.

(r) Prepare, maintain, and implement a regional plan or regional plans for carrying out the duties, powers, or functions conferred upon the board by this compact.

(s) Undertake responsibilities imposed or necessarily involved with regional participation pursuant to such cooperative programs of the federal government as are useful in connection with the fields covered by this compact.

Article VI. Mutual Aid

(a) Whenever a party state, or any state or local governmental authorities request aid from any other party state pursuant to this compact in coping with a nuclear incident, it shall be the duty of the requested state to render all possible aid to the requesting state which is consonant with the maintenance of protection of its own people.

(b) Whenever the officers or employees of any party state are rendering outside aid pursuant to the request of another party state under this compact, the officers or employees of such state shall, under the direction of the authorities of the state to which they are rendering aid, have the same powers,

duties, rights, privileges and immunities as comparable officers and employees of the state to which they are rendering aid.

(c) No party state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on their part while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

(d) All liability that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

(e) Any party state rendering outside aid pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries and maintenance of officers, employees and equipment incurred in connection with such requests: provided that nothing herein contained shall prevent any assisting party state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such services to the receiving party state without charge or cost.

(f) Each party state shall provide for the payment of compensation and death benefits to injured officers and employees and the representatives of deceased officers and employees in case officers or employees sustain injuries or death while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within the state by or in which the officer or employee was regularly employed.

Article VII. Supplementary Agreements

(a) To the extent that the board has not undertaken an activity or project which would be within its power under the provisions of Article V of this compact, any two or more of the party states (acting by their duly constituted administrative officials) may enter into supplementary agreements for the undertaking and continuance of such an activity or project. Any such agreement shall specify the purpose or purposes; its duration and the procedure for termination thereof or withdrawal therefrom; the method of financing and allocating the costs of the activity or project; and such other matters as may be necessary or appropriate.

No such supplementary agreement entered into pursuant to this article shall become effective prior to its submission to and approval by the board. The board shall give such approval unless it finds that the supplementary agreement or

activity or project contemplated thereby is inconsistent with the provisions of this compact or a program or activity conducted by or participated in by the board.

(b) Unless all of the party states participate in a supplementary agreement, any cost or costs thereof shall be borne separately by the states party thereto. However, the board may administer or otherwise assist in the operation of any supplementary agreement.

(c) No party to a supplementary agreement entered into pursuant to this article shall be relieved thereby of any obligation or duty assumed by said party state under or pursuant to this compact, except that timely and proper performance of such obligation or duty by means of the supplementary agreement may be offered as performance pursuant to the compact.

(d) The provisions of this article shall apply to supplementary agreements and activities thereunder, but shall not be construed to repeal or impair any authority which officers or agencies of party states may have pursuant to other laws to undertake cooperative arrangements or projects.

Article VIII. Other Laws and Relations

Nothing in this compact shall be construed to have the following effect:

(a) Permit or require any person or other entity to avoid or refuse compliance with any law, rule, regulation, order or ordinance of a party state or subdivision thereof now or hereafter made, enacted or in force.

(b) Limit, diminish, or otherwise impair jurisdiction exercised by the Atomic Energy Commission, any agency successor thereto, or any other federal department, agency or officer pursuant to and in conformity with any valid and operative act of Congress; nor limit, diminish, affect, or otherwise impair jurisdiction exercised by any officer or agency of a party state, except to the extent that the provisions of this compact may provide therefor.

(c) Alter the relations between and respective internal responsibilities of the government of a party state and its subdivisions.

(d) Permit or authorize the board to own or operate any facility, reactor, or installation for industrial or commercial purposes.

Article IX. Eligible Parties, Entry Into Force and Withdrawal

(a) Any or all of the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming shall be eligible to become party to this compact.

(b) As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law; provided, that it shall not become initially effective until enacted into law by five states.

(c) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until two years after the Governor of the withdrawing state has given notice in writing of the withdrawal to the Governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

(d) Guam and American Samoa, or either of them may participate in the compact to such extent as may be mutually agreed by the board and the duly constituted authorities of Guam or American Samoa, as the case may be. However, such participation shall not include the furnishing or receipt of mutual aid pursuant to Article VI, unless that article has been enacted or otherwise adopted so as to have the full force and effect of law in the jurisdiction affected. Neither Guam nor American Samoa shall be entitled to voting participation on the board, unless it has become a full party to the compact.

Article X. Severability and Construction

The provisions of this compact and of any supplementary agreement entered into hereunder shall be severable and if any phrase, clause, sentence or provision of this compact or such supplementary agreement is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact or such supplementary agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact or any supplementary agreement entered into hereunder shall be held contrary to the constitution of any state participating therein, the compact or such supplementary agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact and of any supplementary agreement entered into pursuant thereto shall be liberally construed to effectuate the purposes thereof.

SEC. 2. Section 2 of Chapter 913 of the Statutes of 1968 is amended to read:

Sec. 2. The member of the Western Interstate Nuclear Board representing the State of California shall be appointed by the Governor. An alternate may be designated by the appointee.

CHAPTER 48

An act to amend Section 29851 of the Government Code, relating to county warrants.

[Approved by Governor May 6, 1971. Filed with Secretary of State May 6, 1971.]

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

SECTION 1. Section 29851 of the Government Code is amended to read:

29851. Upon the filing of the affidavit, the auditor shall issue and deliver to the legal owner or custodian a duplicate warrant bearing the same date as the original warrant for the full amount of the original warrant, or if any portion of the amount for which the warrant was drawn has been paid, the auditor shall void the original warrant and issue and deliver a substitute warrant for the lesser amount still due, and the treasurer shall pay the duplicate or substitute in lieu of the original warrant. If a warrant is lost or destroyed after it has been received by a bank with whom the treasurer has entered into a written agreement pursuant to Article 2 (commencing with Section 53630) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code for the deposit in said bank of moneys belonging to or in the custody of the treasurer, the treasurer may pay on a photocopy of the lost or destroyed warrant in lieu of the original warrant; provided the bank agrees to indemnify and hold the county harmless from any loss incurred by reason of such payment.

CHAPTER 49

An act to repeal Section 27367 of the Government Code, relating to county recorder's fees.

[Approved by Governor May 6, 1971. Filed with Secretary of State May 6, 1971.]

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

SECTION 1. Section 27367 of the Government Code is repealed.

CHAPTER 50

An act to add Section 10142 to the Insurance Code, relating to discriminatory practices, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 6, 1971. Filed with Secretary of State May 6, 1971.]

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

SECTION 1. Section 10142 is added to the Insurance Code, to read:

10142. Nothing in this article shall prohibit use in an application for life or disability insurance of a question asking for the birthplace of an applicant if such question is used only to identify the applicant and not to discriminate against him.

SEC 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to facilitate the processing of life or disability insurance applications the applicant must be identified with as much particularity for underwriting purposes as is possible. Information concerning the applicant's birthplace is material to such identification. Thus, so that residents of this state may obtain such insurance as soon as possible after making application therefor, it is necessary that this act take effect immediately.

CHAPTER 51

An act to amend Section 29100.5 of, to add Sections 29100.6 and 29100.7 to, and to add Chapter 2 (commencing with Section 16120) to Part 1 of Division 4 of Title 2 of, the Government Code and to repeal Section 33 of Chapter 1 of Statutes 1968 (1st Extraordinary Session), relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 11, 1971. Filed with Secretary of State May 11, 1971.]

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

SECTION 1. Chapter 2 (commencing with Section 16120) is added to Part 1 of Division 4 of Title 2 of the Government Code, to read:

CHAPTER 2 HOMEOWNERS' PROPERTY TAX EXEMPTION

16120 On or before December 31, 1971, and the last day of December of each year thereafter, the Controller shall draw from the General Fund when appropriated and pay therefrom to each city and county auditor 35 percent of the amounts claimed on the preceding October 31 pursuant to Sections 29100.6 and 29100.7 to reimburse local governmental agencies for the tax loss attributable to the homeowners' property tax exemption. On or before the last day of April of the next suc-

ceeding calendar year the Controller shall pay the remaining 65 percent of the amounts claimed to the respective auditors. Upon receipt of the payments the respective auditors shall apportion the reimbursement proceeds to the local entities in accordance with the claims previously made.

16121 Revenues paid pursuant to this chapter may be used for county, city, district or other municipal purposes and may, but need not necessarily, be used for purposes of general interest and benefit to the state. It is the purpose of this section to carry out the mandate of Section 1d of Article XIII of the Constitution and permit recipients of revenues paid pursuant to this chapter to use such revenues for any purpose for which the recipient could use its property tax revenues.

16122. For the purpose of fixing tax rates for ad valorem taxes every taxing agency and revenue district shall compute the rates by including in the base the exempt values for which the homeowners' property tax exemption is granted under Section 1d of Article XIII of the Constitution, together with the values of taxable property against which the taxes are levied.

SEC. 2. Section 29100.5 of the Government Code is amended to read:

29100.5. At the time the rate of tax is fixed, cities, school districts and special districts shall not take into account the exemption provided for in Section 219 of the Revenue and Taxation Code, whether such property appears on the secured or unsecured roll. On or before September 15th of each year, the auditor shall compute for each city, district and revenue district wholly or partially within the county which levies taxes on property, the amount of revenue lost by reason of the partial exemption of business inventories based on the assessed value of the exempt property reported by the county assessor pursuant to Section 219 and the tax rate applicable to such property attributable to the city, district and revenue district for the fiscal year. The auditor shall, on or before October 1st of each year, allocate to each such revenue district, city or district funds equal to 75 percent of the revenue lost by each such governmental entity by reason of the partial exemption for business inventories in such fiscal year. The auditor, upon receipt of payment, shall allocate to each such revenue district, city or district funds equal to 25 percent of the revenue lost by each such governmental entity by reason of the partial exemption for business inventories in such fiscal year.

SEC 3. Section 29100.6 is added to the Government Code, to read:

29100.6. On or before October 31 of each year each county auditor shall file with the Controller in such form as the Controller directs, a statement of the amounts of exempt values granted for the homeowners' property tax exemption under Section 1d of Article XIII of the Constitution for the county, each city and school district or portion thereof within the county, each special district or subdivision or zone thereof or

portion thereof within the county, for which a tax levy is carried on the county assessment roll. The auditor shall therein compute and show the total amount of ad valorem tax loss to the county and the cities and districts resulting from the exemption and the statement shall claim such amount against the state for payment of reimbursement.

SEC. 4. Section 29100.7 is added to the Government Code, to read:

29100.7. On or before October 31 of each year the auditor of each city whose taxes are not collected by the county shall file with the Controller in such form as the Controller directs, a statement of the amounts of the exempt values granted for the homeowners' property tax exemption under Section 1d of Article XIII of the Constitution for the city, each district, subdistrict or special zone within the city for which a tax levy is carried on the city assessment roll and the tax rates applicable to each. The auditor shall therein compute and show the total amount of ad valorem tax loss to the city and the districts resulting from the exemption and the statement shall claim such amount against the state for payment of reimbursement.

SEC. 5. Section 33 of Chapter 1 of the Statutes of 1968 (1st Extraordinary Session) is repealed.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the codified provisions providing for reimbursement to local government to compensate for revenues lost by reason of the homeowners' property tax exemption may take effect before the general law provisions become inoperative, it is necessary that this act take effect immediately.

CHAPTER 52

An act to amend Section 12640.02 of the Insurance Code, relating to mortgage guaranty insurance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 11, 1971. Filed with Secretary of State May 11, 1971.]

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

SECTION 1. Section 12640.02 of the Insurance Code is amended to read:

12640.02. The definitions set forth in this article shall govern the construction of the terms used in this chapter but shall not affect any other provisions of this code.

(a) "Mortgage guaranty insurance" means:

(1) Insurance against financial loss by reason of nonpayment of principal, interest and other sums agreed to be paid

under the terms of any note or bond or other evidence of indebtedness secured by a mortgage, deed of trust, or other instrument constituting a lien or charge on real estate, provided the improvement on such real estate is a residential building or buildings designed for occupancy by not more than four families.

(2) Insurance against financial loss by reason of nonpayment of principal, interest and other sums agreed to be paid under the terms of any note or bond or other evidence of indebtedness secured by a mortgage, deed of trust, or other instrument constituting a lien or charge on real estate, provided the improvement on such real estate is a building or buildings designed for occupancy by five or more families or designed to be occupied for industrial or commercial purposes.

(3) Insurance against financial loss by reason of nonpayment of rent and other sums agreed to be paid under the terms of a written lease for the possession, use or occupancy of real estate, provided the improvement on such real estate is a building or buildings designed to be occupied for industrial or commercial purposes.

(b) "Authorized real estate security" for the purposes of paragraphs (1) and (2) of subdivision (a) of this section means an amortized note, bond or other evidence of indebtedness, not exceeding 95 percent of the fair market value of the real estate, secured by a mortgage, deed of trust, or other instrument constituting a first lien or charge on real estate; provided:

(1) The real estate loan secured in such manner is one which a bank, savings and loan association, or an insurance company, which is supervised and regulated by a department of this state or an agency of the federal government, is authorized to make.

(2) The improvement on such real estate is a building or buildings designed for occupancy as specified by paragraphs (1) and (2) of subdivision (a) of this section.

(3) The lien on such real estate may be subject and subordinate to the following:

(i) The lien of any public bond, assessment, or tax, when no installment, call or payment of or under such bond, assessment or tax is delinquent.

(ii) Outstanding mineral, oil or timber rights, rights-of-way, easements or rights-of-way or support, sewer rights, building restrictions or other restrictions or covenants, conditions or regulations of use, or outstanding leases upon such real property under which rents or profits are reserved to the owner thereof.

(c) "Contingency reserve" means an additional premium reserve established for the protection of policyholders against the effect of adverse economic cycles.

(d) "Policyholders surplus" means the aggregate of capital, surplus and contingency reserve.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that this act benefit the greatest number of persons at the earliest possible time by making housing available to those families who cannot now qualify because of a lack of sufficient funds to make a downpayment, it is necessary that this act take effect immediately.

CHAPTER 53

An act to amend Sections 974 and 1024 of the Probate Code and to add Section 14143.5 to the Revenue and Taxation Code, relating to distribution of estates.

[Approved by Governor May 11, 1971 Filed with
Secretary of State May 11, 1971.]

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

SECTION 1. Section 974 of the Probate Code is amended to read:

974. Before final distribution of the estate, the estate tax shall be paid out of the estate by the executor or administrator or evidence of a written agreement for the payment of the estate tax, executed between the federal taxing authority and the executor, administrator, or persons interested in the estate, shall be filed with the court.

SEC. 2. Section 1024 of the Probate Code is amended to read:

1024. Before any decree of distribution is made, all personal property taxes due and payable by the estate shall be paid, and all inheritance taxes due and payable by the estate shall be paid or evidence of a written agreement for the payment of the inheritance taxes, executed between the State Controller and the executor, administrator, trustee, or other persons liable for the payment of the tax, shall be filed with the court.

SEC. 3. Section 14143.5 is added to the Revenue and Taxation Code, to read:

14143.5. If the Controller finds that payment of any tax imposed by this part as a prerequisite to distribution would result in undue hardship to the estate, he may enter into a written agreement for payment of the tax with the executor, administrator, trustee or transferee liable for its payment upon such terms and conditions as the Controller in his discretion may provide with due regard for security and payment of the tax and interest. Upon filing such agreement with the court having jurisdiction, the estate of the person who made the transfer on which the tax is imposed may be distributed.

CHAPTER 54

An act to amend and renumber Section 34303.5 of the Government Code, relating to city incorporation.

[Approved by Governor May 11, 1971. Filed with Secretary of State May 11, 1971.]

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

SECTION 1. Section 34303.5 of the Government Code is amended and renumbered to read:

34302.1. No petition seeking the incorporation of a new city may be circulated or filed with the board of supervisors, and neither the board nor the clerk of the board shall accept any such petition for filing until the approval of the local agency formation commission is first obtained pursuant to Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5.

CHAPTER 55

An act to amend Section 53945 of the Government Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 11, 1971. Filed with Secretary of State May 11, 1971.]

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

SECTION 1. Section 53945 of the Government Code is amended to read:

53945. Revenue derived from a tax imposed under this article shall be deposited in a special fund in the county treasury or district treasury. Such fund may be expended only to defray the reasonable expense of collecting such tax and for the maintenance, acquisition and construction of trails for horseback riders and hikers, but moneys in the fund may be used as local matching moneys for any federal or state grant for such purposes or for matching funds in the acquisition and development of a federal or state trails project.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The boards of supervisors of some counties are giving consideration to the imposition of a tax under the Pleasure Riding Tax Law but wish to make certain that the costs of collection will be paid for from revenues raised by the levy. In order for such levies to be made to improve the riding and hiking trails of this state as soon as possible, it is necessary that this act take effect immediately.

CHAPTER 56

An act to amend Section 34090.5 of the Government Code, relating to city records.

[Approved by Governor May 11, 1971. Filed with Secretary of State May 11, 1971.]

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

SECTION 1. Section 34090.5 of the Government Code is amended to read:

34090.5. Notwithstanding the provisions of Section 34090, the city officer having custody of public records, documents, instruments, books, and papers, may, without the approval of the legislative body or the written consent of the city attorney, cause to be destroyed any or all of such records, documents, instruments, books, and papers, if all of the following conditions are complied with:

(a) The record, paper, or document is photographed, microphotographed, or reproduced on film of a type approved for permanent photographic records by the National Bureau of Standards.

(b) The device used to reproduce such record, paper, or document on film is one which accurately and legibly reproduces the original thereof in all details.

(c) The photographs, microphotographs, or other reproductions on film are made as accessible for public reference as the book records were.

(d) A true copy of archival quality of such film reproductions shall be kept in a safe and separate place for security purposes.

Provided, however, that no page of any record, paper, or document shall be destroyed if any such page cannot be reproduced on film with full legibility. Every such unreproducible page shall be permanently preserved in a manner that will afford easy reference.

CHAPTER 57

An act to amend Section 13336 of, and to add Section 13337.3 to, the Education Code, relating to certificated employees.

[Approved by Governor May 11, 1971. Filed with Secretary of State May 11, 1971.]

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

SECTION 1. Section 13336 of the Education Code is amended to read:

13336. Except as provided in Sections 13337.3 and 13337.5, governing boards of school districts shall classify as substitute

employees those persons employed in positions requiring certification qualifications, to fill positions of regularly employed persons absent from service.

SEC. 2. Section 13337.3 is added to the Education Code, to read:

13337.3. Notwithstanding the provisions of Sections 13336, 13336.5, and 13337, the governing board of a school district may employ as a teacher, for a complete school year but not less than one semester during a school year, any person holding appropriate certification documents, and may classify such person as a temporary employee. The employment of such persons shall be based upon the need for additional certificated employees during a particular semester or year because a certificated employee has been granted leave for a semester or year, or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need, as determined by the governing board.

Any person employed for one complete school year as a temporary employee shall, if reemployed for the following school year in a position requiring certification qualifications, be classified by the governing board as a probationary employee and the previous year's employment as a temporary employee shall be deemed one year's employment as a probationary employee for purposes of acquiring permanent status.

CHAPTER 58

An act relating to public schools and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 11, 1971. Filed with Secretary of State May 11, 1971.]

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

SECTION 1. The governing board of the Pomona Unified School District, for grades 10, 11, and 12, may contract for and financially participate in any program through which peace officers furnished by local agencies, including cities, cities and counties, and counties, are provided on school campuses as resource personnel on a regular basis to maintain order and promote a better understanding of the law. Participation may also include applications for grants from the federal government under any federal act and the expenditure by the district of whatever funds may be required by the federal government as a condition to such participation.

SEC. 2. The Legislature hereby finds and declares that pilot programs respecting the use of peace officers on school campuses are essential to determining the effectiveness of such programs and that the Pomona Unified School District, because of its size and location, is a uniquely qualified site for such a

program. For these reasons, a general statute, within the meaning of Section 16 of Article IV of the California Constitution, cannot be made applicable.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Questions have arisen as to the power of the governing boards of school districts to contract for and financially participate in programs through which local peace officers are provided on school campuses on a regular basis as resource personnel and to maintain order and promote the better understanding of law and to make applications for and participate in such programs pursuant to the Federal Omnibus Crime Control and Safe Streets Act of 1968. In order that public funds not be expended in litigation on such questions and in order that such high priority programs may be instituted at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 59

An act to amend Sections 27361 and 27380 of the Government Code, relating to recording and filing fees.

[Approved by Governor May 11, 1971. Filed with
Secretary of State May 11, 1971.]

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

SECTION 1. Section 27361 of the Government Code is amended to read:

27361. The fee for recording and indexing every instrument, paper, or notice required or permitted by law to be recorded is, as follows: one dollar (\$1) fee for filing every instrument, paper or notice for record and making the necessary entries thereon; plus two dollars (\$2) for recording the first page and one dollar (\$1) for each additional page or fraction of a page. If the printing on printed forms is spaced more than nine lines per vertical inch or more than 22 characters and spaces per inch measured horizontally for not less than three inches in one sentence the recorder shall charge one dollar (\$1) additional for each page on which such printing appears excepting, however, that such additional charge shall not apply to printed words which are directive or explanatory in nature for completion of the form or on vital statistics forms.

SEC. 2. Section 27380 of the Government Code is amended to read:

27380. The fee for filing, indexing, and keeping each paper not required by law to be recorded is three dollars (\$3).

CHAPTER 60

An act to amend Section 29130 of the Government Code, relating to county budgets, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 12, 1971. Filed with Secretary of State May 12, 1971.]

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

SECTION 1. Section 29130 of the Government Code is amended to read:

29130. Balances in appropriations for contingencies, including accretions from cancellation of specific appropriations, and amounts received from subventions, grants, gifts, judgments, donations, fines, forfeitures, penalties, and charges for current services which are either in excess of anticipated or are not specifically set forth in the budget, and revenues derived from services provided under contract or agreement which are not specifically set forth in the budget, may be made available for specific appropriation by a four-fifths vote of the board at any regular or special meeting of which all members have had reasonable notice.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The counties in California are faced with a serious financial crisis due to the obligations imposed upon them with respect to the state Medi-Cal program. Without the immediate enactment of legislation giving counties the budgetary flexibility necessary to meet these obligations, the health and welfare of the inhabitants of these counties will be endangered.

CHAPTER 61

An act to amend Section 316 of the Business and Professions Code, relating to consumer affairs.

[Approved by Governor May 12, 1971. Filed with Secretary of State May 12, 1971.]

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

SECTION 1. Section 316 of the Business and Professions Code is amended to read:

316. (a) The Consumer Advisory Council consists of five members appointed by the Governor, two of whom shall represent business, one of whom shall represent labor, and two of whom shall represent voluntary consumer agencies.

(b) One Member of the Senate, appointed by the Senate Committee on Rules, and one Member of the Assembly, appointed by the Speaker of the Assembly shall meet with, and participate in, the work of the council to the extent that such participation is not incompatible with their positions as Members of the Legislature. The Members of the Legislature appointed to the council shall serve at the pleasure of the appointing power. For the purposes of this chapter such Members of the Legislature shall constitute a joint legislative committee on the subject of this chapter and shall have the powers and duties imposed upon such committee by the Joint Rules of the Senate and Assembly.

CHAPTER 62

An act to amend Sections 70235, 70238, and 70239 of, to repeal and add Sections 70230, 70231, and 70237 of, and to repeal Sections 70232, 70233, and 70236 of, the Water Code, relating to levee districts.

[Approved by Governor May 12, 1971. Filed with Secretary of State May 12, 1971.]

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

SECTION 1. Section 70230 of the Water Code is repealed.

SEC. 2. Section 70230 is added to the Water Code, to read: 70230. The board of directors shall avail itself of the equalized assessment roll of the county in which the district is situated, and take such assessments as the basis for district taxation.

SEC. 3. Section 70231 of the Water Code is repealed.

SEC. 4. Section 70231 is added to the Water Code, to read: 70231. On or before the third Monday in August each year, the county auditor shall transmit to the board of directors a written statement showing the total value of all taxable land and improvements within the district, which value shall be ascertained from the equalized assessment roll of the county.

SEC. 5. Section 70232 of the Water Code is repealed.

SEC. 6. Section 70233 of the Water Code is repealed.

SEC. 7. Section 70235 of the Water Code is amended to read:

70235. The board shall, after fixing the tax rate, certify the same to the county auditor.

SEC. 8. Section 70236 of the Water Code is repealed.

SEC. 9. Section 70237 of the Water Code is repealed.

SEC. 10. Section 70237 is added to the Water Code, to read:

70237. The county auditor shall compute the district tax on the property within the district using the rate of levy so fixed by the board and the assessed value as found in such assessment roll.

SEC. 11. Section 70238 of the Water Code is amended to read:

70238. The district taxes shall be collected at the same time and in the same manner as county taxes.

SEC. 12. Section 70239 of the Water Code is amended to read:

70239. All taxes levied under the provisions of this part shall be a lien on the property on which they are levied. All of the provisions of law, relative to the collection of state and county taxes, including the time for their payment, the giving of notice as to such time of payment, when they become delinquent, the penalties, costs and interest that shall accrue for their nonpayment and the period and manner of redemption are made applicable to the collection, payment, delinquency and redemption of district taxes except when inconsistent with this part.

CHAPTER 63

An act to amend Sections 19576, 19611, 19613, 19614, 19660, 19662, 19664, 19665, 19666, 19682, 19704 and 19705 of the Education Code, relating to state school building aid.

[Approved by Governor May 12, 1971. Filed with Secretary of State May 12, 1971.]

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

SECTION 1. Section 19576 of the Education Code is amended to read:

19576. The board may approve, in whole or in part, an application submitted by a school district under Section 19571 and in such amount, not exceeding the amount applied for, as the board may deem appropriate.

The board may, upon approval of the application, in whole or in part, and subsequently from time to time, make a conditional apportionment or conditional apportionments not exceeding in the aggregate the total amount determined by the board as aforesaid, to the applicant school district from the State School Building Aid Fund for such portion or portions of the construction project as the board determines the district is ready to proceed with. If the board has approved an application and made an apportionment as to a portion or portions of a construction project, the board may approve the remaining portion or portions of the construction project and make an additional apportionment or apportionments within two years after the original approval without requiring a district to issue additional bonds. The board may also make an additional apportionment or apportionments for a period of time in excess of two years after the original approval without requiring a district to issue additional bonds if it has made a

finding that such additional apportionment or apportionments are justified by virtue of the fact that state funds were not available for apportionment within the two-year period after the original approval because of the inability of the state to sell authorized state bonds within the maximum permitted interest rate.

If the board determines that the actual cost is in excess of the estimated cost of the specific school plant facilities or sites for which an apportionment to a district has been made, or for which a district's application has been approved in whole or in part pursuant to this section, the board may make an additional apportionment to such district in an amount equal to such excess even though such additional apportionment will result in the total apportionments to the district exceeding the amount of the application originally approved by the board. Before such additional apportionment becomes final the district, pursuant to Section 19590, shall hold an election to repay the amount of such additional apportionment which is in excess of the amount which the district has previously voted to repay. Such additional apportionment shall become final when the county superintendent of schools transmits to the board and the State Controller a certificate in duplicate stating that the school district has authorized the acceptance and expenditure of the necessary amount of such excess. If such additional apportionments are made by the board within two years after the original approval, the district shall not be required to issue additional bonds.

Except as otherwise provided in this section, all provisions of this chapter (Sections 19551 to 19689, inclusive) relating to apportionments shall apply to apportionments made under this section.

Whenever an apportionment has heretofore been made or is hereafter made to a district for a site and the district heretofore or hereafter proposes to acquire the site through negotiation or condemnation but the total acquisition cost thereof, plus all other costs incidental to either the acquisition or condemnation of the site, exceeds or exceeded the apportionment for the site, the board may at any time hereafter make an additional apportionment to provide for the differential in total acquisition cost without the district being required to issue additional bonds to qualify, providing the board finds (1) that it is in the interest of the state to proceed with the acquisition despite the acquisition costs, and (2) that the district is unable to provide, or it would be a hardship to require it to provide, the excess costs. The board may also, in its discretion, as a condition of making such apportionment, require the district to repay in full all or any part of the excess apportionment, under such terms and conditions as the board deems desirable, and the district shall be empowered and obligated to comply if it accepts the excess apportionment, notwithstanding any other law to the contrary; pro-

vided, (1) that no such repayment shall be required from any source that would be exempt from required contribution toward the cost of a project under Sections 19571 and 19572 (excepting amounts in the General Fund raised by taxes to pay any judgment requiring such repayment), and (2) that any portion of the apportionment not required to be repaid in full, shall be repayable in the same manner as a construction apportionment.

Approval of an application under this section shall not be construed as creating or implying any obligation, commitment or promise on the part of the board or the state to make apportionments under this chapter (Sections 19551 to 19689, inclusive).

SEC. 2. Section 19611 of the Education Code is amended to read:

19611. The State Controller shall, during the next fiscal year following that in which he determines the annual repayment as herein provided, deduct the total amount of the annual repayment of each district in equal amounts from each of the February, March, April, and May installments of the apportionments made to such district from the State School Fund under Sections 11256, 11257, and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive, whichever are in effect; and, on order of the State Controller, the amount so deducted shall be transferred to the State School Building Aid Fund. All money transferred to the State School Building Aid Fund under the provisions of this section shall be available only for transfer to the General Fund under the provisions of Section 19704.

SEC. 3. Section 19613 of the Education Code is amended to read:

19613. (a) Upon request of the district, the Controller shall use in computing the "forty-cent, thirty-cent, and ten-cent tax amounts" under Section 19601 the difference between the total assessed valuation of property in a district as shown on the equalized assessment roll for the current fiscal year and the assessed valuation of property as shown on the equalized assessment roll for the current fiscal year, in excess of 2 percent of such total assessed valuation, with respect to which revenues of the district taxes levied in the 1954-1955 fiscal year, or thereafter, have been impounded by the county auditor pursuant to Section 20901. If such a request is received prior to August 1, 1955, with respect to the impounding of revenues of taxes levied during the 1954-1955 fiscal year, the Controller shall recompute the annual repayment of the district due during the 1955-1956 fiscal year on the basis of such reduced assessed valuation, and, on or before September 1, 1955, notify the officers and board referred to in Section 19618 of such recomputed annual repayment for the 1955-1956 fiscal year, and of the recomputed amount to be deducted from the State School Fund apportionment to such district during the 1955-1956 fiscal year.

(b) Whenever, after July 1, 1955, the county auditor notifies the Superintendent of Public Instruction and the Controller of the release of impounded tax revenues to the school district, the Controller shall add to the annual repayment of the district for the first fiscal year or second fiscal year next succeeding that in which such notification of release was made, that amount by which the annual repayment of the district for a previous fiscal year was reduced by reason of the exclusion of assessed valuation with respect to tax revenues impounded and thereafter released.

(c) The amount of annual repayment and deduction, increased or reduced as required by this section, shall be the amount deducted by the Controller for the purposes of Sections 19611, 19618, and 19619 for the fiscal year in which such increase or reduction occurs.

(d) If a request is received from a school district and an annual repayment reduced pursuant to subdivision (a) hereof, Section 19612 shall not apply with respect to any tax revenues to which subdivision (a) applies.

Sec. 4. Section 19614 of the Education Code is amended to read:

19614. The State Controller shall make the deduction provided by Section 19611 during each fiscal year, as herein provided, until the principal amount of the apportionment made and disbursed to the district for such grade level, and all accrued interest due thereon, has been withheld; but no interest shall accrue, or become due and payable, to the state with respect to the principal amount of any such apportionment, or any portion thereof, for any period of time following the expiration of 25 years after the first day of July of the fiscal year next succeeding the fiscal year in which such apportionment becomes final. At the expiration of 30 years from the first day of July of the fiscal year next succeeding the fiscal year in which such apportionment became final, any unpaid balance of the principal amount of any such apportionment disbursed to such district, including all interest included in such principal amount as provided in Section 19617, shall be canceled on the books of the State Controller; and the state shall have no further right to the repayment of such unpaid balance. Notwithstanding the provisions of this section, that portion of the "annual repayment," if any, computed by the State Controller under Section 19604 prior to the date of cancellation of the principal amount of an apportionment under the provisions of this section, which has not been withheld by the State Controller, as provided by Section 19611, prior to the date of such cancellation, shall be withheld by the State Controller, as provided by said Section 19611, subsequent to the effective date of such cancellation; and the amount so withheld shall be credited to the school district in determining the principal amount of the apportionment, including all interest included therein, which is canceled under the provisions hereof. Such grade level shall be excluded from any computa-

tions provided under Sections 19601, 19601.1, 19602, 19603, and 19604, in making the computations, after the effective date of such cancellation, to determine the "annual repayment," if any, that may thereafter be due the state from such school district with respect to other grade levels thereof.

SEC. 5. Section 19660 of the Education Code is amended to read:

19660. Whenever, subsequent to the date on which a conditional apportionment made to a district becomes final, the state-aided district is included in whole in another district, the acquiring district shall, on the effective date of such inclusion, succeed to and be vested with all of the duties, powers, purposes, jurisdiction, and responsibilities of the state-aided district with respect to said apportionment and the property acquired or to be acquired from funds provided thereby, and all funds in the state school building fund of the state-aided district shall be transferred to the state school building fund of the acquiring district. All amounts which would, after the effective date of such inclusion, have been otherwise paid to the state-aided district under the terms of or pursuant to said apportionment, shall be paid to the acquiring district. In addition, the acquiring district shall, on the effective date of the inclusion of the state-aided district in the acquiring district as fixed by Section 1704, become liable for the annual repayments and other payments due the state under Section 19604 and other provisions of this chapter (Sections 19551 to 19689, inclusive) with respect to said apportionment or the property acquired or to be acquired therewith.

SEC. 6. Section 19662 of the Education Code is amended to read:

19662. Whenever, subsequent to the date on which a conditional apportionment made to a state-aided district becomes final, less than all of such district is included in another district, the Director of General Services shall determine what portion of such apportionment was expended or will be expended for property acquired or to be acquired by the acquiring district. Any determination made by the Director of General Services under this section may be redetermined by him, from time to time, until the project for which the apportionment was made has been completed, and the final cost thereof determined and the final determination has been made pursuant to such final cost. The Director of General Services shall promptly notify the State Controller, the governing board of the state-aided district and of the acquiring district, the superintendent of schools, the auditor, and the treasurer of the counties having jurisdiction over said districts of each determination and redetermination made by him under this section. No redetermination shall be retroactive nor affect the liability of any school district for any payment or annual repayment, or portion thereof, previously made by or on behalf of such district to the state under the provisions of this chapter (Sections 19551 to 19689, inclusive).

On and after the date of such change of boundaries, the acquiring district succeeds to and is vested with all of the duties, powers, purposes, jurisdiction, and responsibilities of the state-aided district with respect to that portion of the apportionment which the Director of General Services has determined or redetermined under this section was expended, or will be expended, for property acquired or to be acquired by the acquiring district, and the unexpended part of such portion of the apportionment in the state school building fund of the state-aided district shall be transferred to the state school building fund of the acquiring district. In addition, and at the same time, the acquiring district shall become liable for the payment to the state of that portion of the annual repayment and all other payments due the state under Section 19604 and other provisions of this chapter (Sections 19551 to 19689, inclusive) with respect to that portion of the apportionment which the Director of General Services has determined or redetermined was expended, or will be expended for property acquired, or to be acquired by the acquiring district, or, in the event such portion of such apportionment is a lower percentage of such apportionment than the percentage that the assessed valuation in the territory of the state-aided district which was transferred to the acquiring district is of the total assessed valuation of the state-aided district immediately preceding the effective date of the transfer, the acquiring district shall become liable for the payment to the state of that portion of the annual repayment and all other repayments due the state under Section 19604 and other provisions of this chapter (Sections 19551 to 19689, inclusive) with respect to such apportionment which is equal to such percentage of assessed valuation in the territory transferred to the acquiring district. "Annual repayment," as used in this section, refers to repayment computed under Sections 19601 to 19604, inclusive, and excludes amounts for which the state-aided district is liable under the provisions of Section 19577. Whenever a site for which repayments are being made under Section 19577 is transferred to an acquiring district the acquiring district shall be liable for the repayments required under Section 19577.

Notwithstanding the foregoing, the liability of the acquiring district for the repayment of any portion of the aforesaid apportionment made to the aforesaid state-aided district shall not exceed the product of the highest percentage referred to above (whether relating to assessed valuation or to the portion of the apportionment expended in the property acquired), multiplied by the balance due on the apportionment made to the state-aided district at the time of the withdrawal on the effective date specified in Section 1704 of the territory referred to. Such limited liability is hereinafter referred to as "the maximum." It is the intent of the Legislature that the maximum shall be applied by the Controller, both retroactively and pros-

pectively, provided that as a result of such application (1) no cash refund shall be made to any district; (2) in the event any district has, in the past, paid an amount greater than the maximum, assuming this paragraph had been in effect at such time, the excess shall be credited by the Controller against any apportionment balances for which said district is or may hereafter become liable; and (3) the Controller shall make retroactively any adjustments in the amounts due from other districts by virtue of any adjustments made under (2) above. Notwithstanding the foregoing, any computations required to be made pursuant to this paragraph shall not be reflected in any changes in deductions required to be made pursuant to Section 19611 prior to January 1, 1966.

If any subsection, clause, sentence or phrase of this section is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this section. The Legislature hereby declares that it would have adopted this section and each subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, clauses, sentences, or phrases be declared unconstitutional.

SEC. 7. Section 19664 of the Education Code is amended to read:

19664. Whenever, subsequent to the date on which a conditional apportionment becomes final, territory is withdrawn from a state-aided district and no portion of the apportionment was expended for school property acquired by the acquiring district:

(1) If the acquiring district is a state-aided district, the assessed valuation in the territory acquired shall be included in determining assessed valuation of the property in the acquiring district, and shall thereafter be excluded in determining assessed valuation of the property in the state-aided district, for purposes of the computations under Sections 19601 to 19604, inclusive;

(2) If the acquiring district is not a state-aided district, the State Controller shall determine the percentage relationship, at the time of the withdrawal, between (a) the assessed valuation in the territory acquired, together with the current assessed valuation in all other territory theretofore acquired by the acquiring district from the state-aided district since the date of its first conditional apportionment under this chapter, and (b) the current assessed valuation of the state-aided district as it was territorially constituted on such latter date.

If the percentage of assessed valuation in acquired territory is, in the aggregate, less than 10 percent, the assessed valuation in all such acquired territory shall be excluded, until the next withdrawal of territory from the state-aided district to the acquiring district, in determining the assessed valuation of the state-aided district for the purposes of the computations under Sections 19601 to 19604, inclusive.

If the percentage of assessed valuation in acquired territory is, in the aggregate, a percentage equal to or greater than 10 percent, the State Controller shall, by deducting such percentage from 100 percent, obtain the "complement percentage." Until the next withdrawal of territory from the state-aided district to the acquiring district, the assessed valuation of the state-aided district for purposes of the computations under Sections 19601 to 19604, inclusive, shall be determined by dividing the current assessed valuation of the state-aided district as territorially constituted immediately subsequent to the last withdrawal, by the complement percentage.

Whenever, pursuant to this section, the assessed valuation of the state-aided district is adjusted for repayment computation purposes by use of the complement percentage, liability for the annual repayment computed shall be apportioned between the state-aided district and the acquiring district by multiplying such annual repayment by the complement percentage, the product representing the liability of the state-aided district, and the remainder of the computed repayment representing the liability of the acquiring district.

Notwithstanding the foregoing, the liability of the state-aided district shall not exceed the product of any "complement percentage" (as it may from time to time exist) times the balance due on the aforesaid final apportionment at the time such complement percentage is established; and the liability of the acquiring district (while a complement percentage remains unchanged) shall not exceed the remainder of the balance of the aforesaid final apportionment at the time such complement percentage is established. The maximum liability on the part of either the state-aided or acquiring districts established as above (and until such time as such liability be altered by altering the "complement percentage") shall be hereinafter referred to in this section with respect to each such district as "the maximum."

(3) In the event that two or more non-state-aided districts acquire territory from the aforesaid state-aided district, the Controller shall determine the formulae for apportioning liability for such annual repayment between the districts affected (including the formulae for determining what assessed valuations shall be used within the affected districts or territories withdrawn, and the dates of determination thereof), as will in his opinion best comply with the principles set forth above, irrespective of whether such formulae are in literal compliance therewith. The same percentage of annual repayment for which a district is liable at the time such a liability apportionment is made shall (unless and until such liability apportionment is subsequently changed pursuant to this paragraph) be deemed applicable to the liability of such district for the balance (as of the date such liability apportionment is made) due on the final apportionment to the state-aided district. Such liability for such balance shall, with respect to any affected district, be hereinafter referred to as the "maximum" for such district.

(4) It is the intent of the Legislature that the foregoing "maximums" shall be applied by the Controller both retroactively and prospectively, provided that as a result of such application (1) no cash refund shall be made to any district; (2) in the event any district has, in the past, paid an amount greater than its "maximum," assuming this paragraph and others to which it is referable had been in effect at such time, the excess shall be credited by the Controller against any apportionment balances for which said district is or may hereafter become liable; and (3) the Controller shall make retroactively any adjustments in the amounts due from any other district by virtue of any adjustments made under (2) above. Notwithstanding the foregoing, any computations required to be made pursuant to this paragraph shall not be reflected in any changes in deductions required to be made pursuant to Section 19611 prior to January 1, 1966.

If any subsection, clause, sentence or phrase of this section is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this section. The Legislature hereby declares that it would have adopted this section and each subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, clauses, sentences, or phrases be declared unconstitutional.

SEC. 8. Section 19665 of the Education Code is amended to read:

19665. Whenever, subsequent to the date on which a conditional apportionment becomes final, any territory is withdrawn from a non-state-aided district and annexed to the state-aided district, the assessed valuation in the territory so annexed shall be included with the valuation of the state-aided district for the purposes of making the computations provided by Sections 19601 to 19604, inclusive.

SEC. 9. Section 19666 of the Education Code is amended to read:

19666. The State Controller shall compute, in accordance with Sections 19663, 19664, and 19665, the amount of the annual repayment due the state on account of the apportionment or apportionments to each state-aided district and shall deduct from the respective apportionments made from the State School Fund under Sections 11256, 11257 and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive, whichever are in effect, to the state-aided district and an acquiring district the portion thereof for which each is liable under the provisions of this article (Sections 19651 to 19667, inclusive).

SEC. 10. Section 19682 of the Education Code is amended to read:

19682. As used in this article, "exceptional children" means physically handicapped minors, mentally retarded minors, educationally handicapped minors, or multihandicapped minors required or allowed to be educated pursuant to

Sections 6801 to 6855, inclusive, Sections 6901 to 6919, inclusive, Sections 6750 to 6761, inclusive.

SEC. 11. Section 19704 of the Education Code is amended to read:

19704. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof. There is hereby appropriated from the General Fund in the State Treasury such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this chapter (Sections 19701 to 19715, inclusive), as said principal and interest become due and payable.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

On the several dates of maturity of said principal and interest in each fiscal year, there shall be transferred to the General Fund in the State Treasury, on order of the State Controller, all of the money in the State School Building Aid Fund which was transferred into or deposited in said fund in accordance with the provisions of Section 19611, together with all of the money deposited in the State School Building Aid Fund under Section 19707 which was derived from premium and accrued interest on bonds sold pursuant to said Section 19707; but the amount to be transferred to the General Fund pursuant to this section shall not exceed the principal of and interest on the said bonds then due and payable, except as hereinafter provided for the prior redemption of said bonds, and, in the event such money so returned on said dates of maturity being less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State Treasury out of said State School Building Aid Fund as soon thereafter as it shall become available.

Both principal and interest of said bonds shall be paid when due upon warrants duly drawn against said appropriation from the General Fund by the State Controller in favor of the State Treasurer, or his duly authorized agent, upon claims audited by the State Controller. The State Allocation Board, by resolution approved by the State School Building Finance Committee, shall direct the State Treasurer to call bonds (which are then subject to redemption) if such call is desirable and whenever funds are available to effect such redemption, the part of each issue so called to be not less than all of the bonds

maturing in any one year. Notice of such redemption shall be given by the State Treasurer in the manner provided in the resolution authorizing the issuance of said bonds.

SEC. 12. Section 19705 of the Education Code is amended to read:

19705. All money deposited in the State School Building Aid Fund under Section 19611 shall be available only for transfer to the General Fund, as provided in Section 19704. When transferred to the General Fund, such money shall be applied as a reimbursement to the General Fund on account of principal and interest due and payable or paid from the General Fund on the earliest issue of school building bonds for which the General Fund has not been fully reimbursed by such transfer of funds.

CHAPTER 64

An act to amend Section 19594 of the Education Code, relating to state school building aid.

[Approved by Governor May 12, 1971 Filed with
Secretary of State May 12, 1971.]

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

SECTION 1. Section 19594 of the Education Code is amended to read:

19594. Whenever a conditional apportionment has, prior to the 61st day after the adjournment sine die of the 1971 Regular Session of the Legislature, been made to an applicant school district pursuant to this chapter and thereafter the county superintendent of schools of the county having jurisdiction over such district has certified to the board and the State Controller that at an election called, held and conducted in the district for that purpose, two-thirds of the qualified electors of the district voting thereat authorized the governing board of the applicant school district to accept, expend and repay an apportionment under the provisions of this chapter, and whenever thereafter said county superintendent of schools has certified to the board and the State Controller that the amount of bonds, if any, required by the board, as a condition to the apportionment becoming final, have been issued and sold and the proceeds thereof made available for the purposes of the application and the board has certified to the State Controller that the apportionment to the applicant school district has become final, such final apportionment is hereby confirmed, ratified, and validated, and any expenditure of money from the State School Building Aid Fund according to the terms of such final apportionment is hereby confirmed, ratified, and validated.

CHAPTER 65

An act to repeal Sections 1365 and 1366 of the Education Code, relating to school district elections.

[Approved by Governor May 12, 1971. Filed with Secretary of State May 12, 1971.]

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

SECTION 1. Section 1365 of the Education Code is repealed.

SEC. 2. Section 1366 of the Education Code is repealed.

SEC. 3. It is the intent of the Legislature in repealing Sections 1365 and 1366 of the Education Code that the subjects of electioneering in the vicinity of polling places and challenging of voters, as they apply to school district elections, be governed by the provisions of the Elections Code.

CHAPTER 66

An act to amend Section 253.5 of the Streets and Highways Code, relating to state highways.

[Approved by Governor May 12, 1971. Filed with Secretary of State May 12, 1971.]

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

SECTION 1. Section 253.5 of the Streets and Highways Code is amended to read:

253.5. The California freeway and expressway system shall also include:

Route 79 from:

- (a) Route 8 near Descanso to Route 78.
- (b) Route 15 near Temecula to Route 10 near Beaumont.

Route 84 from:

- (a) Route 280 to Route 238 via the Dumbarton Bridge.
- (b) Route 680 near Scotts Corners to Route 580.
- (c) Route 580 to Route 4 near Brentwood.
- (d) Route 4 near Antioch to Route 80 near Broderick.

Route 86 from Route 78 near Brawley to Route 10 near Indio.

Route 91 from Route 405 to Route 15 near Riverside.

Route 94 from Route 5 near San Diego to Route 54 near Jamacha Road.

Route 95 from Route 10 near Blythe to Route 40 near Needles.

Route 99 from:

- (a) Route 5 south of Bakersfield to Route 80 in Sacramento.
- (b) Route 5 in Sacramento to Route 20.
- (c) Route 20 to Route 5 near Red Bluff.

Route 101 from:

(a) Route 5 near Seventh Street in Los Angeles to Route 241 in San Francisco.

(b) A point in Marin County opposite San Francisco to the Oregon state line north of Crescent City.

Route 105 from Route 405 to Route 605.

CHAPTER 67

An act to amend Sections 28802 and 28821.5 of, and to add Section 28802.5 to, the Health and Safety Code, relating to retail food production and marketing establishments, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 12, 1971 Filed with
Secretary of State May 12, 1971.]

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

SECTION 1. Section 28802 of the Health and Safety Code is amended to read:

28802. "Retail food production and marketing establishment," as used in this chapter, means any room, building, or place, or portion thereof, maintained, used, or operated for, or in conjunction with, the retail sale of food, or preparation of food. Retail food production and marketing establishment does not include a restaurant, including an "itinerant restaurant," "vehicle" and "vending machine" as defined in Chapter 11 (commencing with Section 28520) of this division, "bakery" as defined in Chapter 6 (commencing with Section 28190) of this division, wholesale food manufacturing, distributing or storage establishment, including, but not limited to, the licensed premises or branch office of a winegrower, brandy manufacturer, or wine blender, subject to the provisions of Chapter 7 (commencing with Section 28280) of this division, or a locker plant subject to the provisions of Chapter 12 (commencing with Section 28700) of this division, health facilities subject to the provisions of Chapters 2 (commencing with Section 1400) and 3 (commencing with Section 1500) of Division 2 of this code, or official meat establishments subject to the provisions of the Agricultural Code.

SEC. 1.5. Section 28802.5 is added to the Health and Safety Code, to read:

28802.5. The provisions of this chapter shall not apply to roadside stands which sell only produce or shell eggs, or both produce and shell eggs. The department shall adopt rules and regulations for roadside produce stands as it determines are reasonably necessary for the protection of the public health and safety.

SEC. 2. Section 28821.5 of the Health and Safety Code is amended to read:

28821.5. All floors shall be smooth, in good repair, and kept clean. Carpets may be used on floors in sales areas or areas generally used by the public. Floors which are otherwise smooth and in good repair shall be considered to comply with this section if grit is added to the surface during construction to provide employee safety from slipping.

Sawdust, or any other antislip agent authorized by the department, may be used in work areas and meat or poultry holding coolers provided all the following exist:

(a) Such agent is dry, clean, free of foreign material or obnoxious odor, and does not create a dust or tracking problem. If the agent is sawdust, it shall contain not more than 5 percent fines by weight passing a #20 screen.

(b) Such agent shall be changed daily.

(c) The use of sawdust or any other authorized antislip agent shall not be permitted on floors in work areas constructed after the effective date of the amendments to this section at the 1971 Regular Session of the Legislature.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The provision in Chapter 649 of the Statutes of 1970 prohibiting the use of sawdust on floors in retail food production and marketing establishments has proven to be unsatisfactory, and has created new and dangerous safety problems in such establishments. Also, the regulatory provisions of Chapter 649 have imposed inordinate hardship on certain types of establishments which should, looking at the intent of Chapter 649, not come within the purview of such chapter and questions have arisen with respect to whether or not carpets may be used on floors in sales areas or areas generally used by the public in retail food production and marketing establishments. In order to eliminate these new problems as quickly as possible, it is necessary that this act go into effect immediately.

CHAPTER 68

An act to amend Section 1241.7 of the Code of Civil Procedure, and to amend Section 1001 of, and to add Section 762.5 to, the Public Utilities Code, relating to public utilities.

[Approved by Governor May 13, 1971 Filed with
Secretary of State May 13, 1971.]

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

SECTION 1. Section 1241.7 of the Code of Civil Procedure is amended to read:

1241.7. (a) Except as provided in subdivision (b), notwithstanding any other provision of law to the contrary, the fact that property is appropriated for public use as a state, regional, county, or city park or recreation area, or wildlife or waterfowl management area as presently established by the Department of Fish and Game pursuant to Section 1525 of the Fish and Game Code, or historic site included in the National Register of Historic Places or state-registered landmarks, or as an ecological reserve as provided for in Article 4 (commencing with Section 1580) of Chapter 5 of Division 2 of the Fish and Game Code, establishes a rebuttable presumption of its having been appropriated for the best and most necessary public use. The presumption established by this section is a presumption affecting the burden of proof.

(b) When property appropriated for a public use as a state, regional, county, or city park or recreation area, or wildlife or waterfowl management area as presently established by the Department of Fish and Game pursuant to Section 1525 of the Fish and Game Code, or historic site included in the National Register of Historic Places or state-registered landmarks, or as an ecological reserve as provided for in Article 4 (commencing with Section 1580) of Chapter 5 of Division 2 of the Fish and Game Code, is sought to be acquired for state highway purposes, or for public utility route or structure purposes, and such park or recreational area, or wildlife or waterfowl management area, or historic site, or ecological reserve was dedicated to or established for park or recreational purposes, or as a wildlife or waterfowl management area, or as a historic site included in the National Register of Historic Places or state-registered landmarks, or as an ecological reserve as provided for in Article 4 (commencing with Section 1580) of Chapter 5 of Division 2 of the Fish and Game Code, prior to the initiation of highway route location studies, or public utility route or structure location studies, an action for declaratory relief may be brought only by the public agency owning such park or recreational area, or wildlife or waterfowl management area, or historic site, or ecological reserve in the superior court to determine the question of which public use is the best and most necessary public use for such property. Such action for declaratory relief shall be filed and served within 120 days after written notice to the public agency owning such park or recreational area, or wildlife or waterfowl management area, or historic site, or ecological reserve by the California Highway Commission or public utility that a proposed route or site or an adopted route or site includes park land or recreational area, or a wildlife or waterfowl management area, or an historic site, or an ecological reserve owned by that agency. In such declaratory relief action, the resolution of the California Highway Commission shall not be conclusive evidence of the matters set forth in Section 103 of the Streets and Highways Code. Such action for declaratory relief shall have preference

over all other civil actions in the matter of setting the same for hearing or trial to the end that any such action shall be quickly heard and determined. If an action for declaratory relief is not filed and served within such 120-day period, the right to bring such action is waived and the provisions of subdivision (a) shall not apply. When a declaratory relief action, with respect to such property being sought for highway purposes, or for public utility route or structure purposes, may not be brought pursuant to this subdivision, the provisions of subdivision (a) of this section shall not apply.

SEC. 2. Section 762.5 is added to the Public Utilities Code, to read:

762.5. The commission, as a basis for making any order pursuant to the provisions of Section 762 relating to location of structures, shall give consideration to, and include in its order findings upon, the following factors:

- (a) Community values.
- (b) Recreational and park areas.
- (c) Historical and aesthetic values.
- (d) Influence on environment.

SEC. 3. Section 1001 of the Public Utilities Code is amended to read:

1001. No railroad corporation whose railroad is operated primarily by electric energy, street railroad corporation, gas corporation, electrical corporation, telegraph corporation, telephone corporation, or water corporation shall begin the construction of a street railroad, or of a line, plant, or system, or of any extension thereof, without having first obtained from the commission a certificate that the present or future public convenience and necessity require or will require such construction.

This article shall not be construed to require any such corporation to secure such certificate for an extension within any city or city and county within which it has theretofore lawfully commenced operations, or for an extension into territory either within or without a city or city and county contiguous to its street railroad, or line, plant, or system, and not theretofore served by a public utility of like character, or for an extension within or to territory already served by it, necessary in the ordinary course of its business. If any public utility, in constructing or extending its line, plant, or system, interferes or is about to interfere with the operation of the line, plant, or system of any other public utility or of the water system of a public agency, already constructed, the commission, on complaint of the public utility or public agency claiming to be injuriously affected, may, after hearing, make such order and prescribe such terms and conditions for the location of the lines, plants, or systems affected as to it may seem just and reasonable.

The commission, as a basis for granting any certificate pursuant to the provisions of this section shall give consideration to the following factors:

- (a) Community values.
- (b) Recreational and park areas.
- (c) Historical and aesthetic values.
- (d) Influence on environment.

CHAPTER 69

An act to amend Section 13916.5 of the Health and Safety Code, relating to fire protection districts.

[Approved by Governor May 13, 1971. Filed with
Secretary of State May 13, 1971.]

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

SECTION 1. Section 13916.5 of the Health and Safety Code is amended to read:

13916.5. Notwithstanding the provisions of Section 13916, the district board may, by resolution, provide for the establishment of a petty cash fund, in an amount not to exceed five hundred dollars (\$500), to be used to pay small bills directly. The resolution which provides for the establishment of the petty cash fund shall designate all of the following:

- (a) The maximum amount of the fund.
- (b) The purposes for which the fund may be expended.
- (c) The officer who shall have authority to make disbursements from the fund and be responsible for keeping accounts of all disbursements.
- (d) The officer who shall have authority to draw a warrant on the county treasurer to establish the fund and who shall have the authority to draw warrants on the county treasurer for the purpose of reimbursement of the fund. Each warrant which is drawn on the county treasurer to reimburse the fund for disbursements which have been made shall contain an itemized account of such disbursements.

CHAPTER 70

An act to amend Sections 1203.04 and 1203(b) of the Penal Code, relating to probation.

[Approved by Governor May 13, 1971. Filed with
Secretary of State May 13, 1971.]

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

SECTION 1. Section 1203.04 of the Penal Code is amended to read:

1203.04. Whenever a person is granted probation and placed under the care and supervision of the probation officer, the clerk of the court shall immediately submit a copy of the probation order and any subsequent changes in probationary status to the police department or other law enforcement agency which arrested the person or investigated the matter for the violation which supports the probation order.

This section shall apply to all persons who are on probation on or after the effective date of the enactment of this section at the 1970 Regular Session of the Legislature.

SEC. 2. Section 1203(b) of the Penal Code is amended to read:

1203(b). All courts shall have power to grant probation summarily in misdemeanor and infraction cases without referring such cases to the probation officer; provided, however, that unless otherwise ordered by the court persons granted probation summarily shall report only to the court and the probation officer shall not be responsible in any way for supervising or accounting for such persons.

CHAPTER 71

An act to amend Section 25100.5 of the Government Code, relating to county officers.

[Approved by Governor May 13, 1971. Filed with Secretary of State May 13, 1971.]

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

SECTION 1. Section 25100.5 of the Government Code is amended to read:

25100.5. In any county having a population over 2,000,000, the clerk of the board of supervisors shall be appointed by the board of supervisors in the same manner as other county officers are appointed. In any county having a population over 503,000 and under 1,000,000, according to the 1960 federal census, the clerk of the board of supervisors may be appointed by the board of supervisors in the same manner as other county officers are appointed. In such counties, the county clerk is not ex officio clerk of the board of supervisors.

The clerk of the board of supervisors shall perform those duties prescribed by law for the county clerk as ex officio clerk of the board of supervisors or for the clerk of the board of supervisors and such additional duties as the board of supervisors shall prescribe by ordinance. He may perform all the duties vested in the county clerk other than those vested in the county clerk as ex officio clerk of the superior court or registrar of voters and may take acknowledgments and administer and certify oaths in the performance of his official duties.

CHAPTER 72

An act to amend Section 23701i of, to repeal Section 23701l of, and to add Section 23701l to, the Revenue and Taxation Code, relating to the Bank and Corporation Tax Law, to take effect immediately, tax levy.

[Approved by Governor May 14, 1971 Filed with
Secretary of State May 14, 1971.]

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

SECTION 1. Section 23701i of the Revenue and Taxation Code is amended to read:

23701i. Voluntary employees' beneficiary organizations providing for the payment of life, sick, accident, or other benefits to the members of such organization or their dependents or designated beneficiaries, if no part of their net earnings inures (other than through such payments) to the benefit of any private shareholder or individual.

SEC. 2. Section 23701l of the Revenue and Taxation Code is repealed.

SEC. 3. Section 23701l is added to the Revenue and Taxation Code, to read:

23701l. Domestic fraternal societies, orders or associations, operating under the lodge system—the net earnings of which are devoted exclusively to religious, charitable, scientific, literary, educational, and fraternal purposes and, which do not provide for the payment of life, sick, accident, or other benefits. For the purposes of this section, the term "domestic" means created or organized in the United States or under the law of the United States or of any state or territory.

SEC. 4. This act shall be applied in the computation of taxes for income years beginning after December 31, 1970.

SEC. 5. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 73

An act to add Section 830.10 to the Penal Code, relating to peace officers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 17, 1971 Filed with
Secretary of State May 17, 1971]

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

SECTION 1. Section 830.10 is added to the Penal Code, to read:

830.10. (a) The coroner and deputy coroners, regularly employed and paid as such, of a county are peace officers. The primary duties of such peace officers are those set forth by

Sections 27469 and 27491 through 27491.4, inclusive, of the Government Code. However, such coroner and deputy coroners shall not be authorized to carry concealable weapons capable of being concealed upon the person, unless they are authorized to do so by an ordinance or resolution of the county board of supervisors.

(b) The authority of any such peace officer extends to any place in the state; provided, that except as otherwise provided in Section 830.3, Section 830.6, or Section 1509.7 of the Military and Veterans Code, any such peace officer shall be deemed a peace officer only for purposes of his primary duty, and shall not act as a peace officer in enforcing any other law except:

(1) When in pursuit of any offender or suspected offender;
or

(2) To make arrests for crimes committed, or which there is probable cause to believe have been committed, in his presence while he is in the course of his employment; or

(3) When, while in uniform, such officer is requested, as a peace officer, to render such assistance as is appropriate under the circumstances to the person making such request, or to act upon his complaint, in the event that no peace officer otherwise authorized to act in such circumstances is apparently and immediately available and capable of rendering such assistance or taking such action.

SEC. 2. It is the intent of the Legislature that the changes effected by this legislation shall serve only to define peace officers, the extent of their jurisdiction, and the nature and scope of their authority, powers and duties, and that there be no change in the status of individual peace officers or classes of peace officers for purposes of retirement, workmen's compensation or similar injury or death benefits, or other employee benefits.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that coroners and deputy coroners may effectively carry out their pressing duties with respect to deaths requiring investigation, it is necessary that this act go into effect immediately.

CHAPTER 74

An act to amend Sections 6054 and 6054.1 of the Harbors and Navigation Code, relating to harbor districts.

[Approved by Governor May 17, 1971. Filed with
Secretary of State May 17, 1971.]

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

SECTION 1. Section 6054 of the Harbors and Navigation Code is amended to read:

6054. Any qualified voter in the proposed or existing district may sign as many nomination papers as there are commissioners to be elected.

At the first election for commissioners, all candidates shall file their nomination papers with the county clerk of the county, not more than 65 nor less than 50 days before the day of election, and all candidates for harbor commissioners at any subsequent election shall file nomination papers with the board not more than 99 nor less than 74 days before the day of election.

SEC. 2. Section 6054.1 of the Harbors and Navigation Code is amended to read:

6054.1. If on the 60th day prior to a general district election only one person has been nominated for each of the offices to be filled at that election or no person has been nominated for any such office or offices, and a petition signed by 5 percent of the voters requesting that the election be held has not been presented to the district board, an election shall not be held.

CHAPTER 75

An act to amend Section 100125 of the Elections Code, relating to statements of qualifications.

[Approved by Governor May 17, 1971 Filed with
Secretary of State May 17, 1971]

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

SECTION 1. Section 10012.5 of the Elections Code is amended to read:

10012.5. Each candidate for elective office in any local agency, city, county, city and county or district may prepare a statement of qualifications on an appropriate form provided by the clerk. Such statement may include the name, age, and occupation of the candidate and a brief description of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself. Such statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations. Such statement shall be filed in the office of the clerk when his nomination papers are returned for filing, if it is for a primary election, or for an election for offices for which there is no primary. Such statement shall be filed in the office of the clerk no later than the 59th day before the election, if it is for an election for which nomination papers are not required to be filed. It may be withdrawn, but not changed, during the period for filing nomination papers and until 5 p.m. of the next working day after the close of the nomination period.

The clerk shall send to each voter together with the sample ballot, a voter's pamphlet which contains the written state-

ments of each candidate's qualifications that is prepared pursuant to this section. The statement of each candidate shall be printed in type of uniform size and darkness, and with uniform spacing.

The local agency may bill each candidate availing himself of this service a sum not greater than the actual prorated costs of printing and handling incurred by the agency as a result of providing this service. Only these charges may be levied and each candidate using this service shall be charged the same.

The clerk shall reject any statement, which contains any obscene, vulgar, profane, scandalous, libelous or defamatory matter, or any language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward, or which tends to cast ridicule or shame upon any person or group of persons by reason of race, color, religion or manner of worship, or any language or matter the circulation of which through the mails is prohibited by Congress.

Nothing in this section shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the voter's pamphlet.

CHAPTER 76

An act to amend Section 20024.01 of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor May 17, 1971. Filed with Secretary of State May 17, 1971.]

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

SECTION 1. Section 20024.01 of the Government Code is amended to read:

20024.01. For a state member, or for a local member who is an employee of a contracting agency which is subject to the provisions of this section, "final compensation" means the highest average annual compensation earnable by a member during the three consecutive years of employment immediately preceding the effective date of his retirement or the date of his last separation from state service if earlier or during any other period of three consecutive years during his membership in the system which he designates in his application for retirement, including any or all of such period or periods of (a) service required for qualification for membership, or (b) prior service which qualifies for credit under this system, if any, immediately preceding membership, or (c) time prior to entering state service at the compensation earnable by him in the position first held by him in such service, as may be necessary to complete three consecutive years. For the purposes

of this section, periods of service separated by a period of retirement or breaks in service may be aggregated to constitute a period of three consecutive years, if the periods of service are consecutive except for such period of retirement or breaks. If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time shall be included in computation of final compensation. If a break in service exceeded six months in duration, the first six months thereof and the compensation earnable during those six months shall be included in computation of final compensation, but time included in the break which is in excess of six months and the compensation earnable during such excess time shall be excluded in computation of final compensation. Time during which a member is in state or school district service and is also a member of the State Teachers' Retirement System, of a district retirement salary plan as provided in Chapter 5 (commencing with Section 14501) of Division 10, Part 2, of the Education Code, or of another retirement system to which the state or the university contributes shall not be considered to be an absence for the purposes of Section 20023 nor to be a break in service for the purposes of this section, and the determination of the final compensation of such a member shall take into consideration his compensation earnable while he was a member of such other system or plan.

On and after the operative date of the amendment to this section at the 1968 Regular Session of the Legislature, the provisions of this section shall supersede Section 20024 and apply to all contracting agencies and to the employees of such agencies whether or not such agencies have previously elected to be subject to this section, except that this section shall not apply to an employee of a contracting agency which has not elected to be subject to this section whose death occurred or whose retirement was effective prior to such operative date.

SEC. 2. This act shall become operative on the first of the month following the month in which statutes enacted at the 1971 Regular Session become effective.

CHAPTER 77

An act to amend Sections 73822, 73823, and 73824 of the Government Code, relating to courts.

[Approved by Governor May 17, 1971. Filed with
Secretary of State May 17, 1971]

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

SECTION 1. Section 73822 of the Government Code is amended to read:

73822. (a) Each clerk and marshal and each of their respective assistants, deputies and other employees shall receive

a salary computed upon a monthly rate in accordance with the range and step for his position specified in this article, as determined by the following schedule:

Range No.	1	2	3	4	5
27.5-----	425	447	469	493	518
28 -----	436	458	481	505	530
28.5-----	447	469	493	518	543
29 -----	458	481	505	530	556
29.5-----	469	493	518	543	570
30 -----	481	505	530	556	584
30.5-----	493	518	543	570	599
31 -----	505	530	556	584	613
31.5-----	518	543	570	599	628
32 -----	530	556	584	613	644
32.5-----	543	570	599	628	660
33 -----	556	584	613	644	676
33.5-----	570	599	628	660	693
34 -----	584	613	644	676	710
34.5-----	599	628	660	693	728
35 -----	613	644	676	710	745
35.5-----	628	660	693	728	764
36 -----	644	676	710	745	782
36.5-----	660	693	728	764	802
37 -----	676	710	745	782	821
37.5-----	693	728	764	802	842
38 -----	710	745	782	821	862
38.5-----	728	764	802	842	884
39 -----	745	782	821	862	905
39.5-----	764	802	842	884	928
40 -----	782	821	862	905	950
40.5-----	802	842	884	928	974
41 -----	821	862	905	950	998
41.5-----	842	884	928	974	1,023
42 -----	862	905	950	998	1,048
42.5-----	884	928	974	1,023	1,074
43 -----	905	950	998	1,048	1,100
43.5-----	928	974	1,023	1,074	1,128
44 -----	950	998	1,048	1,100	1,155
44.5-----	974	1,023	1,074	1,128	1,184
45 -----	998	1,048	1,100	1,155	1,213
45.5-----	1,023	1,074	1,128	1,184	1,243
46 -----	1,048	1,100	1,155	1,213	1,274

(b) Except as otherwise provided in this article, each new officer or employee shall for the first six full calendar months of continuous service receive a salary at the monthly rate specified for step 1 of the applicable range; on the first day of the next calendar month thereafter, his salary may increase to the rate of step 2; after one, two and three additional years of continuous service, his salary may increase to the rates for steps 3, 4 and 5 respectively. Such increases shall be granted

only with the approval of the officer's or employee's appointing authority.

(c) Notwithstanding any other provisions of law, until 60 days after the adjournment of the next regular session of the Legislature, the salary of any officer or employee may, upon approval by the board of supervisors, be increased or decreased in order to provide compensation that is comparable to that of county employees of similar qualifications and experience, holding equal or comparable positions in the Stanislaus County classified service, as the comparability is determined by the board. When the salaries of incumbent officers and employees are increased to provide compensation that is comparable to that of county employees holding comparable positions, such officers and employees may, with the approval of their appointing authority, retain the same salary step in the salary range made applicable to their position as they occupied under the superseded salary range. For the purpose of determining eligibility for subsequent annual increments, however, the officer's and employee's anniversary date for step advancement shall not change.

(d) When any officer or employee in the service of the court is appointed or promoted to another office or position in such service which is compensated at a higher salary range he shall receive step 1 of such salary range if step 1 is at least 5 percent higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the salary range pertaining to such office or position which will provide not less than a 5-percent increase in his compensation. For the purpose of determining eligibility for subsequent annual increments, the officer's or employee's anniversary date for step advancement will be changed to the first day of the next calendar month following the date of promotion unless the promotion is effective on the first regular working day of the month.

(e) When any officer or employee in the service of the court is demoted to another office or position he shall receive compensation at the highest step of the salary range applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing authority may specify any step rate of such salary range which provides compensation not higher than that last previously received by such person. For the purpose of determining eligibility for subsequent annual increments, the officer's or employee's anniversary date for step advancement will be changed to the first day of the next calendar month following the date of demotion unless the demotion is effective on the first regular working day of the month.

SEC. 2. Section 73823 of the Government Code is amended to read:

73823. There shall be one clerk appointed by a majority of the judges of the court. The clerk shall be on range 42 and

he may appoint, with the approval of a majority of the judges of the court:

- (a) One assistant clerk on range 38.
- (b) Three municipal court clerks on range 35.
- (c) One legal clerk on range 32.5.
- (d) Two account clerks III on range 31.5.
- (e) One clerk III on range 30.5.
- (f) Seven clerks II on range 27.5.

SEC. 3. Section 73824 of the Government Code is amended to read:

73824. There shall be one marshal who shall be on range 38 and the marshal may appoint:

- (a) Two deputy marshals on range 36.
- (b) One clerk II on range 27.5.
- (c) Two deputy marshals who shall be custodians at the fee allowed by law for keeping property.

CHAPTER 78

An act to amend Section 4 of Chapter 1569 of the Statutes of 1970, to amend and renumber Section 6902.06 of the Education Code as added by Chapter 1569 of the Statutes of 1970, to amend and renumber Section 6902.07 of the Education Code, to add Sections 6902.06 and 6902.095 to the Education Code, and to repeal Section 6902.06 of the Education Code as added by Chapter 1543 of the Statutes of 1970, relating to the education of mentally retarded minors, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 18, 1971. Filed with Secretary of State May 18, 1971.]

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

SECTION 1. Section 6902.06 of the Education Code as added by Chapter 1543 of the Statutes of 1970 is repealed.

SEC. 2. Section 6902.06 is added to the Education Code, to read:

6902.06. The Legislature finds and declares that the people of California have a primary interest in providing equal educational opportunity to children of all ethnic, socioeconomic, and cultural groups and that pupils should not be assigned to special classes or other special programs for the mentally retarded if they can be served in regular classes.

The Legislature hereby finds and declares that there should not be disproportionate enrollment of any socioeconomic, minority, or ethnic group pupils in classes for the mentally retarded and that the verbal portion of the intelligence tests which are utilized by some schools for such placement tends to underestimate the academic ability of such pupils.

SEC. 3. Section 6902.06 of the Education Code as added by Chapter 1569 of the Statutes of 1970 is amended and renumbered to read:

6902.07. Before any minor is admitted to a special education program for mentally retarded minors established pursuant to this chapter or Article 10 (commencing with Section 895) of Chapter 4 of Division 3, the minor shall be given verbal or nonverbal individual intelligence tests in the primary home language in which the minor is most fluent and has the best speaking ability and capacity to understand. Such tests shall be selected from a list approved by the State Board of Education.

SEC. 4. Section 6902.07 of the Education Code is amended and renumbered to read:

6902.085. No minor shall be placed in a special education class for the mentally retarded if he scores higher than two standard deviations below the norm, considering the standard error of measurement, on an individual intelligence test selected from a list approved by the State Board of Education except as provided in Section 6902.095.

No minor shall be placed in a special education program for the mentally retarded when he is being tested in a language other than English if he scores higher than two standard deviations below the norm, considering the standard error of measurement, on the nonverbal intelligence test or on the nonverbal portion of an individual intelligence test which includes both verbal and nonverbal portions except as provided in Section 6902.095.

No minor may be placed in a special education program for the mentally retarded unless a complete psychological examination by a credentialed school psychologist investigating such factors as developmental history, cultural background, and school achievement substantiates the retarded intellectual development indicated by the individual test scores. This examination shall include estimates of adaptive behavior. Until adaptive behavior scales are normed and approved by the State Board of Education, such adaptability testing shall include, but is not limited to, a visit, with the consent of the parent or guardian, to the minor's home by the school psychologist or a person designated by the chief administrator of the district, upon the recommendation of the school psychologist, and interviews of members of the minor's family at their home. If the language spoken in the home is other than English, such interviews shall be conducted in the language of the home.

After a student has been screened and referred, written permission for the individual psychological evaluation shall be secured in a conference with a school official and the parent or guardian or his authorized representative. After the individual psychological evaluation is completed, the psychologist shall confer with the parent or guardian or his authorized representative regarding the recommendation to the admission com-

mittee. Following the admission committee meeting, a committee member shall meet with the parent or guardian or his authorized representative to discuss the committee conclusion and to obtain written permission for placement.

No minor shall be placed in a special education class for the mentally retarded without the written consent of the parent or guardian of the child after a complete explanation of the special education program. Permission documents for individual psychological evaluation, and placements, shall be written in English and in the language of the parent or guardian. Conferences and notices to inform the parent or guardian of the nature of the placement process, the committee conclusion, and the special education program shall be in the home language of the parent or guardian.

SEC. 5. Section 6902.095 is added to the Education Code, to read:

6902.095. In exceptional circumstances, after an examination of all pertinent information, including relevant cultural and adaptive behavior data, the admission committee may by unanimous vote agree to place a minor in a special education class for the mentally retarded in spite of an individual test score higher than two standard deviations below the norm considering the standard error of measurement. The committee shall take notice of and be guided by the legislative intent expressed in Section 6902.06. Upon such unanimous agreement, a written report indicating the decision of the committee, and the reasons therefor, shall be sent to the parent or guardian of the minor.

Beginning in the 1971-1972 school year, each school district shall report annually to the Department of Education:

(a) The ethnic breakdown of the children placed in special education classes for the mentally retarded in the district.

(b) The ethnic breakdown of the children newly placed in such classes:

(1) By the standard admissions procedure, and

(2) By the exceptional unanimous consent procedure described in this section.

If the percentage of children from any minority ethnic group in such classes varies by 15 percent or more from the percentage of such children in the district as a whole, an explanation for such variation shall be attached to the report to the Department of Education.

SEC. 6. Section 4 of Chapter 1569 of the Statutes of 1970 is amended to read:

Sec. 4. Section 6902.06 and 6902.07, as added to the Education Code by this act, shall be operative commencing on October 1, 1971.

SEC. 7. Sections 1 to 6, inclusive, of this act shall become operative on October 1, 1971.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

go into immediate effect. The facts constituting such necessity are:

In order to avoid interruption of appropriate educational planning for pupils needing specialized assistance, and to facilitate coordination with previous legislation, it is necessary that this act take effect at the earliest possible time.

CHAPTER 79

An act to amend Sections 12822 and 12827 of the Education Code, relating to pupil testing.

[Approved by Governor May 18, 1971 Filed with
Secretary of State May 18, 1971.]

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

SECTION 1. Section 12822 of the Education Code is amended to read:

12822. As used in this chapter:

(a) "Achievement test" means any standardized test which measures or attempts to measure the level of performance which a pupil has attained in one or more courses of study. It shall include (1) tests in basic skills courses administered annually and (2) tests in content courses administered from time to time as designated by the State Board of Education.

(b) "Physical performance test" means any test which measures or attempts to measure the physical fitness of a pupil.

(c) "Scholastic aptitude test" means any standardized test which measures or attempts to measure the scholastic aptitude of a pupil.

(d) "Testing program" means the systematic achievement and scholastic aptitude testing of all pupils in grades 6 and 12, and the physical performance testing of all pupils in any three grades designated by the State Board of Education, required by this chapter in all schools within a school district by means of tests designated by the State Board of Education.

(e) "Basic skills courses" means those subjects which involve, among other skills, memorization and mastery of specific functions, including but not limited to, reading, spelling, basic mathematics, and grammar.

(f) "Content courses" means those subjects which require the integration of factual matter, logical analysis, the solution by the student of posed problems, and the communication of ideas, including, but not limited to, literature, history, advanced mathematics, and science.

SEC. 2. Section 12827 of the Education Code is amended to read:

12827. During either the month of March, April, or May the governing board of each school district maintaining any

grade designated by the State Board of Education pursuant to subdivision (d) of Section 12822 shall administer to each pupil in those grades the physical performance test designated by the State Board of Education. Each physically handicapped pupil and each pupil who is physically unable to take all of the physical performance test shall be given as much of the test as his condition will permit.

Upon request of the Department of Education, a school district shall submit to the department at least once every two years the results of its physical performance testing.

CHAPTER 80

An act relating to school district bonds of the Modoc-Tulelake Joint Unified School District.

[Approved by Governor May 18, 1971 Filed with
Secretary of State May 18, 1971.]

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

SECTION 1. The Modoc-Tulelake Joint Unified School District comprises an area of over 3,000 square miles in two sparsely populated northern California counties. The district maintains two high schools situated approximately 75 miles apart in separate counties. Due to the distances involved, and the geographical and population differences which exist, there is neither a strong identity nor community of interest between the areas served by the respective high schools. The Legislature finds, therefore, that it is in the best interests of the Modoc-Tulelake Joint Unified School District as a whole, and of the areas served by the two high schools maintained by the district, to authorize school district bonds issued and sold by the district to be voted upon, issued, and sold solely with respect to each high school attendance area, separate and distinct from, and without affecting the attendance area served by the other high school.

The Legislature finds that the circumstances in the Modoc-Tulelake Joint Unified School District require special legislation and that a general statute cannot be made applicable to these circumstances within the meaning of Article IV, Section 16 of the California Constitution.

SEC. 2. For purposes of issuing school district bonds pursuant to this act, the governing board of the Modoc-Tulelake Joint Unified School District shall establish and define an attendance area for each of the two high schools maintained by the district. The two attendance areas shall collectively encompass the entire area included within the boundaries of the district.

SEC. 3. For purposes of issuing school district bonds pursuant to this act, each attendance area established pursuant to

Section 2 shall, for all purposes with respect to such bond issue, be considered and treated as if such attendance area was a separate unified school district.

SEC. 4. The governing board of the Modoc-Tulelake Joint Unified School District and the county superintendent of schools having jurisdiction may take any action required or authorized by Chapter 7 (commencing with Section 21701) of Division 16 of the Education Code to cause school district bonds to be issued with respect to either or both of the attendance areas established pursuant to Section 2 as if such attendance area constituted a separate unified school district. The provisions of Chapter 7 (commencing with Section 21701) of Division 16 of the Education Code, and all other provisions of law pertaining to school district bonds, shall be applicable to such bond issue as if the bond issue was that of a separate unified school district; provided, however, that whenever the bonding capacity of a school district is required to be computed for any purpose, bonds issued with respect to one or the other of the attendance areas established pursuant to Section 2 shall not be considered as the bond issue of a separate unified school district, but shall be considered as bonds issued by the Modoc-Tulelake Joint Unified School District.

CHAPTER 81

An act to amend Section 5300 of the Business and Professions Code, relating to outdoor advertising.

[Approved by Governor May 20, 1971. Filed with
Secretary of State May 20, 1971.]

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

SECTION 1. Section 5300 of the Business and Professions Code is amended to read:

5300. A person engages in the business of outdoor advertising whenever he personally or through employees places advertising displays containing advertising which does not pertain exclusively to his own business, or changes the advertising message of such advertising displays.

A manufacturer or distributor of a product for sale to the general public does not engage in the business of outdoor advertising when he furnishes to a retailer of that product for installation on the retailer's place of business or installs on the retailer's place of business a sign containing advertising pertaining to the product or the name or business of the retailer.

CHAPTER 82

An act to amend Sections 284 and 306 of the Agricultural Code, relating to agricultural fees.

[Approved by Governor May 20, 1971 Filed with
Secretary of State May 20, 1971.]

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

SECTION 1. Section 284 of the Agricultural Code is amended to read:

284. If the director finds that any amount not in excess of five dollars (\$5) which is due pursuant to this code is so small as not to justify the cost of its collection or believes that its collection is improbable, he may remove the amount which is due from the records of the department. He shall not, thereafter, be held accountable for its collection.

SEC. 2. Section 306 of the Agricultural Code is amended to read:

306. If the director finds that the amount of any refund is less than five dollars (\$5), he may retain such amount for use for the same purpose for which the original payment was made, unless demand for the payment of such refund is made within six months after the determination that a refund is due. If such demand is made, the refund shall be paid.

CHAPTER 83*An act making an appropriation to the Emergency Fund in augmentation of Item 250, Budget Act of 1970.*

[Approved by Governor May 20, 1971 Filed with
Secretary of State May 20, 1971]

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

SECTION 1. The sum of four million three hundred seventy-five thousand dollars (\$4,375,000) is hereby appropriated for the Emergency Fund in augmentation of and upon the same terms and conditions as the appropriation made by Item 250, Budget Act of 1970.

SEC. 2. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 84

An act to repeal and add Section 25305 of the Vehicle Code, relating to flares.

[Approved by Governor May 24, 1971 Filed with
Secretary of State May 24, 1971]

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

SECTION 1. Section 25305 of the Vehicle Code is repealed.

SEC. 2. Section 25305 is added to the Vehicle Code, to read:

25305. (a) No person shall place, deposit, or display upon or adjacent to any highway any lighted fusee, except as a warning to approaching vehicular traffic or railroad trains, or both, of an existing hazard upon or adjacent to the highway or highway-railroad crossing.

(b) It is unlawful to use any fusee which produces other than a red light. The provisions of this subdivision shall not apply to any railroad, as defined in Section 229 of the Public Utilities Code.

CHAPTER 85

An act to amend Section 8103 of the Elections Code, relating to state central committees.

[Approved by Governor May 24, 1971 Filed with
Secretary of State May 24, 1971]

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

SECTION 1. Section 8103 of the Elections Code is amended to read:

8103. The Secretary of State shall deliver to the chairman of the state central committee of each political party as soon as possible on the day of the first meeting of the state central committee a certified, alphabetical list of the names of the members of the state central committee. The membership list shall be arranged in alphabetical order by senatorial districts. The senatorial, Assembly, and congressional district of each appointed member listed shall be indicated.

CHAPTER 86

An act to amend Section 24007 of the Vehicle Code, relating to equipment of vehicles.

[Approved by Governor May 24, 1971 Filed with
Secretary of State May 24, 1971]

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

SECTION 1. Section 24007 of the Vehicle Code is amended to read:

24007. . (a) No dealer or person holding a retail seller's permit shall sell a new or used vehicle which is not in compliance with the provisions of this code and department regulations adopted pursuant to this code unless the vehicle is sold to another dealer or for the purpose of being wrecked or dismantled or is sold exclusively for off-highway use.

(b) No dealer shall sell a new or used motor vehicle subject to the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code which is not in compliance with the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code and the rules and regulations of the State Air Resources Board, unless the vehicle is sold to another dealer or for the purpose of being wrecked or dismantled. The dealer shall, with each application for initial registration of a new motor vehicle or transfer of registration of a motor vehicle subject to Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code, transmit to the Department of Motor Vehicles, without charge to the transferee, a valid certificate of compliance from a licensed motor vehicle pollution control device installation and inspection station indicating that such vehicle is properly equipped with a certified device or devices which are in proper operating condition and which are in compliance with the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code.

CHAPTER 87

An act to amend Section 13001.5 of the Education Code, relating to personnel files.

[Approved by Governor May 24, 1971. Filed with Secretary of State May 24, 1971.]

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

SECTION 1. Section 13001.5 of the Education Code is amended to read:

13001.5. Materials in personnel files of employees which may serve as a basis for affecting the status of their employment are to be made available for the inspection of the person involved.

Such material is not to include ratings, reports, or records which (1) were obtained prior to the employment of the person involved, (2) were prepared by identifiable examination

committee members, or (3) were obtained in connection with a promotional examination.

Every employee shall have the right to inspect such materials upon request, provided that the request is made at a time when such person is not actually required to render services to the employing district.

Information of a derogatory nature, except material mentioned in the second paragraph of this section, shall not be entered or filed unless and until the employee is given notice and an opportunity to review and comment thereon. An employee shall have the right to enter, and have attached to any such derogatory statement, his own comments thereon. Such review shall take place during normal business hours, and the employee shall be released from duty for this purpose without salary reduction.

CHAPTER 88

An act to amend Sections 5565, 5568 and 5582 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 24, 1971. Filed with Secretary of State May 24, 1971.]

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

SECTION 1. Section 5565 of the Revenue and Taxation Code is amended to read:

5565. If, in the opinion of the tax collector, the amount of tax required to be paid to the county pursuant to this part, or any portion thereof, will be jeopardized by delay, the tax collector shall thereupon make a determination of the tax or the amount of tax to be collected. The amount so determined shall be immediately due and payable. Such jeopardy determinations and the amount of tax found to be due thereunder may be collected by the tax collector by any legal means, including but not limited to, the procedures established pursuant to Chapter 3.3 (commencing with Section 2851), Chapter 4 (commencing with Section 2901), Chapter 5 (commencing with Section 3002), and Chapter 6 (commencing with Section 3101) of Part 5 of this division.

SEC. 2. Section 5568 of the Revenue and Taxation Code is amended to read:

5568. If any person required by Section 5582 to file a report fails to do so or fails to file it by the time specified, the tax collector shall impose the lawful amount of tax due under this part, a penalty equal to 10 percent of the tax, and the penalties provided by Section 5564.

If any person required to file the report required by Section 5582 files any false or fraudulent report with intent to defeat or evade any tax due under this part, the tax collector

shall impose the lawful amount of tax due under this part, a penalty equal to 25 percent of the tax, and the penalties provided by Section 5564.

SEC. 3. Section 5582 of the Revenue and Taxation Code is amended to read:

5582. On forms provided through the office of the assessor, the owner of livestock, either in person, through his representative or by mail, shall report the tax due. The reports required by this section shall be filed with the tax collector of any county in which the livestock were located during the tax year. The reports shall be filed on or before 5 p.m. on the day the tax due becomes delinquent.

SEC. 4. The duties transferred from the assessor to the tax collector by this act shall be assumed by the tax collector and the assessor shall deliver all books, records and papers necessary to the discharge of such duties to the tax collector no later than 10 days after this act becomes operative.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The sections amended by this act, through inadvertence, imposed upon the assessors of the various counties the duty to determine and impose taxes in the administration of the livestock head-day tax. Inasmuch as Government Code Section 27422 prohibits assessors from concurrently holding the office of tax collector, the duty to determine and impose taxes should properly be assigned to the tax collectors in the various counties. The efficient administration of the livestock head-day tax during 1971 will be severely jeopardized if the transfer of said duties is not accomplished immediately. Therefore, it is necessary that this act take effect immediately.

CHAPTER 89

An act to add Sections 26205.1 and 71007 to, and to repeal Section 72052.5 of, the Government Code, relating to destruction of records.

[Approved by Governor May 24, 1971. Filed with Secretary of State May 24, 1971.]

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

SECTION 1. Section 26205.1 is added to the Government Code, to read:

26205.1. The county officer having custody of nonjudicial public records, documents, instruments, books, and papers may cause to be destroyed any or all of such records, documents, instruments, books and papers if each of the following conditions exist:

(a) The board of supervisors of the county has adopted a resolution authorizing such county officer to destroy records, documents, instruments, books, and papers pursuant to this section. Such resolution may impose such conditions, in addition to those specified in this section, as the board of supervisors determines are appropriate.

(b) The county officer who destroys any record, document, instrument, book, or paper pursuant to the authority granted by this section and a resolution of the board of supervisors adopted pursuant to subdivision (a) shall maintain for the use of the public a photographic or microphotographic film, electronic recorded video production or other duplicate of such record, document, instrument, book or paper destroyed.

(c) Subdivision (b) shall not apply to records prepared or received other than pursuant to a state statute or county charter, or records which are not expressly required by law to be filed and preserved.

For the purposes of this section, every reproduction shall be deemed to be an original record and a transcript, exemplification or certified copy of any reproduction shall be deemed to be a transcript, exemplification or certified copy, as the case may be, of the original.

SEC. 2. Section 71007 is added to the Government Code, to read:

71007. Notwithstanding the provisions of Sections 68085 and 72052 of the Government Code, and Section 1428b of the Penal Code, upon order of the presiding or sole judge of the court the clerks of the municipal court or the clerk of the justice court may photograph, microphotograph, microfilm or photocopy the records required to be kept by those sections at any time if:

(a) In civil proceedings, 10 years have elapsed from the date of the commencement of the action or proceeding.

(b) In criminal proceedings, five years have elapsed following the final determination of the proceeding or the forfeiture of bail in cases in which no other proceedings are had during a like period following such forfeiture.

Such photograph, microphotograph, microphotographic film or photocopy shall be made in the manner and on the paper or film as will comply with the minimum standards of quality approved therefor by the National Bureau of Standards, and shall be prepared pursuant to the provisions of Sections 1920b and 1923 of the Code of Civil Procedure.

Upon making of reproductions of court records, the originals may be destroyed. Reproductions of permanent judicial records shall never be destroyed.

Every reproduction shall be deemed to be an original record. A transcript, exemplification or certified copy of any reproduction shall be deemed to be a transcript, exemplification or certified copy, as the case may be, of the original.

All photographs, microphotographs, microfilms and photocopies of court records shall be properly indexed and kept in

convenient, accessible files. Each roll of microfilm shall be a book, and shall be designated and numbered, and provision shall be made for its preservation and examination and use by the public.

A duplicate of each roll of microfilm of permanent records shall be made and kept in a safe and separate place to assure its preservation indefinitely against loss, theft, defacement or destruction.

SEC. 3. Section 72052.5 of the Government Code is repealed.

CHAPTER 90

An act to repeal Section 4 of Chapter 1615 of the Statutes of 1965, relating to grave markers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 24, 1971. Filed with Secretary of State May 24, 1971.]

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

SECTION 1. Section 4 of Chapter 1615 of the Statutes of 1965 is repealed.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Chapter 1615 of the Statutes of 1965, which contains provisions relating to standards for grave markers and relating to obtaining grave markers for indigents, will expire October 1, 1971, unless the expiration date thereof is repealed by legislation effective before that time.

CHAPTER 91

An act to amend Section 347 of the Penal Code, relating to harmful substances in food.

[Approved by Governor May 24, 1971. Filed with Secretary of State May 24, 1971]

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

SECTION 1. Section 347 of the Penal Code is amended to read:

347. Every person who willfully mingles any harmful substance with any food, drink, or medicine, with intent that the same shall be taken by any human being to his injury, and every person who willfully poisons any spring, well, or reservoir of water, is punishable by imprisonment in the state prison for a term not less than one nor more than 10 years.

CHAPTER 92

An act to amend Sections 6752 and 8741 of the Business and Professions Code, relating to business and professions.

[Approved by Governor May 24, 1971 Filed with
Secretary of State May 24, 1971.]

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

SECTION 1. Section 6752 of the Business and Professions Code is amended to read:

6752. An applicant for registration as a civil engineer must have gained his experience under the direction of a civil engineer legally qualified to practice.

SEC. 2. Section 8741 of the Business and Professions Code is amended to read:

8741. The applicant shall be thoroughly familiar with the procedure and rules governing the survey of public lands as set forth in "Manual of Surveying Instructions," published by the Bureau of Land Management, Department of the Interior, Washington, D.C.

CHAPTER 93

An act authorizing an exchange of property, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 24, 1971 Filed with
Secretary of State May 24, 1971.]

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

SECTION 1. The Department of General Services, with the approval of the Department of the California Highway Patrol and the State Public Works Board, is authorized to exchange the office and warehouse building in San Diego authorized for acquisition by Item 333 of the Budget Act of 1970 and the real property upon which the building is situated for a parcel of real property owned by the City of San Diego located on Pacific Highway near the interchange between Interstate Highways 5 and 8.

SEC. 1.5. The Department of General Services, with the approval of the Department of the California Highway Patrol and the State Public Works Board, may, upon its acquisition, lease for a term not to exceed 30 years the parcel of real property presently owned by the City of San Diego referred to in Section 1 hereof, provided that the lessee is required to construct facilities on the property for use of the State of California during the term thereof. The title to the facilities shall vest in the state at the expiration of the term or earlier. Such lease may contain such other terms and conditions as

the Director of General Services may deem to be in the best interests of the state.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The City of San Diego plans the development of a neighborhood park in the vicinity of the San Diego approach to the San Diego-Coronado Bay Bridge. Funding for this project will come, at least in part, from the federal government, and it is necessary for the city to acquire title to the office and warehouse building as soon as possible in order that the federal funding not be jeopardized.

CHAPTER 94

An act to add Section 663.5 to the Insurance Code, relating to insurance.

[Approved by Governor May 24, 1971. Filed with Secretary of State May 24, 1971.]

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

SECTION 1. Section 663.5 is added to the Insurance Code, to read:

663.5. No insurer shall fail to renew a policy solely on the basis of the age of the insured.

CHAPTER 95

An act to amend Sections 10161.5, 10165, 10201, 10209.5, 10210, 10214.5, 10215, and 10221 of, and to add Section 10226 to, the Business and Professions Code, relating to real estate licensees.

[Approved by Governor May 24, 1971. Filed with Secretary of State May 24, 1971.]

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

SECTION 1. Section 10161.5 of the Business and Professions Code is amended to read:

10161.5. When the holder of a real estate broker's or salesman's license is required to relinquish his license to assume an office in local, state, or federal government, he may have it reinstated at any time within six months of termination of his service in office upon payment of the appropriate renewal fee.

SEC. 2. Section 10165 of the Business and Professions Code is amended to read:

10165. For a violation of any of the provisions of Section 10160, 10161.7, 10161.8, 10162, or 10163, the commissioner may temporarily suspend or permanently revoke the license of the real estate licensee in accordance with the provisions of this part relating to hearings.

SEC. 3. Section 10201 of the Business and Professions Code is amended to read:

10201. The holder of a renewal license who fails to renew it prior to the expiration of the period for which it was issued and who has otherwise qualified for such license, may renew it within two years from such expiration upon proper application and the payment of a late renewal fee in an amount equal to $1\frac{1}{2}$ times the regular renewal fee in effect at the time the license is reinstated. Application for renewal shall be made at least 30 days prior to termination of the right to renew.

SEC. 4. Section 10209.5 of the Business and Professions Code is amended to read:

10209.5. The fee for an active original or renewal restricted broker license shall not exceed eighty-five dollars (\$85).

SEC. 5. Section 10210 of the Business and Professions Code is amended to read:

10210. The fee for an active original or renewal real estate broker license shall not exceed eighty-five dollars (\$85).

In the case of an original applicant, the fee is payable after the applicant is notified of passing the examination for license.

SEC. 6. Section 10214.5 of the Business and Professions Code is amended to read:

10214.5. The fee for an active original or renewal restricted salesman license shall not exceed sixty dollars (\$60).

SEC. 7. Section 10215 of the Business and Professions Code is amended to read:

10215. The fee for an active original or renewal real estate salesman license shall not exceed sixty dollars (\$60).

In the case of an original applicant, the fee is payable after the applicant is notified of passing the examination for license.

SEC. 8. Section 10221 of the Business and Professions Code is amended to read:

10221. The fee for reinstatement of a license within a license period is four dollars (\$4) plus the difference, if any, between the fee previously paid for issuance of the license and the fee for an active license in effect at the time the renewal application is filed.

As used in this section, "reinstatement of a license" means the reissuance of a canceled or inactivated real estate broker's license, or the reissuance of a real estate salesman's license which was canceled or inactivated during the period for which it was issued upon the salesman's withdrawal from the employ of a real estate broker.

SEC. 9. Section 10226 is added to the Business and Professions Code, to read:

10226. The commissioner may periodically by regulation prescribe fees lower than the maximum fees provided in Sections 10209.5, 10210, 10214.5, and 10215, when he determines such lower fees are sufficient to offset the costs and expenses incurred in the administration of Part 1 (commencing with Section 10000) of this division. The commissioner shall hold at least one regulation hearing each calendar year, to determine if lower fees should be prescribed.

CHAPTER 96

An act to amend Sections 20605, 20952, 20952.5, 20952.6, 21252.01, 21252.1, 21252.10 and 21252.6 of, and to repeal Section 20952.8 of, the Government Code, relating to local safety members of the Public Employees' Retirement System.

[Approved by Governor May 24, 1971. Filed with
Secretary of State May 24, 1971.]

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

SECTION 1. Section 20605 of the Government Code is amended to read:

20605. For each law enforcement member and each local safety member subject to Section 21252.6 of this code, effective on the operative date of this section, or the later date of entrance into this system as such a member, the normal rate of contribution shall be 7 percent of compensation paid on and after such operative date.

The normal rate of contribution as established under this section for a member whose service is included in the federal system shall be reduced by one-third as applied to compensation not exceeding four hundred dollars (\$400).

The operative date of this section with respect to a local safety member shall be the date upon which he becomes subject to Section 21252.6.

SEC. 2. Section 20952 of the Government Code is amended to read:

20952. A local safety member, other than one subject to Section 21252.01, shall be retired for service upon his written application to the board if he has attained age 55, and is entitled to be credited with 20 years of state service or if the amount of his accumulated contributions standing to his credit exceeds five hundred dollars (\$500).

SEC. 3. Section 20952.5 of the Government Code is amended to read:

20952.5. Notwithstanding the provisions of Section 20952, a local safety member to whom Section 20952 applies shall be retired for service upon his written application to the board if he has attained age 50 and is entitled to be credited with 20 years of state service or if the amount of his accumulated contributions standing to his credit exceeds five hundred dollars (\$500).

However, if such member retires before attaining age 55, his prior and current service pensions shall be reduced to that amount which the value of the pensions as deferred to that minimum age will purchase at the actual age of retirement.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

SEC. 4. Section 20952.6 of the Government Code is amended to read:

20952.6. A local safety member who is subject to Section 21252.01 shall be retired for service upon his written application to the board if he has attained age 50, and is entitled to be credited with 20 years of state service or if the amount of his accumulated contributions standing to his credit exceeds five hundred dollars (\$500).

Whenever this section becomes applicable to the employees of any contracting agency, as to those members to whom it applies it shall supersede the provisions of Section 20952.

SEC. 5. Section 20952.8 of the Government Code is repealed.

SEC. 6. Section 21252.01 of the Government Code is amended to read:

21252.01. The current service pension for patrol members and the combined current and prior service pensions for local safety members with respect to local safety service rendered to a contracting agency which is subject to the provisions of this section is a pension derived from the contributions of the employer sufficient when added to the service retirement annuity which is derived from the accumulated normal contributions of the patrol member at the date of his retirement to equal the fraction of one-fiftieth of his final compensation set forth opposite his age at retirement taken to the preceding completed quarter-year, in the following table, multiplied by the number of years of Highway Patrol service and local safety service subject to this section with which he is credited at retirement.

Age at retirement	Fraction	Age at retirement	Fraction
50 -----	1.0000	52 $\frac{3}{4}$ -----	1.1925
50 $\frac{1}{4}$ -----	1.0175	53 -----	1.2100
50 $\frac{1}{2}$ -----	1.0350	53 $\frac{1}{4}$ -----	1.2275
50 $\frac{3}{4}$ -----	1.0525	53 $\frac{1}{2}$ -----	1.2450
51 -----	1.0700	53 $\frac{3}{4}$ -----	1.2625
51 $\frac{1}{4}$ -----	1.0875	54 -----	1.2800
51 $\frac{1}{2}$ -----	1.1050	54 $\frac{1}{4}$ -----	1.2975
51 $\frac{3}{4}$ -----	1.1225	54 $\frac{1}{2}$ -----	1.3150
52 -----	1.1400	54 $\frac{3}{4}$ -----	1.3325
52 $\frac{1}{4}$ -----	1.1575	55 and over -----	1.3500
52 $\frac{1}{2}$ -----	1.1750		

In no event shall the current service pension and the combined current and prior service pensions under this section for all service to all employers exceed an amount which, when added to the service retirement annuity related to such service, equals 75 percent of final compensation. If the pension relates to service to more than one employer and would otherwise exceed such maximum, the pension payable with respect to each employer shall be reduced in the same proportion as the allowance based on service to such employer bears to the total allowance computed as though there were no limit, so that the total of such pensions shall equal the maximum.

This section shall not apply to any contracting agency, unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts or, in the case of contracts made after the date this section is operative, by express provision in such contract making the contracting agency subject to the provisions of this section.

This section shall supersede Section 21252.1, 21252.5, or 21252.6, whichever is then applicable, with respect to patrol and local safety members who retire after the date this section becomes applicable to their respective employers.

Notwithstanding Sections 21208 and 21209, this section shall not apply to warden or forestry members.

The Legislature reserves, with respect to any member subject to this section, the right to provide for such adjustment of industrial disability retirement allowances because of earnings of a retired person and modification of the conditions and qualifications required for retirement for disability as it may find appropriate because of the earlier ages of service retirement made possible by the benefits under this section.

SEC. 7. Section 21252.1 of the Government Code is amended to read:

21252.1. The combined prior and current service pensions for patrol members and local safety members, other than local safety members to whom Section 21252.01, 21252.5, or 21252.6 applies, upon retirement at or after age 55 is a pension derived from contributions of the employer which, when added

to that portion of the service retirement annuity that is derived from the accumulated normal contributions of the member, shall equal a percentage of his final compensation, multiplied by the number of years of patrol, fire, police, or county peace officer service, such percentage to be $2\frac{1}{2}$ or, if less, the percentage obtained by division of 50 percent by the difference between age 55 and the member's age at his birthday nearest to the date of his first entry into any service to which this section, Section 21252.1, or 21252.2 of this part applied, whether or not such service is credited at retirement, increased, as to service following an absence from employment to which any such section applies, by the number of completed years of such absence. Any member entering such service at or after age 55 shall be deemed, for purposes of this section, to have entered such service at age 54.

The amendment to this section at the 1968 Regular Session shall apply only to such members retiring on and after the effective date of the amendment. Current and prior service pensions of such members retired prior to the effective date shall be continued in accordance with the provisions of this part (commencing with Section 20000) as they existed on the day preceding the effective date.

This section shall not apply to any local safety member in the employ of an employer not subject to this section on the effective date of the amendment to this section at the 1971 Regular Session of the Legislature.

SEC. 8. Section 21252.10 of the Government Code is amended to read:

21252.10. The combined prior and current service pensions for law enforcement members, other than those members subject to Section 21252.6, upon retirement at or after age 55 is a pension derived from the contributions of the employer which, when added to that portion of the service retirement annuity that is derived from the accumulated normal contributions of the member, shall equal a percentage of his final compensation, multiplied by the number of years of law enforcement service, such percentage to be $2\frac{1}{2}$ or, if less, the percentage obtained by division of 50 percent by the difference between age 55 and the member's age at his birthday nearest to the date of his first entry into any service to which this section, Section 21252.1 or 21252.2 of this part applied, whether or not such service is credited at retirement, increased, as to service following an absence from employment to which any such section applies, by the number of completed years of such absence. Any member entering such service at or after age 55 shall be deemed, for purposes of this section, to have entered such service at age 54.

The amendment to this section at the 1968 Regular Session shall apply only to such members retiring on and after the effective date of the amendment. Current and prior service

pensions of such members retired prior to the effective date shall be continued in accordance with the provisions of this part (commencing with Section 20000) as they existed on the day preceding the effective date.

The percentage shall be reduced by one-third, as applied to that part of the member's final compensation which does not exceed four hundred dollars (\$400) per month for service after the effective date of coverage of a member under the federal system; provided, however, that the retirement allowance of any member who was a law enforcement member on October 1, 1965, and who is subject to such reduced percentage, shall not be less than the actuarial equivalent of the retirement allowance he would have received under this section prior to its amendment at the 1965 Regular Session of the Legislature.

SEC. 9. Section 21252.6 of the Government Code is amended to read:

21252.6. The combined prior and current service pension for a law enforcement member as defined in Section 20017.77 and a local safety member with respect to service to a contracting agency subject to this section, upon retirement after attaining age 55, is a pension derived from contributions of an employer sufficient, when added to that portion of the service retirement annuity which is derived from the accumulated normal contributions of the member at the date of his retirement, to equal one-fiftieth of his final compensation multiplied by the number of years of law enforcement, police, fire, or county peace officer service which is credited to him as a law enforcement member as defined in Section 20017.77 or as a local safety member subject to this section at retirement.

In no event shall the total pension for all service under this section exceed an amount which, when added to the service retirement annuity related to such service, equals 75 percent of final compensation. If the pension relates to service to more than one employer and would otherwise exceed such maximum, the pension payable with respect to each employer shall be reduced in the same proportion as the allowance based on service to such employer bears to the total allowance computed as though there were no limit, so that the total of such pensions shall equal the maximum.

This section shall not apply to a person whose effective date of retirement is prior to the operative date of this section or to a person who retires after such operative date and following reinstatement from a retirement having an effective date prior to such operative date and before rendering during such reinstatement at least one year of service in which he is subject to this section.

The Legislature reserves, with respect to any member subject to this section, the right to provide for such adjustment of

industrial disability retirement allowances because of earnings of a retired person and modification of the conditions and qualifications required for retirement for disability as it may find appropriate because of the earlier age of service retirement made possible by the benefits under this section.

The percentage of final compensation provided in this section shall be reduced by one-third as applied to that part of the member's final compensation which does not exceed four hundred dollars (\$400) per month for service after the effective date of coverage of a member under the federal system.

This section shall not apply to a contracting agency nor its employees unless and until the agency elects to be subject to it by amendment to its contract made in the manner prescribed for approval of contracts or in the case of a new contract, by express provision of the contract. The operative date of this section with respect to a local safety member shall be the effective date of the amendment to his employer's contract electing to be subject to this section.

Upon such election by a contracting agency subject to Section 21252.1, this section shall not apply to a local safety member then employed who entered such employment after attaining age 30, and Section 21252.1 shall continue to apply to such member unless and until he terminates such employment and more than 30 days thereafter enters employment otherwise subject to this section. Upon such later entry into employment, the member will be subject to this section with respect to all service as a local safety member rendered to any employer subject to this section.

CHAPTER 97

An act to amend Section 1 of Chapter 208 of the Statutes of 1970, relating to school district expenditures for salaries of classroom teachers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 24, 1971. Filed with
Secretary of State May 24, 1971.]

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

SECTION 1. Section 1 of Chapter 208 of the Statutes of 1970 is amended to read:

Section 1. Notwithstanding any provisions of Article 5 (commencing with Section 17501) of Chapter 2 of Division 14 of the Education Code, a school district may apply to the Superintendent of Public Instruction, on or before June 30, 1971, for exemption from the provisions of Section 17503 for purposes of moneys made unavailable for expenditure during the 1970-1971 fiscal year pursuant to that section.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The fiscal soundness of one or more comparatively low-wealth school districts has become substantially impaired during the 1970-1971 fiscal year, due to the freezing of state apportionments because of the districts' failure to file the request for an exemption from teacher salary requirements on or before September 15, 1970. In order that the necessary steps to provide relief for the affected districts may be taken prior to the expiration of the 1970-1971 fiscal year, it is essential that this act take effect immediately.

CHAPTER 98

An act to amend Section 34272 of the Health and Safety Code, relating to housing.

[Approved by Governor May 24, 1971. Filed with Secretary of State May 24, 1971.]

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

SECTION 1. Section 34272 of the Health and Safety Code is amended to read:

34272. Three of the commissioners first appointed shall be designated to serve for terms of one, two, and three years, respectively, from the date of their appointment, and two shall be designated to serve for terms of four years from the date of their appointments. Their successors shall be appointed for a term of four years except that all vacancies shall be filled for the unexpired term. No commissioner of an authority may be an officer or employee of the county or city for which the authority is created, but notwithstanding any other law, he may be a member, commissioner, or employee of any other agency or authority of, or created for, the community. Any appointment of a successor to a commissioner of a city housing authority shall be made by the mayor if his office is one filled by election by the people, subject to the confirmation of a majority of the members of the governing body. If the office of mayor is not elective the governing body of the city shall make the appointment. All appointments of commissioners of a county housing authority shall be made by the governing body of the county.

CHAPTER 99

An act to amend Section 7113 of the Health and Safety Code, relating to autopsies.

[Approved by Governor May 24, 1971 Filed with
Secretary of State May 24, 1971]

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

SECTION 1. Section 7113 of the Health and Safety Code is amended to read:

7113. A cemetery authority or licensed funeral director or a licensed hospital or its authorized personnel may permit or assist, and a physician may perform, an autopsy of any remains in its or his custody if the decedent, prior to his death, authorizes an autopsy in his will or other written instrument, or upon the receipt of a written authorization, telegram, or a verbal authorization obtained by telephone and recorded on tape or other recording device, from a person representing himself to be any of the following:

(a) The surviving spouse; (b) a surviving child or parent; (c) a surviving brother or sister; (d) any other kin or person who has acquired the right to control the disposition of the remains; (e) a public administrator; (f) a coroner or any other duly authorized public officer. A cemetery authority or a licensed funeral director or a licensed hospital or its authorized personnel is not liable for permitting or assisting, and a physician is not liable for performing, an autopsy pursuant to such authorization unless he or it has actual notice that such representation is untrue at the time the autopsy is performed. If such authorization is contained in a will, the autopsy may be performed regardless of the validity of the will in other respects or of the fact that the will may not be offered for or admitted to probate until a later date.

This section shall not authorize the obtaining of a verbal authorization by telephone and recorded on tape or other recording device for an autopsy of a deceased person if it is made known to the physician who is to perform the autopsy that the deceased was, at the time of his death, a member of a religion, church, or denomination which relies solely upon prayer for the healing of disease.

CHAPTER 100

An act to amend Section 6301 of the Business and Professions Code, relating to law libraries.

[Approved by Governor May 24, 1971 Filed with
Secretary of State May 24, 1971.]

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

SECTION 1. Section 6301 of the Business and Professions Code is amended to read:

6301. A board of law library trustees is constituted as follows:

(a) In a county where there are no more than three judges of the superior court, each of such judges is ex officio a trustee; in a county where there are more than three judges of the superior court, the judges of the court shall elect three of their number to serve as trustees. However, where there are no more than three judges of the superior court, the judges may at their option select only one of their number to serve as a trustee, and in such event they shall appoint two additional trustees who are members of the bar of the county.

Any judge who is an ex officio or elected member may at his option designate a member of the bar of the county to act for him as trustee.

(b) In a county in which one or two municipal courts have been established, the judges of such court or courts shall elect one of their number to serve as trustee. In a county in which three or more municipal courts have been established, the judges of such courts may elect two of their number to serve as trustees.

(c) The chairman of the board of supervisors is ex officio a trustee, but the board of supervisors at the request of the chairman may appoint a member of the bar of the county or any other member of the board of supervisors of the county to serve as trustee in place of said chairman. The appointment of the person selected in lieu of the chairman of the board of supervisors shall expire when a new chairman of the board of supervisors is selected, and such appointment shall not be subject to the provisions of Section 6302.

(d) The board of supervisors shall appoint as many additional trustees, who are members of the bar of the county, as may be necessary to constitute a board of five members in any county in which a municipal court has not been established, or of six members in any county where the municipal courts have elected one member, or of seven members in any county where the municipal courts have elected two members to serve as trustees.

CHAPTER 101

An act relating to open-space lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 25, 1971. Filed with Secretary of State May 25, 1971.]

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

SECTION 1. (a) For purposes of subdivision (c) of Section 421 of the Revenue and Taxation Code, an agreement, when taken as a whole, shall be deemed to provide restrictions, terms and conditions which are substantially similar to, or more restrictive than, those required by statute for a contract if at the time of its execution:

(1) The agreement had an initial term of seven years or more.

(2) The agreement could be canceled only by reason of condemnation of all or part of the property subject to the agreement or by reason of the death of an owner of the property subject to the agreement.

(3) The agreement provided that cancellation of the agreement must be approved by the board of supervisors or city council.

(b) The provisions of this section shall not be construed to provide the exclusive terms of validation for agreements executed pursuant to the California Land Conservation Act and shall apply to assessments for the 1971-1972 fiscal year only. The provisions of this section shall not be deemed to permit any reduction in the restrictions, terms, and conditions heretofore imposed by agreement.

SEC. 2. Notwithstanding any other provision of law to the contrary, the assessment procedures specified under Section 423 of the Revenue and Taxation Code shall be effective with respect to land subject to taxation for the 1971-1972 fiscal year only, if such land is subject to an instrument meeting the requirements set by Section 1 of this act.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The primary purposes of the California Land Conservation Act of 1965 and similar open-space legislation is to conserve open-space lands for the economic well-being of the state and to assure the use and enjoyment of open spaces for people today and for posterity. The assessment procedures specified for open-space property are designed to carry out such purposes. To subject open-space property to assessment at its highest and best use upon every procedural technicality penalizes landowners who have entered the open-space program and discourages others from bringing their land within the program. This act will remedy the situation, in part, by removing the procedural bar to the application of open-space assessments to property covered by the act, in order that the public purposes expressed in Article XXVIII of the Constitution of the State of California may be carried out to fullest extent possible. Therefore, it is necessary that this act go into immediate effect.

CHAPTER 102

An act to amend Sections 25252, 29851, and 30104 of, and to add Sections 25259.5 and 26923 to, the Government Code, to amend Section 9366 of the Public Resources Code, to amend Section 2621 of and add Section 11911.1 to, the Revenue and Taxation Code, and to amend Section 74 of Chapter 1654 of the Statutes of the 1961 Regular Session relating to county auditors procedures, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 25, 1971 Filed with
Secretary of State May 25, 1971]

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

SECTION 1. Section 25252 of the Government Code is amended to read:

25252. The board of supervisors shall establish or abolish, or may by resolution authorize the county auditor to establish or abolish, such funds as are necessary for the proper transaction of the business of the county, and may transfer money from one fund to another, as the public interest requires. Wherever reference is made elsewhere in the law to a county salary fund such reference may, upon order of the board of supervisors, after July 1, 1947, be deemed to refer to the county general fund.

SEC. 1.5. Section 25259.5 is added to the Government Code, to read:

25259.5. The board of supervisors may, by resolution, authorize and designate the county auditor to exercise the powers set forth in Sections 25258 through 25259.

SEC. 2. Section 26923 is added to the Government Code, to read:

26923. The board of supervisors may by four-fifths vote direct that the duties to be performed pursuant to this article shall be performed at least once each quarter or more frequently at the discretion of the officer making the count.

SEC. 2.3. Section 29851 of the Government Code is amended to read:

29851. Upon the filing of the affidavit, the auditor shall issue and deliver to the legal owner or custodian a duplicate warrant bearing the same date as the original warrant for the full amount of the original warrant, or if any portion of the amount for which the warrant was drawn has been paid, the auditor shall void the original warrant and issue and deliver a substitute warrant for the lesser amount still due, and the treasurer shall pay the duplicate or substitute in lieu of the original warrant. Any loss heretofore or hereafter incurred by reason of the issuance of a substitute or duplicate warrant shall be a charge against the general fund of the county. If a warrant is lost or destroyed after it has been received by a

bank with whom the treasurer has entered into a written agreement pursuant to Article 2 (commencing with Section 53630) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code for the deposit in said bank of moneys belonging to or in the custody of the treasurer, the treasurer may pay on a photocopy of the lost or destroyed warrant in lieu of the original warrant; provided the bank agrees to indemnify and hold the county harmless from any loss incurred by reason of such payment.

SEC. 2.5. Section 30104 of the Government Code is amended to read:

30104. Between the 1st and 15th of each month in which the county treasurer is required to settle with the State Controller, the county auditor shall make and verify by his affidavit a report in duplicate to the State Controller, in such form as the Controller prescribes, showing specifically the amount due the State from each particular source of revenue at the close of business on the last day of the month preceding the settlement.

SEC. 3. Section 2621 of the Revenue and Taxation Code is amended to read:

2621. After the second half of taxes on property is delinquent, the tax collector shall collect a cost of three dollars (\$3) for preparing the delinquent roll and published delinquent list on each separate valuation on the secured roll of:

- (a) Real property, except possessory interest.
- (b) Possessory interests.

(c) Personal property cross-secured to real property. The cost shall be collected even though the property appears on the roll due to a special assessment and no valuation of the property is given.

SEC. 4. Section 11911.1 is added to the Revenue and Taxation Code, to read:

11911.1. Any ordinance which imposes the documentary transfer tax may require that each deed, instrument or writing by which lands, tenements, or other realty is sold, granted, assigned, transferred, or otherwise conveyed, shall have noted upon it the tax roll parcel number. The number will be used only for administrative and procedural purposes and will not be proof of title and in the event of any conflicts, the stated legal description noted upon the document shall govern. The validity of such a document shall not be affected by the fact that such parcel number is erroneous or omitted, and there shall be no liability attaching to any person for an error in such number or for omission of such number.

SEC. 5. Section 9366 of the Public Resources Code is amended to read:

9366. The rate, as determined by the board, shall be such as will produce, after due allowance for delinquency, the amount determined as necessary to be raised by taxation on the secured roll. On or before September 1st of each year the

board shall fix the rate, composed of the number of cents or fraction thereof for each one hundred dollars (\$100) of assessed valuation of land exclusive of improvements and mineral rights, such as will produce, after due allowance for delinquency, the amount determined as necessary to be raised by taxation on the secured roll.

SEC. 5.5. Section 74 of Chapter 1654 of the Statutes of the 1961 Regular Session is amended to read:

Sec. 74. The district board shall report the final budget to the supervising authority after the budget hearing but not later than the first day of August of each year, after making any changes in the preliminary budget it deems advisable during or after the hearing, including deductions, increases, or additions.

Sec. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Soil conservation districts will appear on the tax roll of at least one county in 1971-72 and it is essential that the method of computing the secured tax rates for them be concise and consistent with that of other districts. Furthermore, it is essential that the additional fiscal reforms proposed by this act may be put into operation as soon as possible.

CHAPTER 103

An act to amend Sections 8124, 8125, and 8126 of the Education Code, and Sections 11200 and 11202 of the Vehicle Code, relating to driver training, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 25, 1971 Filed with
Secretary of State May 25, 1971.]

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

SECTION 1. Section 8124 of the Education Code is amended to read:

8124. The State Department of Education shall reimburse fully the experimental driver training districts for all costs incurred by their automobile driver training programs from July 1, 1970, to June 30, 1971. The Department of Education shall reimburse fully those districts participating in the experimental driver training programs for all students selected for training in the programs to August 31, 1971.

SEC. 2. Section 8125 of the Education Code is amended to read:

8125. The experimental driver training districts shall contract with certified commercial driving schools for the training

from July 1, 1970, to August 31, 1971, of a scientifically selected number of students designated by the Department of Motor Vehicles pursuant to Section 11200 of the Vehicle Code. The contract shall provide, among other things, that if the Department of Motor Vehicles determines that the driving school is not providing automobile driver training which satisfies the requirements for such training prescribed pursuant to the Education Code, the contract may be canceled.

SEC. 3. Section 8126 of the Education Code is amended to read:

8126. For the period from July 1, 1970, to August 31, 1971, the certified commercial driving schools and the secondary schools shall each train their respective test groups established by the Department of Motor Vehicles pursuant to Section 11200 of the Vehicle Code, as follows:

(a) One group shall receive the training prescribed by Section 18252.4 of the Education Code.

(b) The other group shall, in addition to the training prescribed by subdivision (a), receive four hours of behind-the-wheel practice driving instruction.

SEC. 4. Section 11200 of the Vehicle Code is amended to read:

11200. The department shall conduct a scientific study of the automobile driver training programs in the experimental school districts established pursuant to Article 6.1 (commencing with Section 8121) of Chapter 3 of Division 7 of the Education Code, for the purpose of comparing the costs and benefits of training students in commercial driving schools with the costs and benefits of the training offered by the schools. To this end, the department shall select, using scientific selection procedures, for the period of July 1, 1970, to August 31, 1971, which students shall be trained in the certified commercial driving schools and which students shall be trained in the secondary schools. The number of students so selected shall not exceed 40 percent of the eligible students.

The department shall assign each student selected to be trained in the certified commercial driving schools to one of the two test groups designated by Section 8126 of the Education Code. The department shall assign each student selected to be trained in the secondary schools to one of the two test groups designated by Section 8126 of the Education Code.

SEC. 5. Section 11202 of the Vehicle Code is amended to read:

11202. The department may request, and shall receive, from the experimental school districts and the State Department of Education such assistance as is necessary to carry out the study.

The Department of Education shall provide an audit report of the financial records of those school districts participating in the experimental driver training program as to the cost of that program in each district, for inclusion in the in-

terim and final reports to be submitted by the Department of Motor Vehicles pursuant to Section 11203.

SEC. 6. This act shall have no force or effect on and after July 1, 1974.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

To enable the school districts to contract for the necessary summer school teachers as soon as possible, and to have sufficient time to adequately plan and schedule the experimental program after June 30, 1971, it is necessary that this act be given immediate effect.

CHAPTER 104

An act to repeal Section 1073 of, and to add Section 1073 to, the Education Code, relating to school district governing board members.

[Approved by Governor May 25, 1971 Filed with
Secretary of State May 25, 1971]

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

SECTION 1. Section 1073 of the Education Code is repealed.

SEC. 2. Section 1073 is added to the Education Code, to read:

1073. The governing board of any school district or any member of the governing board of a school district may prepare or disseminate information or may make public or private appearances or statements for the purpose of urging the passage or defeat of any school measure of the district.

As used in the section, "school measure" includes any proposition for the issuance of bonds of the school district, an increase in the maximum tax rate of the school district, the acceptance, expenditure, and repayment of state funds by the school district to enable the school district to construct buildings and other facilities, or the candidacy of any person for election to the governing board of the school district.

No school district funds, services, supplies, or equipment shall be used for the purpose of urging the passage or defeat of any school measure of the district, including, but not limited to, the candidacy of any person for election to the governing board of the district.

Nothing in this code shall be construed as prohibiting any administrative officer of a school district from appearing at any time before a citizens group, which requests his appearance, to discuss the reasons why the governing board of the school district called an election to submit to the voters of

the district a proposition for the issuance of bonds or for an increase in the maximum tax rate of the district and to answer questions put to him by any taxpayer concerning the cost of such proposals.

CHAPTER 105

An act to add Chapter 15.8 (commencing with Section 19946) to Division 14 of the Education Code, to provide for the preparation, issuance and sale of state bonds to create a fund to provide aid to school districts of the state; defining the powers and duties of state officers in respect to the administration of the provisions hereof; providing ways and means for the payment of the interest of such bonds as such interest falls due, and also for the payment and discharge of the principal of such bonds as such principal matures; appropriating money for the purpose of carrying out this chapter; and providing for the submission of the measure to the people at a special election to be consolidated with the 1972 direct primary election.

[Approved by Governor May 25, 1971 Filed with
Secretary of State May 25, 1971]

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

SECTION 1. Chapter 15.8 (commencing with Section 19946) is added to Division 14 of the Education Code, to read:

CHAPTER 15.8. STATE SCHOOL BUILDING AID AND EARTHQUAKE RECONSTRUCTION AND REPLACEMENT BOND LAW OF 1972

19946. This act may be cited as the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1972.

19947. The State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code) is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this chapter, and the provisions of that law are included in this chapter as though set out in full in this chapter. All references in this chapter to "herein" shall be deemed to refer both to this chapter and such law.

19948. As used in this chapter, and for the purposes of this chapter as used in the State General Obligation Bond Law, the following words shall have the following meanings:

(a) "Committee" means the State School Building Finance Committee created by Section 19510.

(b) "Board" means the State Allocation Board.

(c) "Fund" means the State School Building Aid Fund.

19949. For the purpose of creating a fund to provide aid to school districts of the state in accordance with the provisions of the State School Building Aid Law of 1952, and of all acts amendatory thereof and supplementary thereto, and to provide funds to repay any money advanced or loaned to the State School Building Aid Fund under any act of the Legislature, together with interest provided for in that act, and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code the committee shall be and is hereby authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of three hundred fifty million dollars (\$350,000,000) in the manner provided herein, but not in excess thereof.

19950. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

On the several dates of maturity of said principal and interest in each fiscal year, there shall be transferred to the General Fund in the State Treasury, all of the money in the fund, not in excess of the principal of and interest on the said bonds then due and payable, except as herein provided for the prior redemption of said bonds, and, in the event such money so returned on said dates of maturity is less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State Treasury out of the fund as soon thereafter as it shall become available.

19951. All money deposited in the fund under Section 19611 of this code and pursuant to the provisions of Part 2 (commencing with Section 16300) of Division 4 of Title 2 of the Government Code, shall be available only for transfer to the General Fund, as provided in Section 19950. When transferred to the General Fund such money shall be applied as a reimbursement to the General Fund on account of principal and interest due and payable or paid from the General Fund on the earliest issue of school building bonds for which the General Fund has not been fully reimbursed by such transfer of funds.

19952. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this chapter, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this chapter, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 19953, which sum is appropriated without regard to fiscal years.

19953. For the purposes of carrying out the provisions of this chapter the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which the committee has by resolution authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the fund to be allocated by the board in accordance with this chapter. Any moneys made available under this section to the board shall be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this chapter.

19954. Upon request of the board, supported by a statement of the apportionments made and to be made under Sections 19551 to 19689, inclusive, the committee shall determine whether or not it is necessary or desirable to issue any bonds authorized under this chapter in order to make such apportionments, and, if so, the amount of bonds then to be issued and sold. Seventy-five million dollars (\$75,000,000) shall be available for apportionment on July 5, 1972, and fifteen million dollars (\$15,000,000) shall become available for apportionment on the fifth day of each month thereafter until a total of three hundred fifty million dollars (\$350,000,000) has become available for apportionment. Successive issues of bonds may be authorized and sold to make such apportionments progressively, and it shall not be necessary that all of the bonds herein authorized to be issued shall be sold at any one time.

19955. In computing the net interest cost under Section 16754 of the Government Code, interest shall be computed from the date of the bonds or the last preceding interest payment date, whichever is latest, to the respective maturity dates of the bonds then offered for sale at the coupon rate or rates specified in the bid, such computation to be made on a 360-day year basis.

19956. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at such time or times as may be fixed by the State Treasurer.

19957. All proceeds from the sale of the bonds herein authorized deposited in the fund, as provided in Section 16757 of the Government Code, except those derived from premium and accrued interest, shall be available for the purpose herein provided, but shall not be available for transfer to the General

Fund pursuant to Section 19950 to pay principal and interest on bonds.

19958. With respect to the proceeds of bonds authorized by this chapter, all the provisions of Sections 19551 to 19689, inclusive, shall apply except:

(a) Any reference in Sections 19551 to 19689, inclusive, to "Section 16.5, Article XVI of the Constitution of this State" shall be deemed a reference to this chapter.

(b) Any reference in Sections 19551 to 19689, inclusive, to "Section 19704" shall be deemed a reference to "Section 19950."

19959. Out of the first money realized from the sale of bonds under this act, there shall be repaid any moneys advanced or loaned to the State School Building Aid Fund under any act of the Legislature, together with interest provided for in that act.

19959.5. Notwithstanding any provisions in this chapter to the contrary, of the moneys made available by this chapter not to exceed the sum of two hundred fifty million dollars (\$250,000,000) or such amount thereof that the board may determine necessary therefor, shall be available under the provisions of Article 9 (commencing with Section 19700.51) of Chapter 10 of Division 14 for the purpose of rehabilitating, reconstructing, or replacing school facilities which are unsafe by virtue of not being in compliance with Article 5 (commencing with Section 15501) of Chapter 2 of Division 11 or for the purpose of repairing actual damage to school facilities caused by an earthquake after February 1, 1971, and for which there are no other state or federal funds available for such restoration. These funds shall be made available to eligible school districts when the fiscal and other requirements prescribed by Article 9 are complied with.

SEC. 2. Section 1 of this act shall take effect upon the adoption by the people of the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1972, as set forth in Section 1 of this act. Sections 2 to 7 of this act contain provisions relating to and necessary for the submission of the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1972 to the people, and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 3. A special election is hereby called to be held throughout the state on the sixth day of June, 1972. The special election shall be consolidated with the direct primary election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used. Except as otherwise provided in this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to the measure submitted pursuant to this act. A ballot pamphlet shall be prepared, com-

piled and distributed relating to the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1972, set forth in Section 1 of this act. The Secretary of State shall distribute the ballot pamphlets to the county clerks not later than 30 days before the election, and the county clerks shall commence to mail those pamphlets to the voters not less than five days before the election. The distribution of ballot pamphlets in all respects shall be conducted in accordance with the provisions of Section 3573 of the Elections Code.

SEC. 4. At the special election called by this act there shall be submitted to the electors Section 1 of this act. All provisions of this act shall control the submission of Section 1 of this act to, and the holding of, the special election called by this act.

SEC. 5. The special election provided for in this act shall be proclaimed, held, conducted, the ballots shall be prepared, marked, collected, counted and canvassed and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the law governing general elections insofar as provisions thereof are applicable to the election provided for in this act.

SEC. 6. All ballots at said election shall have printed thereon and in a square thereof the words: "For the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1972," and in the same square under said words the following in eight-point type: "This act provides for a bond issue of three hundred fifty million dollars (\$350,000,000) to provide capital outlay for construction or improvement of public schools." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1972," and in the same square immediately below said words, in eight-point type shall be printed "This act provides for a bond issue of three hundred fifty million dollars (\$350,000,000) to provide capital outlay for construction or improvement of public schools." Opposite the words "For the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1972," and "Against the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1972," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1972," and those voting against the said act shall do so by placing a cross opposite the words "Against the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1972." Provided, that where the voting of said election is done

by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said election.

SEC 7 The votes cast for or against the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1972 shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appears that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

CHAPTER 106

An act to amend Sections 37644, 37673, 37723, and 38001 of the Agricultural Code, relating to milk products.

[Approved by Governor May 25, 1971 Filed with
Secretary of State May 25, 1971.]

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

SECTION 1. Section 37644 of the Agricultural Code is amended to read:

37644. Uncreamed cottage cheese or cottage cheese may be prepared by adding harmless lactic acid-producing bacteria, with or without rennet, to any dairy ingredients. The dairy ingredients shall be pasteurized or made from certified raw milk. If concentrated skim milk or nonfat dry milk solids is used, water may be added in a quantity not in excess of that removed when such milk was concentrated or dried.

Calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the mix. Harmless artificial coloring may also be added.

The resultant mixture is held until it becomes coagulated. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained

The curd may be washed with water and further drained; it may be pressed, chilled, worked, or seasoned with salt.

If uncreamed cottage cheese or cottage cheese is made from certified raw milk, it shall be labeled as being made from certified raw milk, notwithstanding Section 37975.

SEC. 2. Section 37673 of the Agricultural Code is amended to read:

37673. Creamed cottage cheese is the soft uncured cheese which is prepared by mixing cottage cheese with one or more of the following pasteurized products or products of certified raw milk or a mixture of two or more such products: cream, milk, skim milk, concentrated milk, dried milk, concentrated skim milk, nonfat dry milk solids, or other constituents derived from milk, water.

The product or mixture shall be used in such quantity that the milk fat which is added to the finished creamed cottage cheese is not less than 4 percent by weight of the finished creamed cottage cheese. The finished creamed cottage cheese shall contain not more than 80 percent of moisture.

If creamed cottage cheese is made either wholly or partially from certified raw milk or a product of certified raw milk, it shall be so labeled, notwithstanding Section 37975.

SEC. 3. Section 37723 of the Agricultural Code is amended to read:

37723. Partially creamed cottage cheese or low-fat cottage cheese, is the soft uncured cheese which is prepared by mixing cottage cheese with one or more of the following pasteurized products or products of certified raw milk or a mixture of two or more such products: cream, milk, skim milk, concentrated milk, dried milk, concentrated skim milk, nonfat dry milk solids, or other constituents derived from milk, water. The product or mixture shall be used in such quantity that the milk fat which is added thereby is not less than 0.5 percent, nor more than 2 percent by weight of the finished partially creamed cottage cheese or low-fat cottage cheese. The finished partially creamed cottage cheese or low-fat cottage cheese shall contain not more than 82.5 percent of moisture.

If partially creamed cottage cheese is made either wholly or partially from certified raw milk or a product of certified raw milk, it shall be so labeled, notwithstanding Section 37975.

SEC. 4. Section 38001 of the Agricultural Code is amended to read:

38001. It is unlawful for any person to have in his possession any cheese, except uncreamed cottage cheese, partially creamed cottage cheese, creamed cottage cheese, or cottage cheese made from certified raw milk or cheese which has been allowed to ripen or cure for at least 60 days from the date of manufacture, which is not pasteurized or was not manufactured from milk or milk products which were pasteurized, unless the person has such cheese in his possession for one of the following purposes:

(a) Curing, aging, or processing by a manufacturer, broker, or wholesale handler.

(b) Transportation, in the case of boats, railroads, or other carriers.

(c) Storage, in the case of a warehouse or cold storage company.

CHAPTER 107

An act to add Section 20021.8 to, and to amend Section 31469.4 of, the Government Code, relating to retirement.

[Approved by Governor May 25, 1971. Filed with
Secretary of State May 25, 1971.]

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

SECTION 1. Section 20021.8 is added to the Government Code, to read:

20021.8. "County peace officer" shall also include probation officers, deputy and assistant probation officers and persons employed in a juvenile hall or home and having as their primary duty and responsibility the counseling, supervision and custody of a group of youths assigned or committed to such hall or home. It shall not include persons employed as teachers, instructors, psychologists, or to provide food, maintenance, health or other supporting services even though responsibility for custody and control of youths may be incident to or imposed in connection with such service.

The provisions of this section shall not apply to the employees of any contracting agency nor to any such agency unless and until the contracting agency elects to be subject to the provisions of this section by amendment to its contract with the board, made as provided in Section 20461.5 or by express provision in its contract with the board.

SEC 2. Section 31469.4 of the Government Code is amended to read:

31469.4. "Safety member" means persons employed as probation officers, juvenile hall or juvenile home group counselors and group supervisors who are primarily engaged in the control and custody of delinquent youths who must be detained under physical security in order not to be harmful to themselves or others.

The provisions of this section shall not be applicable in any county until the board of supervisors by resolution make the provisions applicable.

CHAPTER 108

An act to amend Sections 6704, 6735, 6756, 6797, 8775, 8775.3, 8793, and 8800, and to repeal Sections 6721, 6756 1, 6767, and 8714, of the Business and Professions Code, relating to business and professions.

[Approved by Governor May 25, 1971. Filed with
Secretary of State May 25, 1971.]

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

SECTION 1. Section 6704 of the Business and Professions Code is amended to read:

6704. In order to safeguard life, health, property, and public welfare, only persons registered under the provisions of this chapter shall be entitled to take and use the titles "consulting engineer," "professional engineer," or "registered engineer," or any combination of such titles, and according to registration with the board the titles "civil engineer," "structural engineer," "chemical engineer," "electrical engineer," "industrial engineer," "mechanical engineer," "metallurgical engineer," "petroleum engineer," "engineer-in-training" or the titles in such other branches as the board may establish. The provisions of this act pertaining to registration of professional engineers in the branches of chemical, electrical, industrial, mechanical, metallurgical, and petroleum engineering do not apply to employees in the communication industry; nor to the employees of contractors while engaged in work on communication equipment; provided, that such employees may not use the title unless registered. Nor shall the provisions of this section prevent the use of the title "consulting engineer" by a person who has qualified for and maintained exemption for using such title under the provisions of Section 6732.1.

SEC. 2. Section 6721 of the Business and Professions Code is repealed.

SEC. 3. Section 6735 of the Business and Professions Code is amended to read:

6735. All civil engineering plans, specifications, reports or documents shall be prepared by a registered civil engineer or by a subordinate employee under his direction, and shall be signed by him to indicate his responsibility for them. In addition to his signature, he shall show his registration number or the stamp of his seal. The registered civil engineer shall use together with his signature or seal, the title "civil engineer" or, if he has the authority, the title "structural engineer."

SEC. 4. Section 6756 of the Business and Professions Code is amended to read:

6756. An applicant for certification as an engineer-in-training shall, upon making a passing grade in that division of the examination prescribed in Section 6755 of this chapter, relating to fundamental engineering subjects, be issued a certificate as an engineer-in-training. No renewal or other fee, other than the application fee, shall be charged for this certification. Such certificate shall become invalid when the holder has qualified as a professional engineer as provided in Section 6762 of this chapter.

SEC. 5. Section 6756.1 of the Business and Professions Code is repealed.

SEC. 6. Section 6767 of the Business and Professions Code is repealed.

SEC. 7. Section 6797 of the Business and Professions Code is amended to read:

6797. The department shall receive and account for all money derived from the operation of this chapter and, at the

end of each month, shall report such money to the State Controller and shall pay it to the State Treasurer, who shall keep the money in a separate fund known as the Professional Engineer's Fund. This fund shall be expended in accordance with law for the payment of all actual and necessary expenses incurred in carrying out the provisions of this chapter.

SEC. 8. Section 8714 of the Business and Professions Code is repealed.

SEC. 9. Section 8775 of the Business and Professions Code is amended to read:

8775. No person shall use the title of photogrammetrist or photogrammetric surveyor unless he holds registration as a civil engineer or licensed land surveyor, or unless he is licensed as a photogrammetric surveyor.

SEC. 10. Section 8775.3 of the Business and Professions Code is amended to read:

8775.3. Photogrammetric surveyor licenses shall be renewable upon payment of the fee fixed by the board for which a renewal certificate shall be issued. Photogrammetric surveyor license fees shall be the same as those prescribed for land surveyor's licensing; and the provisions of this chapter relating to revenue, and with respect to disciplinary proceedings, shall similarly apply.

SEC. 11. Section 8793 of the Business and Professions Code is amended to read:

8793. Any person not a citizen of the United States who practices, or offers to practice, land surveying in this state, whether heretofore licensed for that purpose or not, is guilty of a misdemeanor.

SEC. 12. Section 8800 of the Business and Professions Code is amended to read:

8800. The department shall receive and account for all money derived under the operation of this chapter and, at the end of each month, shall report such money to the State Controller and shall pay it to the State Treasurer, who shall keep the money in a separate fund known as the Professional Engineer's Fund. All necessary expenses incurred in carrying out the provisions of this chapter, shall, in accordance with law, be paid from the Professional Engineer's Fund.

CHAPTER 109

An act to amend Section 11823 of the Education Code, as enacted by Chapter 1048 of the Statutes of 1968, and as amended by Chapter 557 of the Statutes of 1970, relating to testing of pupils.

[Approved by Governor June 1, 1971. Filed with Secretary of State June 1, 1971.]

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

SECTION 1. Section 11823 of the Education Code, as enacted by Chapter 1048 of the Statutes of 1968, is amended to read:

11823. The governing board of any school district shall, subject to Section 11822, provide for the testing of the sight and hearing of each pupil enrolled in the schools of the district. The test shall be adequate in nature and shall be given only by duly qualified supervisors of health employed by the district; or by certificated employees of the district or of the county superintendent of schools who possess the qualifications prescribed by the State Board of Education; or by contract with an agency duly authorized to perform such services by the county superintendent of schools of the county in which the district is located, under guidelines established by the State Board of Education; or accredited schools or colleges of optometry, osteopathy, or medicine. The records of the tests shall serve as evidence of the need of the pupils for the educational facilities provided physically handicapped individuals. The equipment necessary to conduct the tests may be purchased or rented by governing boards of school districts. The state, any agency, or political subdivision thereof may sell or rent any such equipment owned by it to the governing board of any school district upon such terms as may be mutually agreeable.

SEC. 2. Section 11823 of the Education Code, as amended by Chapter 557 of the Statutes of 1970, is amended to read:

11823. The governing board of any school district shall, subject to Section 11822, provide for the testing of the sight and hearing of each pupil enrolled in the schools of the district. The test shall be adequate in nature and shall be given only by duly qualified supervisors of health employed by the district; or by certificated employees of the district or of the county superintendent of schools who possess the qualifications prescribed by the Commission for Teacher Preparation and Licensing; or by contract with an agency duly authorized to perform such services by the county superintendent of schools of the county in which the district is located, under guidelines established by the State Board of Education; or accredited schools or colleges of optometry, osteopathy, or medicine. The records of the tests shall serve as evidence of the need of the pupils for the educational facilities provided physically handicapped individuals. The equipment necessary to conduct the tests may be purchased or rented by governing boards of school districts. The state, any agency, or political subdivision thereof may sell or rent any such equipment owned by it to the governing board of any school district upon such terms as may be mutually agreeable.

SEC. 3. Section 2 of this act shall become operative on January 1, 1973, or at such earlier date as may be designated by the Commission on Teacher Preparation and Licensing pursuant to Section 93 of Chapter 557 of the Statutes of 1970, at which time Section 11823 of the Education Code, as amended by Section 1 of this act, is repealed.

CHAPTER 110

An act to add Section 5083.5 to the Business and Professions Code, relating to accountants.

[Approved by Governor June 1, 1971. Filed with Secretary of State June 1, 1971.]

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

SECTION 1. Section 5083.5 is added to the Business and Professions Code, to read:

5083.5. Notwithstanding the provisions of Section 5083, an applicant shall receive a certificate as a certified public accountant if the applicant has passed the uniform certified public accountants examination on or before November, 1963, and has taught a total of 90 units of accounting classes in an accredited institution of college grade subsequent to passage of such examination.

The provisions of this section shall not be operative after December 31, 1971.

CHAPTER 111

An act to amend Section 18021.5 of the Government Code, relating to overtime for state employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 1, 1971. Filed with Secretary of State June 1, 1971.]

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

SECTION 1. Section 18021.5 of the Government Code is amended to read:

18021.5. The State Personnel Board shall provide the extent to which, and establish the method by which, ordered overtime or overtime in times of critical emergency is compensated. The board may provide for cash compensation at a rate not to exceed $1\frac{1}{2}$ times the regular rate of pay, and the rate may vary within a class depending upon the conditions of work, or the board may provide for compensating time off at a rate not to exceed $1\frac{1}{2}$ hours of time off for each hour of overtime worked. The provisions made under this section shall be based on the practices of private industry and other public employment, the needs of state service, and internal relationships.

SEC. 2. This act shall become operative July 1, 1971.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to equalize pay standards for all state employees and have such adjustments coincide with the commencement of the ensuing fiscal year, it is necessary that this act take immediate effect.

CHAPTER 112

An act to add Section 92.6 to the Streets and Highways Code, relating to freeways.

[Approved by Governor June 2, 1971. Filed with Secretary of State June 2, 1971.]

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

SECTION 1. Section 92.6 is added to the Streets and Highways Code, to read:

92.6. At such locations as shall be determined by the department to be appropriate, screening shall be installed on state freeway overpasses on which pedestrians are allowed, in order to prevent objects from being dropped or thrown upon vehicles passing underneath. First consideration shall be given to freeway overpasses in urban areas.

The department shall submit to the Legislature on or before the fifth day of each general session an annual report on its program for the implementation of this section.

CHAPTER 113

An act to add Section 2193.7 to the Business and Professions Code, relating to healing arts.

[Approved by Governor June 2, 1971. Filed with Secretary of State June 2, 1971.]

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

SECTION 1. Section 2193.7 is added to the Business and Professions Code, to read:

2193.7. Notwithstanding any other provision of law, a person who at the time of his enrollment in a medical school in the Republic of Mexico is a citizen of the United States, and who possesses a diploma issued to him after successful completion of a four-year program in such medical school located in the Republic of Mexico, which school is approved by the Republic of Mexico, shall take the same written examination prescribed by the Board of Medical Examiners for graduates of California medical schools.

Upon successful completion of such examination, such person shall be eligible to serve his postgraduate studies, which shall be in the field of family practice, in a hospital approved by

the board for the period required in Section 2193.5, and upon successful completion of such postgraduate studies in the field of family practice and successful completion of the clinical and oral examinations given by the board, he shall be issued a certificate as a physician and surgeon.

No hospital in this state licensed pursuant to Chapter 2 (commencing with Section 1400) of Division 2 of the Health and Safety Code, or operated by the state government, a county, or by the Regents of the University of California, shall require a person qualified for postgraduate training pursuant to this section to take an examination other than the written examination administered by the board as a condition of obtaining postgraduate training in such hospital. This section shall not be construed to prohibit a hospital from administering a test to applicants for postgraduate training for the purpose of selecting persons from a number of applicants for a lesser number of postgraduate positions.

CHAPTER 114

An act to amend Section 305 of the Business and Professions Code, relating to consumer affairs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 2, 1971. Filed with
Secretary of State June 2, 1971.]

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

SECTION 1. Section 305 of the Business and Professions Code is amended to read:

305. The director shall administer and enforce the provisions of this chapter. Every power granted or duty imposed upon the director under this chapter may be exercised or performed in the name of the director by a deputy or assistant director or the chief of the department's Division of Consumer Services, subject to such conditions and limitations as the director may prescribe.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that this legislation be operative at the same time that other legislation relating to the establishment of the Department of Consumer Affairs is operative, it is necessary that it take effect at the earliest possible date.

SEC. 3. This act shall be operative July 1, 1971.

CHAPTER 115

*An act to add Section 1202.5 to the Probate Code,
relating to notice of probate proceedings.*

[Approved by Governor June 2, 1971. Filed with
Secretary of State June 2, 1971.]

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

SECTION 1. Section 1202.5 is added to the Probate Code, to read:

1202.5. At any time after the issuance of letters testamentary or of administration, any person interested in the estate, whether as heir, devisee, legatee, creditor, beneficiary under a trust, or as otherwise interested, or the State Controller, may, in person or by attorney, serve upon the executor or administrator, or upon the attorney of the executor or administrator, and file with the clerk of the court where the proceedings are pending, with a written admission or proof of such service, a written request, stating that he desires special notice of the filing with the court, of an inventory and appraisal, as defined by Section 600, and giving his post office address or that of his attorney. Notice of the filing of the inventory and appraisal shall be given by the executor or administrator by mailing a copy of the notice to the post office address given in the request for special notice no later than 10 days after the filing of the inventory and appraisal. Proof of mailing of the notice shall be filed with the court.

CHAPTER 116*An act to amend Section 5901 of the Vehicle Code,
relating to notice of sale by vehicle dealers.*

[Approved by Governor June 2, 1971. Filed with
Secretary of State June 2, 1971.]

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

SECTION 1. Section 5901 of the Vehicle Code is amended to read:

5901. Every dealer upon transferring by sale, lease or otherwise any vehicle, whether new or used, of a type subject to registration under this code, shall, not later than the end of the third business day thereafter of the dealer, give written notice of the transfer to the department at its headquarters upon an appropriate form provided by it, but a dealer need not give the notice when selling or transferring a new unregistered vehicle to another dealer.

A "sale" shall be deemed completed and consummated when the purchaser of that vehicle has paid the purchase

price, or, in lieu thereof, has signed a purchase contract or security agreement, and taken physical possession or delivery of that vehicle.

CHAPTER 117

An act to amend Section 2954 of the Civil Code, relating to impound accounts.

[Approved by Governor June 2, 1971. Filed with
Secretary of State June 2, 1971.]

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

SECTION 1. Section 2954 of the Civil Code is amended to read:

2954. Every mortgagee of real property, beneficiary under a deed of trust on real property or vendor on a real property sale contract upon the written request of the mortgagor, trustor or vendee shall furnish to the mortgagor, trustor or vendee for each calendar year within 60 days after the end of such year an itemized accounting of moneys received for interest and principal repayment and received and held in or disbursed from an impound or trust account, if any, for payment of taxes on the property, insurance premiums or other purposes relating to the property subject to the mortgage, deed of trust or real property sales contract. The mortgagor, trustor or vendee shall be entitled to receive one such accounting for each calendar year without charge and shall be entitled to additional similar accountings for one or more months upon written request and on payment in advance of fees as follows:

(a) Fifty cents (\$0.50) per statement when requested in advance on a monthly basis for one or more years.

(b) One dollar (\$1) per statement when requested for only one month.

(c) Five dollars (\$5) if requested for a single cumulative statement giving all the information described above back to the last statement rendered.

If the mortgagee, beneficiary or vendor transmits to the mortgagor, trustor or vendee a monthly statement or passbook showing moneys received for interest and principal repayment and received and held in and disbursed from an impound or trust account, if any, the mortgagee, beneficiary or vendor shall be deemed to have complied with this section.

No increase in the monthly rate of payment of a mortgagor, trustor or vendee on a real property sales contract for impound or trust accounts shall be effective until after the mortgagee, beneficiary or vendor has furnished the mortgagor, trustor or vendee with an itemized accounting of the moneys presently held by it in the accounts, and a statement of the new monthly rate of payment, and an explanation of the factors necessitating the increase.

The provisions of this section shall be in addition to the obligations of the parties as stated by Section 2943 of this code.

Every person who willfully or repeatedly violates this section shall be subject to punishment by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).

CHAPTER 118

An act to add Article 9 (commencing with Section 19700.51) to Chapter 10 of Division 14 of the Education Code, relating to school facilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 4, 1971. Filed with Secretary of State June 4, 1971.]

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

SECTION 1. Article 9 (commencing with Section 19700.51) is added to Chapter 10 of Division 14 of the Education Code, to read:

Article 9. School Housing Aid for Rehabilitation and Replacement of Structurally Inadequate School Facilities

19700.51. Not to exceed thirty million dollars (\$30,000,000) of the proceeds of the sale of bonds authorized by the State School Building Aid Bond Law of 1966 may be expended pursuant to this article.

19700.52. Not to exceed two hundred fifty million dollars (\$250,000,000) of the proceeds of the sale of bonds authorized by the School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1972 may be expended pursuant to this article.

19700.53. The Legislature hereby declares that it is in the interest of the state and the people thereof to provide assistance to school districts in rehabilitating or replacing structurally unsafe school facilities inasmuch as the education of children is an obligation of the state, and such obligation carries with it a corresponding responsibility for the physical safety of children while attending school.

19700.54. It is the intent of the Legislature in enacting this article to provide a means through repayable state loans for school districts not otherwise eligible for assistance under this chapter (consisting principally of school districts in the urban centers of the state), to house their pupils in facilities that are structurally safe.

19700.55. The following terms, as used in this article, shall have the following meanings, unless the State Allocation Board finds a different meaning is essential for properly carry-

ing out the purposes of this article, or finds that a different meaning clearly appears from the context:

(a) "Board" means the State Allocation Board as defined in Article 1 (commencing with Section 19551) of this chapter.

(b) "Director" means the Director of Education.

(c) "District" means an elementary, high school, or unified school district.

(d) "Project" means the purposes for which a district has applied for assistance in the rehabilitation or replacement of unsafe school facilities at a given attendance center.

(e) "Apportionment" means an apportionment made under this article, and unless the context otherwise requires, it shall be deemed to include funds of a district required by the board to be contributed toward the cost of a project.

(f) "Attendance center" means a school maintained or to be maintained at a given location within a district.

19700.56. The State Allocation Board shall administer this article. The Director of General Services shall provide such assistance to the board as it may require.

19700.57. In addition to such other powers and duties granted to the board by Article 1 (commencing with Section 19551) of this chapter, the board shall:

(a) Establish such qualifications as it deems will best serve the purposes of this article for determining the eligibility of districts to apportionments under this article.

(b) Establish such procedures and policies in connection with the administration of and expenditure of funds made available for the purpose of this article as it deems necessary.

(c) Adopt such rules and regulations for the administration of this article, requiring such procedure, forms, and information as it may deem necessary.

19700.58. The board, by the adoption of rules, shall give priority in allocating funds to districts which will benefit most from the reconstruction or replacement of schoolhouse facilities. This priority may be based on the age and structural safety of existing buildings at the school or schools where the construction or reconstruction will occur, acuteness of overcrowding and density of population in the attendance areas affected, or such other factors as will insure that the greatest need will be served in allocating funds under this article.

19700.59. The board shall prescribe instructions specifying the manner in which property, real or personal, being replaced through the apportionment, shall be disposed of, and compliance with the instructions shall be a condition upon the making of the apportionment. The net proceeds derived from such a disposition shall be contributed in reduction of any apportionment proportionate to the state's participation in the project. Any school district affected shall comply with instructions prescribed by the board. The board may require a district to transfer to the state by any instruments deemed appropriate by the board, title to any such property, whereupon, the board shall dispose of the property in any manner it deems appropri-

ate to insure the highest return to the state, and apply the applicable proceeds therefrom in reduction of apportionments to the district. The district affected shall do all things deemed necessary by the board to implement such disposition.

19700.60. Apportionments under this article from the State School Building Aid Fund shall be made for the sole purpose of reconstructing or replacing existing substandard buildings that present a potential threat to the safety of schoolchildren and which do not comply with the requirements of Article 4 (commencing with Section 15451) of Chapter 2 of Division 11 or for the purpose of restoring facilities damaged by an earthquake after February 1, 1971, and for which there are no other state or federal funds available for such restoration. Such apportionments shall be made in the manner and subject to the conditions herein provided and in accordance with policies adopted by the board for the following purposes, all of which purposes are declared to be, and are, public works:

(a) The reconstruction, renovation, or remodeling of existing school buildings and facilities.

(b) The construction of permanent or temporary school buildings and facilities for replacement purposes.

(c) The acquisition, by purchase or lease, and the installation of classrooms for replacement purposes.

(d) The acquisition and development of school sites necessary for construction of buildings approved under this article.

(e) The construction, repair, attachment, or development of offsite facilities, utilities or improvements which the board determines are necessary to the proper operation or functioning of the school facilities for which apportionments are made.

(f) The acquisition of such additional furniture and equipment as is deemed necessary by the board to make the rehabilitated or replaced facilities properly function.

(g) Any combination of the above.

As a part of such purposes, where a district is required by a contract entered into between itself and a contractor, to obtain at its own expense insurance covering risks incurred during any construction, reconstruction, or alteration for which an apportionment has been made, the cost thereof may be paid either directly, or by way of reimbursement, to the district out of the apportionment, or out of any apportionment made specifically covering such insurance; provided, that in other respects the apportionments are eligible for payment under provisions of this chapter.

19700.61. The Department of Education shall provide the following services to school districts making applications for apportionments under this article:

(a) It shall assist school districts in organizing a comprehensive planning effort. It shall guide a planning process through its appropriate steps and, when requested by a school district, it shall provide the school district with sources of expertise, either public or private, which may be able to con-

tribute to the development of plans to find solutions for specific problems a school district may have.

(b) It shall provide continuing research in relation to all phases of educational programs and the school facilities that are required to implement these educational programs.

(c) It shall provide a review and evaluation service to school districts to assure the effectiveness of the facilities that have been provided in accommodating educational programs.

(d) It shall provide communication media through publications and seminars, and prepare planning guides and procedures containing recommendations, which guides shall be used to disseminate educational planning information to all school districts.

Each school district which files an application for an apportionment of funds under this article after July 1, 1973, shall prepare and submit to the board a long-range comprehensive master plan for the district prepared in accordance with acceptable planning procedures. Specific information relating to the following factors must be included in this master plan:

(a) A statement of the educational programs and goals of the district in relation to its programs, both current and future.

(b) A comprehensive evaluation and report of the utilization of the school facilities now existing in the district together with preliminary plans of the facilities to be reconstructed or replaced under this article, prepared in accordance with the requirements of Section 15459.

(c) A comprehensive demographic study of the district, as it currently exists and as projected into the future.

(d) A policy statement regarding actual or potential human problems.

(e) A policy statement as to the priority in which the district proposes to solve its school housing problems.

(f) A policy statement regarding cooperation with other local public agencies to achieve total community development.

(g) A policy to insure continuous review so that plans will be kept up to date and changing conditions will be reviewed and accommodated by appropriate revision of plans.

The director shall review the long-range master plan and project development plan and shall report his findings and recommendations thereon to the board. The board shall in no instance approve an application or make an apportionment therefor until it has determined to its satisfaction that the facility for which the apportionment is sought is justified by an appropriate estimate of average daily attendance and location within the district.

19700.62. Each school district which desires an apportionment shall submit through its governing board to the board an application therefor in such form and number of copies as the board shall prescribe. Each copy of the application shall be

accompanied by a statement of the estimated cost of the project certified by an architect or structural engineer, and by layout plans showing the entire construction project for which the district desires an apportionment.

Estimates of costs for new construction or equipment appearing in an application shall conform to cost standards adopted by the board under Section 19571 of this chapter.

A school district shall not let any contract for new construction included in an application for a construction project which has been approved by the board if the cost exceeds the construction cost standards fixed by the board under Section 19571 for such new construction, except as otherwise provided in Section 19700.71.

A school district may at any time amend or supplement its application.

Each construction project for which a district applies for an apportionment shall be applied for on a separate application and shall be considered separately by the board. If a district applies for more than one construction project, at the same time or at different times, the priority points of the district shall be recalculated after the approval of each separate construction project and before a subsequent construction project is approved.

The board shall require such changes in the plans which an applicant school district submits with its application as the board determines is necessary or desirable to reduce the cost of the project.

19700.63. A school district may at any time file an application or amend or supplement an application. Upon receipt of any application, the Director of General Services shall as promptly as possible prepare a report and recommendation with respect to the application after having received recommendations from the director in respect to any matter which is subject to the jurisdiction or approval of the Director or Department of Education. The board shall, subject to the provisions of this article, approve, in whole or in part, or reject each application referred to it by the Director of General Services. If the board approves of the application, either in whole or in part, it shall, by a resolution adopted by it, apportion to the district from the State School Building Aid Fund the amount applied for, or such portion thereof as the board may determine appropriate; provided, that it may order that the apportionment or any part thereof shall be paid in progressive installments at such times and under such conditions as it may then prescribe. This shall be known as a conditional apportionment and shall become final only if the vote provided for in Section 19700.66 is favorable and if the county superintendent of schools furnishes a certificate satisfactory to the board certifying that there is on deposit in the state school building fund of the district the amount of district funds which, when added to the apportionment computed

under Section 19700.69, will equal the estimated cost of the project approved under Section 19700.62.

Unless the board has received the certificates of the county superintendent of schools required by this section within nine months from the date of the conditional apportionment, it shall, at the expiration of the nine months period, void the conditional apportionment and shall certify this fact to the State Controller. Each final apportionment made by the board under this article, shall be certified by it to the State Controller who shall from time to time draw his warrant on the State Treasurer in favor of the county treasurer of the county having jurisdiction over the district in accordance with the terms of such final apportionment. The warrant shall be exempt from the provisions of Division 4 (commencing with Section 16100) of Title 2 of the Government Code and shall be paid by the State Treasurer from the State School Building Aid Fund.

19700.64. The board may, upon approval of the application, in whole or in part, and subsequently from time to time, make a conditional apportionment or conditional apportionments not exceeding in the aggregate the total amount approved for the application from the State School Building Aid Fund for such portion or portions of the project for which the board determines the district is ready to proceed. If the board has approved an application and made an apportionment as to a portion or portions of a project, the board may approve the remaining portion or portions of the project and make an additional apportionment or apportionments as it deems appropriate.

If the board determines that the actual cost is in excess of the estimated cost of the specific school plant facilities or sites for which an apportionment to a district has been made, or for which a district's application has been approved in whole or in part pursuant to this section, the board may make an additional apportionment to such district in an amount equal to such excess even though such additional apportionment will result in the total apportionments to the district exceeding the amount of the application originally approved by the board.

Approval of an application under this section shall not be construed as creating or implying any obligation, commitment or promise on the part of the board or the state to make apportionments under this chapter.

19700.65. The amount of new building area for which an apportionment may be made for the purpose of replacing unsafe school buildings shall be computed in accordance with regulations adopted by the board. Such regulation shall be based upon the number of units of average daily attendance which were housed in the unsafe buildings being replaced and the building area limitations contained in Sections 19583, 19585, 19586, 19587 and 19588 together with any adjustments necessary to alleviate hardships occurring as a result of only

partial replacement of an entire attendance center. In no event shall an apportionment be made for new building area the chargeable area of which exceeds the chargeable area of the unsafe buildings being replaced. The chargeable area of any school building shall be computed in the uniform manner prescribed by the board.

19700.66. No payment of funds may be made pursuant to an apportionment unless the district holds an election at which the electorate of the district approve the acceptance, expenditure, and repayment of at least the amount apportioned pursuant to this article. The election may be held prior to or subsequent to an apportionment. If the electors voting at such election fail to approve the proposition by same majority required at a district bond election, within nine months from the date of the apportionment, the apportionment and the board's approval of the application become null and void.

19700.67. No apportionment shall be made to a district for the construction, reconstruction, or alteration of, or addition to, school buildings if the requirements prescribed by this code for the construction of school buildings are not met by the plans for the entire building program of the district in connection with which the district applied for an apportionment.

19700.68. Payment shall be made in accordance with the terms of an apportionment, either directly or by way of reimbursement, to a school district for expenditures, or commitments therefor, which have been made by the district subsequent to the effective date of this article for any items approved by the board in such apportionment; provided, however, that where expenditures were made for, or work was commenced with respect to, any item so approved, prior to the time the application of such district containing such item was received by the board, payment or reimbursement for such item, either with state funds or with district funds which the district is required to contribute by the apportionment, shall be made only upon authorization of the board by special resolution citing this section.

19700.69. The amount of the apportionment to a school district from the State School Building Aid Fund shall initially be computed by the board as follows:

(a) Determining the ratio which the school district's assessed valuation per pupil for the grade level of the project application bears to the statewide assessed valuation per pupil in that grade level, for the preceding fiscal year.

(b) Subtracting the amount computed under (a) from four.

(c) Dividing the amount computed under (b) by four plus the ratio which the school district's assessed valuation per pupil for the grade level of the project application bears to the statewide assessed valuation per pupil for that grade level, for the preceding fiscal year, which computation shall be denoted the "basic computed state matching ratio of assistance."

(d) The computation prescribed by subdivisions (a), (b), and (c) may be diagrammed as follows, with "A.V." representing the words "assessed valuation," and "a.d.a." representing the words "average daily attendance."

$$\begin{array}{l} \text{Basic computed} \\ \text{state matching} \\ \text{ratio of assistance} \end{array} = \frac{4 - \frac{\text{District A.V. per a.d.a.}}{\text{Statewide A.V. per a.d.a.}}}{4 + \frac{\text{District A.V. per a.d.a.}}{\text{Statewide A.V. per a.d.a.}}}$$

(e) The basic computed state matching ratio of assistance for a grade level of a school district shall not be less than 25 percent nor more than 80 percent of the cost of any specific project.

(f) When the final eligible costs of a project have been determined pursuant to the audit prescribed in Sections 19700.75 and 19628, the amount of the basic computed state matching ratio of assistance to the district shall be adjusted accordingly.

19700.70. A school district may obtain local funds to match the state assistance with any combination of funds available as follows:

(a) Through the issuance of school district bonds.

(b) Through the levy and collection of school district taxes. For such purposes proceedings may be undertaken pursuant to Section 20803 to increase the maximum tax rate of the district by the amount deemed necessary to produce the required funds. The proceeds of any such increase in the maximum tax rate shall be used exclusively for projects for which an apportionment or apportionments have been made under this article.

(c) Through the levy and collection of school district taxes as authorized by Section 15518.

(d) From any other fund available for capital outlay purposes.

19700.71. Whenever a school district determines that it is in its best interest to provide facilities on a given school site in addition to those contained in the approved application, it may do so, with any excess funds it has available for capital outlay purposes, beyond those required under this article, by adding such excess funds to the total cost of the project. There shall be no penalties imposed under this article as a result of such expenditures.

19700.72. Whenever a school district has received an apportionment or apportionments of funds pursuant to Chapter 8 (commencing with Section 19401) or Chapter 10 (commencing with Section 19551) of Division 14, and, through the issuance of bonds, uses such bond proceeds as its source of funds to match its share of the eligible project cost of any project for which an apportionment of funds is made under this article, the amount of such bond funds shall be considered eligible bonded debt service in the computations made by the Director of General Services prescribed in Sections 19430 and 19431 and in Sections 19601 to 19619, inclusive.

19700.73. The interest on apportionments made under this article shall be established by the board, with the approval of the Director of General Services, as follows:

(1) The interest rate applicable to apportionments made pursuant to Article 1 (commencing with Section 19551) of this chapter and determined in accordance with Section 19596 shall be established as of June 30 of each year.

(2) The applicable interest rate on June 30 shall apply to apportionments made under this article in the ensuing fiscal year, July 1 through June 30.

(3) Interest on the apportionment shall be compounded annually through the 30th day of June of each year.

19700.74. Each district to which an apportionment or apportionments has been made under this article shall repay the principal amount of such apportionment or apportionments and the accrued interest thereon in 20 equal annual payments. The first payment shall be made in the second fiscal year following the year in which the apportionment is made. In any year in which the equal annual repayment exceeds that amount which seventeen and one-half cents (\$.175) per one hundred dollars (\$100) of assessed valuation for each grade level (i.e. elementary, high school or community college) operated by the district would raise during the year of the computation, the repayment shall be reduced to the amount which the seventeen and one-half cents (\$.175) for each grade level would so raise. The amount of the reduction in computed repayment shall be canceled on the books of the State Controller. If more than one apportionment is made the annual amount payable shall be the sum of the amounts which would be payable on each amount if computed separately.

On or before the first day of January of each fiscal year the State Controller shall determine the annual repayment, if any, to be due from each district during the next succeeding fiscal year. The computation and collection procedures shall be in accordance with Sections 19611, 19618, and 19619.

19700.75. Sections 19555, 19561, 19565, 19597, 19617, 19620, and 19623 to 19629, inclusive, of Article 1 (commencing with Section 19551) of this chapter shall be applicable to the administration of this article unless the context of this article as determined by the board, requires otherwise.

19700.76. Whenever a school district receives or has received an apportionment under this article for the purchase of a site which contains existing improvements, the board may require the district to dispose of such existing improvements as a condition of receiving an apportionment in such manner as the board deems proper. Whenever a district sells, leases or disposes of any site acquired under an apportionment or any improvements appurtenant to any site so acquired it shall contribute a portion of the net proceeds therefrom or the value of any consideration received therefor, in reduction of any apportionment, such portion being proportionate to the state's participation in the project.

19700.77. To determine the effect of school housing aid for reorganized districts, the applicable portions of Article 2 (commencing with Section 19651) shall apply.

19700.78. The provisions of this chapter shall, for purposes of the projects subject thereto, control over any provision of Division 11 (commencing with Section 15001) which vests in the Department of Education the power and responsibility of approving school sites and buildings.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the urgent need for replacement or reconstruction of unsafe school facilities may be met at once, and in order that assistance be given to school districts which have had facilities rendered unusable through recent earthquake activity, it is essential that this act go into effect immediately.

CHAPTER 119

An act to amend Sections 13988.1, 14371 and 14372 of, and to add Article 3.5 (commencing with Section 14560) to, Chapter 11 of Part 8 of, Division 2 of the Revenue and Taxation Code, relating to inheritance taxation.

[Approved by Governor June 4, 1971 Filed with
Secretary of State June 4, 1971]

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

SECTION 1. Section 13988.1 of the Revenue and Taxation Code is amended to read:

13988.1. Fees paid attorneys for services rendered in obtaining a Controller's determination of tax, or in actions brought to establish the fact of death of a decedent pursuant to the provisions of the Probate Code, or pursuant to Article 3 (commencing with Section 14551) of Chapter 11 of this part, and attorneys' fees and executors', administrator's and accountant's fees paid for extraordinary services performed in the preparation of estate, inheritance and income tax returns or in the adjustment and payment of extensive or complicated estate or inheritance taxes, are deductible from the appraised value of the property included in any transfer subject to this part.

SEC 2. Section 14371 of the Revenue and Taxation Code is amended to read:

14371. Any person who has made a payment of tax to the county treasurer in excess of the amount specified in the order or orders fixing tax or Controller's determination of tax as

finally amended or modified, and as said amount is adjusted pursuant to discount and interest provisions of this part, is entitled to a refund in the amount erroneously paid.

In the case of a payment of tax for an estate where there is no order fixing tax, the person making payment shall be entitled to a refund of the amount erroneously paid on presentation of proof satisfactory to the State Controller that he is entitled to a refund.

SEC. 3. Section 14372 of the Revenue and Taxation Code is amended to read:

14372. An application for the refund shall be made to the State Controller, or shall be filed with the superior court having jurisdiction, within one year after the date of the entry of the order fixing tax or of the decree of final distribution of the estate, whichever is later, or within one year after the Controller's determination of tax becomes final.

Where application for refund is filed with the superior court, notice of the hearing together with a copy of the application shall be given to the Controller.

In the case of an estate where there is no order fixing tax, an application for refund shall be made within two years of the decedent's death or within one year of erroneous payment, whichever is later.

SEC. 4. Article 3.5 (commencing with Section 14560) is added to Chapter 11 of Part 8 of Division 2 of the Revenue and Taxation Code, to read:

Article 3.5. Determinations by the Controller

14560. If it appears that a transfer subject to this part has been made as to which the taxability, tax liability, and amount of tax have not been determined, and that no court proceedings in which such determinations may be made are pending or likely to be filed, the Controller may determine such. The Controller may refer the matter to an inheritance tax referee to ascertain and submit a report on:

(a) The clear market value of the property included in each transfer from the decedent subject to this part.

(b) The amount of tax, if any, which is due and payable on each transfer.

(c) Such other facts regarding the tax as will assist the Controller in the determination of the tax.

14561. If the Controller determines that a tax is due, his determination shall show:

(a) The clear market value of the property included in each transfer from the decedent subject to this part.

(b) The amount of tax, if any, which is due and payable on each transfer.

(c) Such other facts regarding the tax as the Controller may deem appropriate.

14562. The Controller shall give notice of the amount of tax determined by personal service or by mail to the person

filing the inheritance tax declaration at the address stated in the declaration, or to the persons liable for the tax. Copies of the notice may in like manner be given to such other persons as the Controller deems advisable.

14563. If, within 60 days after the notice of determination is given, no proceeding in which the tax may be fixed by court order is instituted and written notice thereof given to the Controller, the determination shall, at the end of said period, become final and shall thereafter have the same force and effect as an order fixing tax made by the court pursuant to this part, and the Controller shall have the same powers and duties to amend, modify, set aside or otherwise act with respect thereto as is conferred by this part upon the court with respect to orders fixing inheritance tax.

14564. A Controller's determination of tax is conclusive only as to such property as may have been included in transfers disclosed to the Controller before making his determination.

CHAPTER 120

An act to amend Section 13 of, and to add Sections 5.3, 15.5 and 15.6 to, the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957), relating to the Placer County Water Agency, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 4, 1971 Filed with
Secretary of State June 4, 1971.]

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

SECTION 1. Section 5.3 is added to the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957), to read:

Sec. 5.3. The agency may fix a water service standby or immediate availability charge to be applied on an area, or frontage, or parcel basis, or a combination thereof, to such areas within the agency to which water service is made available for any purpose by the agency, whether the water service is actually used or not, provided, that such charge may not be levied against unimproved property permanently dedicated to public transportation. The agency may establish schedules varying such charge according to the land uses and the degree of availability or quantity of use of such water service to the affected lands, and may restrict such charge to lands lying within one or more zones or areas of benefits established within such agency. The agency may not, however, fix a charge in excess of ten dollars (\$10) per acre per year or in excess of five dollars (\$5) per year for a parcel of less than one acre.

The agency may collect the standby or availability charge by billing the charged lands on a fiscal year basis or by other means available.

The agency may collect the standby or availability charge as a part of the annual general county tax bill provided the agency furnishes in writing to the board of supervisors and to the county auditor the description of each parcel for which a charge is to be billed together with the amount of the charge applicable to each parcel in sufficient time to meet the schedule established by the county for inclusion of such items on the county general tax bill. The parcel description may be the parcel number assigned by the county assessor to the parcel. In such cases, the standby or availability charge shall become a lien against the parcel of land to which it is charged in the same manner as the county general taxes. Penalties may be collected for late payment of the standby or availability charge or the amount thereof unpaid in the manner and at the same rates as that applicable for late payment or the amount thereof unpaid of county general taxes.

If the agency collects standby charges through the county general tax bill, the amount of the standby charge and any applicable penalty shall be stated on the tax bill separately from all other taxes, if practicable.

SEC. 15. Section 13 of the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957) is amended to read:

Sec. 13. The agency shall not incur any indebtedness or liability exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable. This section shall have no application to debts or liabilities incurred pursuant to the provisions of this act authorizing the issuance of revenue bonds pursuant to Section 16, the levying of special assessments, the execution of contracts with the United States and the state, nor the incurring of any indebtedness or liability authorized by a vote of the electors of any zone or improvement district of the agency at an election held for such purpose.

SEC. 2. Section 15.5 is added to the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957), to read:

Sec. 15.5. Improvement districts may be formed in the agency for any authorized purpose of the agency in the same manner as improvement districts are formed in irrigation districts. When formed, such improvement districts shall be governed in the same manner as improvement districts in irrigation districts. The board shall have the same rights, powers, duties and responsibilities with respect to the formation and government of improvement districts in the agency as the board of directors of an irrigation district has with respect to improvement districts in irrigation districts. Assessments in an improvement district in the agency shall be levied, collected and enforced at the same time and as nearly in the same manner as practicable as annual taxes of the county, except that the assessment shall be made in the same manner as

provided with respect to improvement districts in irrigation districts.

SEC. 3. Section 15.6 is added to the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957), to read:

Sec. 15.6. Whenever in the opinion of the board the public interest or convenience may require, it may order any work or improvement which it is authorized to undertake to be done in accordance with the procedure and in pursuance of the provisions of either the Improvement Act of 1911, Division 7 (commencing at Section 5000) of the Streets and Highways Code, or the Municipal Improvement Act of 1913, Division 12 (commencing at Section 10000) of the Streets and Highways Code.

The following terms, as used in such improvement acts have the following meaning:

- (a) "Municipality" or "city" means the agency;
- (b) "City council" or "legislative body" means the board of directors of the agency;
- (c) "City treasurer" or "treasurer" means the officer of the agency who has charge of and makes payment of the agency funds;
- (d) "Mayor" means the chairman of the agency;
- (e) "Clerk" means the secretary of the agency;
- (f) "Council chambers" means the place where the regular meetings of the board of directors are held;
- (g) "Superintendent of streets," or "street superintendent" and "city engineer" mean the general manager of the agency, or any other person appointed to perform such duties;
- (h) "Tax collector" means the county tax collector;
- (i) "Right-of-way" means any parcel of land through which a right-of-way has been granted to the agency for any purpose;
- (j) All other words and terms relating to municipal officers and matters refer to the corresponding officers of the agency and matters under this act.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health and safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Placer County Water Agency has acquired a public utility water system and is now responsible for providing improvements to such system. In order to equitably apportion the costs of such improvements among the beneficiaries thereof, it is necessary for the agency to be able to levy standby charges and establish improvement districts and levy assessments according to benefits within such districts. Unless this act takes effect immediately the agency will have to postpone making improvements to its water system that are necessary and desirable to protect the health and safety of residents within the agency.

CHAPTER 121

An act to repeal Section 6 of Chapter 520, Statutes 1969, relating to juries in criminal cases.

[Approved by Governor June 4, 1971. Filed with Secretary of State June 4, 1971.]

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

SECTION 1. Section 6 of Chapter 520, Statutes 1969 is repealed.

CHAPTER 122

An act to add Section 11008.2 to the Welfare and Institutions Code, relating to public assistance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 4, 1971. Filed with Secretary of State June 4, 1971.]

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

SECTION 1. Section 11008.2 is added to the Welfare and Institutions Code, to read:

11008.2. To the extent permitted by federal law, lump sum retroactive social security payments received under the provisions of Public Law 92-5 shall not be considered in determining the amount payable to any person under aid to families with dependent children, aid to the blind, aid to the aged, aid to the potentially self-supporting blind, aid to the needy disabled, Medi-Cal, or county aid and relief to indigents.

This section shall not be construed to limit the provisions of Section 11008.1.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that recipients of social security payments shall not be deprived of benefits conferred in 1971 by the United States government, it is necessary for this act to take effect immediately.

CHAPTER 123

An act to amend Sections 16116, 16117, 16118, 16119, 16120, and 16122 of, and to repeal Sections 16123 and 16124 of, the Welfare and Institutions Code, and to amend Section 2 of Chapter 1322 of the Statutes of 1968, relating to aid for adoption of children.

[Approved by Governor June 8, 1971. Filed with Secretary of State June 8, 1971.]

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

SECTION 1. Section 16116 of the Welfare and Institutions Code is amended to read:

16116. For purposes of this chapter, a "hard-to-place" child is a child who is disadvantaged because of adverse parental background, or a handicapped child, or a child of the age of three years or more. The provisions of this chapter apply only to hard-to-place children.

SEC. 2. Section 16117 of the Welfare and Institutions Code is amended to read:

16117. It is the purpose of this chapter to encourage and promote the placement in adoptive homes of children who because of their ethnic background, race, color, language, physical or mental, or emotional or medical handicaps, or age or because they are a sibling group who should be placed in the same home have become difficult to place in adoptive homes. It is the legislative intent to make available to prospective adoptive parents information concerning the availability of relinquished children, information and assistance in completing the adoption process, and the financial aid which might be required to enable them to adopt an otherwise hard-to-place child.

SEC. 3. Section 16118 of the Welfare and Institutions Code is amended to read:

16118. The department shall establish and administer the program to be carried out by the department or any licensed adoption agency pursuant to this chapter. The department shall adopt such regulations as are necessary to carry out the provisions of this chapter.

The department shall keep such records as are necessary to evaluate the programs' effectiveness in encouraging and promoting the adoption of hard-to-place children.

SEC. 4. Section 16119 of the Welfare and Institutions Code is amended to read:

16119. The department and all adoption agencies shall disseminate information to prospective adoptive families, especially those families of lower income levels and those belonging to disadvantaged groups, as to the availability of adoptable hard-to-place children and of the existence of aid to adoptive families under this chapter.

The county responsible for providing foster care for a child shall provide financial aid to the adoptive family in an amount determined pursuant to Section 16120.

SEC. 5. Section 16120 of the Welfare and Institutions Code is amended to read:

16120. The adoption fees may be waived for all adoptive parents as necessary to provide adoptive families for hard-to-place children. There may be paid for a period not to exceed three years an amount of financial assistance not more than the amount that would be paid for foster care for the child if the placement for adoption had not taken place. Additional financial assistance may be granted for a period of not more than two years if the adoptive parents have a continuing need as determined by the department or a designated licensed adoption agency. The Director of Finance is authorized to transfer funds to a special account for use by the department to provide the in-lieu foster care payments as provided by this section. Such transfer of funds shall not exceed the amount of the estimated reduction in foster care payments which will result from the placement of hard-to-place children in adoptive homes. The county share of the cost of in-lieu foster care payments to adoptive parents shall be paid from county funds. The county responsible for the care of the child in a foster home is responsible for the payment provided for by this section in adoptive placements arranged by the department or any licensed adoption agency and in cases in which a child receiving aid to families with dependent children in a foster home is adopted by his foster parents and the department or designated adoption agency joins in the petition for adoption.

SEC. 6. Section 16122 of the Welfare and Institutions Code is amended to read:

16122. The department shall actively seek, and make maximum use of, federal funds which might be available for the purposes of this chapter. All gifts or grants received from private sources for the purposes of this chapter shall be used to offset state costs incurred under the program established by this chapter.

SEC. 7. Section 16123 of the Welfare and Institutions Code is repealed.

SEC. 8. Section 16124 of the Welfare and Institutions Code is repealed.

SEC. 9. Section 2 of Chapter 1322 of the Statutes of 1968 is amended to read:

Sec. 2. It is not the intent of this act to increase expenditures but to provide for temporary payments to selected adoptive parents in the same way that such persons would be eligible to receive aid payments if they were to apply for a boardinghome license.

SEC. 10. This act shall be known as and may be cited as the Mervyn M. Dymally Aid for the Adoption of Children Act, or the Dymally Adoption Bill.

CHAPTER 124

*An act to add Section 25426 to the Education Code,
relating to pupil discipline.*

[Approved by Governor June 8, 1971. Filed with
Secretary of State June 8, 1971.]

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

SECTION 1. Section 25426 is added to the Education Code, to read:

25426. A violation or violations of any law, ordinance, regulation, or rule regulating or pertaining to the parking of vehicles, shall not be cause for the suspension or expulsion of a student from a community college.

CHAPTER 125

*An act to add Section 561 to the Public Utilities
Code, relating to smoking.*

[Approved by Governor June 8, 1971 Filed with
Secretary of State June 8, 1971.]

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

SECTION 1. Section 561 is added to the Public Utilities Code, to read:

561. Every railroad corporation, passenger stage corporation, passenger air carrier, and street railway corporation providing departures originating in this state shall provide designated space for their nonsmoking passengers.

CHAPTER 126

An act to amend Sections 4179.3 and 4181 of, and to add Section 4180.5 to, the Health and Safety Code, and to repeal Section 2 of Chapter 69 of the Statutes of 1969, relating to garbage and refuse disposal districts.

[Approved by Governor June 8, 1971 Filed with
Secretary of State June 8, 1971]

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

SECTION 1. Section 4179.3 of the Health and Safety Code is amended to read:

4179.3. Members of the district board may be reimbursed for their actual and necessary expenses incurred in the per-

formance of official business of the district as approved by the district board.

Members of the district board may also receive not more than twenty-five dollars (\$25) compensation for each day of actual attendance at the meetings of the board, such compensation to be established by order of the board and entered upon its minutes. No member of the district board, other than the chairman and secretary of the board, shall, however, receive more than seventy-five dollars (\$75) compensation in any calendar month. In addition to any other compensation received pursuant to this section, the chairman of the district board and the secretary of the district board if the secretary is a member of such board shall each receive monthly compensation as established by the district board.

SEC. 2. Section 2 of Chapter 69 of the Statutes of 1969 is repealed.

SEC. 3. Section 4180.5 is added to the Health and Safety Code, to read:

4180.5. The governing board may designate any depository or depositories for the custody of any or all the money collected or received for district purposes pursuant to Article 2 (commencing with Section 53630) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code. A depository shall give security sufficient to secure the district against possible loss and shall pay the warrants drawn by the district for demands against the district under such rules as the governing board may prescribe.

SEC. 4. Section 4181 of the Health and Safety Code is amended to read:

4181. The district board shall, at least 15 days before the first day of the month in which the board of supervisors of the county in which the district is situated is required by law to levy the amount of taxes required for county purposes, furnish the board of supervisors and county auditor of the county an estimate in writing of the amount of money necessary for the district's purposes during the next ensuing fiscal year. The county tax collector shall collect the district taxes at the same time and in the same manner as the county taxes are collected. Unless the governing board has designated any depository or depositories pursuant to Section 4180.5, all money collected for district purposes shall be paid into the county treasury and paid out on warrants of the county auditor drawn on the county treasurer, upon order of the district board. The amount of money necessary for the district's purposes may include a cash-basis fund.

CHAPTER 127

An act to amend Section 14410 of the Elections Code, relating to voting.

[Approved by Governor June 8, 1971. Filed with Secretary of State June 8, 1971.]

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

SECTION 1. Section 14410 of the Elections Code is amended to read:

14410. Booths shall not be occupied by more than one person at a time. Voters shall not remain in or occupy a booth longer than is necessary to prepare their ballots, which shall not exceed 10 minutes; provided, however, that where no other voter would be inconvenienced, a longer period shall be allowed.

CHAPTER 128

An act to add Section 8825 to the Elections Code, relating to county central committees.

[Approved by Governor June 8, 1971. Filed with Secretary of State June 8, 1971.]

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

SECTION 1. Section 8825 is added to the Elections Code, to read:

8825. The incumbent or nominee of each of the following offices shall be an ex officio member of the committee in the county in which he resides:

- (a) Governor
- (b) Lieutenant Governor
- (c) Secretary of State
- (d) Controller
- (e) Treasurer
- (f) Attorney General
- (g) Member of the State Board of Equalization
- (h) United States Senator from California
- (i) Representative in Congress from California

His rights and privileges shall be the same as those prescribed for other ex officio members in Section 8824.

CHAPTER 129

*An act to add Section 2605 to the Elections Code,
relating to elections.*

[Approved by Governor June 8, 1971 Filed with
Secretary of State June 8, 1971.]

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

SECTION 1. Section 2605 is added to the Elections Code, to read:

2605. Notwithstanding any other provision of law, the notice required to be published or posted of any election shall first be published or posted not later than 14 days prior to the close of registration for such election. This section shall not be deemed to make shorter any election notice requirement.

CHAPTER 130

*An act to amend Sections 22651, 22655, 22656, 22660, 22702,
22855, and 22856 of the Vehicle Code, relating to the re-
moval of motor vehicles.*

[Approved by Governor June 9, 1971 Filed with
Secretary of State June 9, 1971.]

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

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

22651. Any member of the California Highway Patrol or any regularly employed and salaried deputy of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer of a police department in a city in which a vehicle is located, or any regularly employed and salaried officer of the University of California Police Department on or about a campus or in or about other grounds or properties owned, operated, controlled or administered by the Regents of the University of California on or in which a vehicle is located, or any regularly employed and salaried officer of a California state college police department on or about a campus or in or about other grounds or properties owned, operated, controlled or administered by the Trustees of the California State Colleges on or in which a vehicle is located, may remove a vehicle from a highway under the following circumstances:

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

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

or in such a condition as to create a hazard to other traffic upon the highway.

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

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

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

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

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

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

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

(j) When any vehicle is found illegally parked and there are no license plates or other evidence of registration displayed the vehicle may be impounded until the owner or person in control of the vehicle furnishes the impounding police agency evidence of his identity and an address within this state at which he can be located.

SEC. 2. Section 22655 of the Vehicle Code is amended to read:

22655. When any member of the California Highway Patrol, or any regularly employed and salaried officer of a police department in a city, or sheriff's department authorized to enforce the provisions of this code pursuant to Section 26613 of the Government Code, or any regularly employed and salaried officer of the University of California Police Department on or about a campus or in or about other grounds or proper-

ties owned, operated, controlled or administered by the Regents of the University of California, or any regularly employed and salaried officer of a California state college police department on or about a campus or in or about other grounds or properties owned, operated, controlled or administered by the Trustees of the California State Colleges, has reasonable cause to believe that a motor vehicle on a highway has been involved in a hit-and-run accident, and the operator of the vehicle has failed to stop and comply with the provisions of Sections 20002, through 20006, inclusive, the officer may remove the vehicle from the highway for the purpose of inspection. Unless sooner released, the vehicle shall be released upon the expiration of 24 hours after such removal from the highway upon demand of the owner.

SEC. 3. Section 22656 of the Vehicle Code is amended to read:

22656. Any member of the California Highway Patrol or any regularly employed and salaried deputy of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer of a police department in a city in which a vehicle is located or any regularly employed and salaried officer of the University of California Police Department on or about a campus or in or about other grounds or properties owned, operated, controlled or administered by the Regents of the University of California on or in which a vehicle is located or any regularly employed and salaried officer of a California state college police department on or about a campus or in or about other grounds or properties owned, operated, controlled or administered by the Trustees of the California State Colleges on or in which a vehicle is located, may remove a vehicle from a railroad right-of-way if the vehicle is parked upon any railroad track or within $7\frac{1}{2}$ feet of the nearest rail.

SEC. 3.5. Section 22660 of the Vehicle Code is amended to read:

22660. Notwithstanding any other provision of law, a city, county, or city and county may adopt an ordinance establishing procedures for the abatement and removal, as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private property or public property, not including highways, and recovery, pursuant to Sections 25845 or 38773.5 of the Government Code, or assumption by the local agency, of costs of administration and removal thereof; provided, however, that any such ordinance shall contain provisions:

(a) Requiring notice to be given to the Department of Motor Vehicles within five days after the date of removal identifying the vehicle or part thereof and any evidence of registration available, including, but not limited to, registration certificates of title or license plates

(b) That the ordinance shall not apply to (1) a vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other

public or private property or (2) a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junkyard; provided, however, that this exception shall not authorize the maintenance of a public or private nuisance as defined under provisions of law other than this chapter.

(c) For administration of the ordinance by regularly salaried, full-time employees of the city, county, or city and county, except that the removal of vehicles or parts thereof from property may be by any other duly authorized person.

(d) Requiring not less than a 10-day notice of intention to abate and remove the vehicle or part thereof as a public nuisance. Such notice shall contain a statement of the hearing rights of the owner of the property on which the vehicle is located and the owner of the vehicle. The statement shall include notice to the property owner that he may appear in person at a hearing or may present a sworn written statement denying responsibility for the presence of the vehicle on the land, with his reasons for such denial, in lieu of appearing. The notice of intention to abate shall be mailed, by registered or certified mail, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership.

(e) Requiring a public hearing to be held before the governing body of the city, county, or city and county, or any other board, commissioner, or official of the city, county, or city and county as designated by the governing body, upon request for such a hearing by the owner of the vehicle or the owner of the land on which such vehicle was located. This request shall be made to the appropriate public body, agency, or officer within 10 days after the mailing of notice of intention to abate and remove the vehicle. If the owner of the land on which the vehicle is located submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such time period, this statement shall be construed as a request for hearing which does not require the presence of the owner submitting such request. If such a request is not received within such period, the appropriate public body, agency, or officer shall have the authority to remove the vehicle.

(f) That after a vehicle has been removed, it shall not be reconstructed or made operable.

(g) That the owner of the land on which the vehicle is located may appear in person at the hearing or present a sworn written statement denying responsibility for the presence of the vehicle on the land, with his reasons for such denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and

that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such cost from such owner.

Vehicles or parts thereof may be disposed of by removal to a scrapyards, automobile dismantler's yard, or any suitable site operated by a local agency for processing as scrap, or other final disposition consistent with subdivision (f). A local agency may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or the local agency may transfer such vehicle or parts to another provided such disposal shall be only as scrap.

Any person authorized by the city, county, or city and county, to administer the provisions of an ordinance of the type authorized by this section may enter upon private property for the purposes specified in the ordinance to examine vehicle or parts thereof, obtain information as to the identity of vehicle and to remove or cause the removal of a vehicle or part thereof declared to be a nuisance pursuant to ordinances.

Licensed dismantlers or commercial enterprises acquiring vehicles removed pursuant to said ordinance shall be excused from the reporting requirements of Section 11520 of the Vehicle Code and any fees and penalties which would otherwise be due the Department of Motor Vehicle are hereby waived, provided that a copy of the resolution or order authorizing disposition of the vehicle is retained in the dismantlers' or commercial enterprises' business records.

SEC. 4. Section 22702 of the Vehicle Code is amended to read:

22702. (a) Any member of the California Highway Patrol or any regularly employed and salaried deputy sheriff or other employee of the county designated to perform this function by the board of supervisors in which a vehicle is located or any regularly employed and salaried police officer or other employee of the city designated to perform this function by the city council, in which a vehicle is located who has reasonable grounds to believe that the vehicle has been abandoned, may remove the vehicle from a highway or from public or private property.

(b) Any member of the California State Police who has reasonable grounds to believe that a vehicle has been abandoned upon property owned by the state, or rented or leased from others by the state, or property of a district agricultural association as to which the California State Police is providing policing services, may remove the vehicle from such property.

(c) Any regularly employed and salaried officer or other employee of the University of California Police Department who has reasonable grounds to believe that a vehicle has been abandoned on or about a campus or in or about other grounds

or properties owned, operated, controlled or administered by the Regents of the University of California may remove the vehicle from such property.

(d) Any policeman appointed or employed by the board of directors of a regional park district who has reasonable grounds to believe that a vehicle has been abandoned upon property owned by the regional park district or rented or leased from others by the regional park district, may remove the vehicle from such property.

(e) Any regularly employed and salaried officer or other employee of a California state college police department who has reasonable grounds to believe that a vehicle has been abandoned on or about a campus or in or about other grounds or properties owned, operated, controlled or administered by the Trustees of the California State Colleges, may remove the vehicle from such property.

(f) The public agency employing the officer shall make an appraisal of any such vehicle either prior to or within five days after removal.

(g) A county or city employee, other than an employee of a sheriff's department or a city police department, designated to remove vehicles pursuant to this section may do so only after he has mailed or personally delivered a written report identifying the vehicle and its location to the office of the Department of the California Highway Patrol located nearest to the vehicle.

SEC. 5. Section 22855 of the Vehicle Code is amended to read:

22855. The following persons shall have the authority to make appraisals of the value of vehicles for purposes of this chapter, subject to the conditions stated in this chapter:

(a) Any member of the California Highway Patrol designated by the commissioner.

(b) Any regularly employed and salaried deputy sheriff or other employee designated by the sheriff of any county.

(c) Any regularly employed and salaried police officer or other employee designated by the chief of police of any city.

(d) Any officer or employee of the Department of Motor Vehicles designated by the director of said department.

(e) Any member of the California State Police designated by the chief thereof.

(f) Any regularly employed and salaried police officer or other employee of the University of California Police Department designated by the chief thereof.

(g) Any regularly salaried employee of a city, county, or city and county designated by a board of supervisors or a city council pursuant to subdivision (a) of Section 22702.

(h) Any regularly employed and salaried police officer or other employee of a California State College Police Department designated by the chief thereof.

SEC. 6. Section 22856 of the Vehicle Code is amended to read:

22856. The commissioner, Chief of the California State Police, Chief of the University of California Police Department, Chief of any California State College Police Department, or any sheriff or chief of police who designates a person authorized to make appraisals or the board of supervisors or city council who designates a regularly salaried employee of a city, county, or city and county to make appraisals shall certify the name of every such person or employee to the Department of Motor Vehicles in Sacramento.

CHAPTER 131

*An act to amend Section 21057 of the Vehicle Code,
relating to peace officers.*

[Approved by Governor June 9, 1971 Filed with
Secretary of State June 9, 1971.]

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

SECTION 1. Section 21057 of the Vehicle Code is amended to read:

21057. Every police and traffic officer is hereby expressly prohibited from using a siren or driving at an illegal speed when serving as an escort of any vehicle, except when the escort or conveyance is furnished for the preservation of life or when expediting movements of supplies and personnel for any federal, state, or local governmental agency during a national emergency, or state of war emergency, or state of emergency, or local emergency as defined in Section 8558 of the Government Code.

CHAPTER 132

An act to amend Sections 20750.2, 20750.3, 20750.4 and 20750.42 of, and to repeal Sections 20750.32 and 20750.43 of, the Government Code, relating to the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 9, 1971 Filed with
Secretary of State June 9, 1971.]

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

SECTION 1. Section 20750.2 of the Government Code is amended to read:

20750.2. A public employer's contribution to the retirement fund in respect to state patrol members is a sum equal to 27.51 percent of the compensation paid state patrol members employed by such employer.

SEC. 2. Section 20750.3 of the Government Code is amended to read:

20750.3. A public employer's contribution to the retirement fund in respect to forestry members is a sum equal to 15.00 percent of the compensation paid forestry members employed by such employer.

SEC. 3. Section 20750.32 of the Government Code is repealed.

SEC. 4. Section 20750.4 of the Government Code is amended to read:

20750.4. A public employer's contribution to the retirement fund in respect to warden members is a sum equal to 15.11 percent of the compensation paid warden members employed by such employer.

SEC. 5. Section 20750.42 of the Government Code is amended to read:

20750.42. A public employer's contribution to the retirement fund in respect to law enforcement members is a sum equal to 18.97 percent of the compensation paid law enforcement members employed by such employer.

SEC. 6. Section 20750.43 of the Government Code is repealed.

SEC. 7. This act shall become operative July 1, 1971.

SEC. 8. This act is an urgency statute necessary for immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Quadrennial valuation of the Public Employees' Retirement System recently completed discloses that the state's rate of contribution to the Public Employees' Retirement Fund should be reduced beginning in fiscal year 1971-72 with respect to certain member categories. In order that the rate adjustment may be effective and the resulting savings realized in that fiscal year, it is necessary that this act take effect immediately.

CHAPTER 133

An act to amend Section 18021.7 of the Government Code, relating to fire suppression employees, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 9, 1971. Filed with Secretary of State June 9, 1971.]

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

SECTION 1. Section 18021.7 of the Government Code is amended to read:

18021.7. It is the policy of the state that the normal work-week of permanent employees in fire suppression classes of the

Division of Forestry shall not exceed 84 hours a week. Work in excess of the designated normal workweek may be compensated for in cash or compensating time off in accordance with the regulations of the State Personnel Board.

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

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The health and safety and property of the public protected by Division of Forestry firemen is dependent upon a vigorous work force having high morale with a minimal personnel turnover. Unless this act is passed as an urgency measure, a delay in the implementation of this act will be to the detriment of public service and jeopardize the public safety.

CHAPTER 134

An act to amend Section 21682 of the Public Utilities Code, relating to the Aeronautics Fund, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 9, 1971. Filed with
Secretary of State June 9, 1971.]

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

SECTION 1. Section 21682 of the Public Utilities Code is amended to read:

21682. (a) The department shall, subject to the provisions of Section 21684, pay from the fund to each public entity owning and operating an airport or airports under a valid permit issued by the department the sum of five thousand dollars (\$5,000) annually for each such airport, to be expended solely for airport and aviation purposes related to such airport or airports.

(b) The department shall, subject to the provisions of Section 21684, pay from the fund to the University of California the sum of five thousand dollars (\$5,000) annually for each airport used by the general public and owned and operated by the university under a valid permit issued by the department, to be expended solely for airport and aviation purposes related to such airport.

(c) If, in any year, there is insufficient money in the fund to make the payments specified in subdivisions (a) and (b), the department shall, subject to the provisions of Section 21684, pay to each such public entity an amount which is equal to the total amount of money in the fund multiplied by a percentage equivalent to the proportion which the airport

or airports of the public entity for which payment is required to be made pursuant to subdivisions (a) and (b) bear to the total number of airports for which payment is required to be made pursuant to subdivisions (a) and (b).

(d) No moneys paid under this section shall be expended for operation and maintenance.

(e) No payment shall be made under this section to any public entity for any airport on which general or commercial aviation activities are substantially restricted if the airport is licensed to conduct such activities by the department. The department shall determine whether or not general or commercial aviation activities are restricted.

(f) No payment shall be made under this section to any public entity or the University of California for any airport for any year in which the department allocates twenty-five thousand dollars (\$25,000) or more to such entity or the university for that airport pursuant to Section 21683.

(g) The Department of Aeronautics may make regulations to implement the provisions of this section.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Unless this act goes into effect by July 1, 1971, the entities which under the terms of this act will become eligible for an increased payment from the Aeronautics Fund will have lost their eligibility.

CHAPTER 135

An act to amend Sections 8922 and 9422 of the Elections Code, relating to the Department of General Services.

[Approved by Governor June 9, 1971 Filed with
Secretary of State June 9, 1971.]

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

SECTION 1. Section 8922 of the Elections Code is amended to read:

8922. The Department of General Services shall permit any committee which desires to do so to hold meetings in a state building within the county, at least one of which meetings each month shall be without charge.

SEC. 2. Section 9422 of the Elections Code is amended to read:

9422. The Department of General Services shall permit any committee which desires to do so to hold meetings in a state building within the county, at least one of which meetings each month shall be without charge.

CHAPTER 136

An act to amend Section 42795 of, to add Section 48003 to, and to repeal Article 6 (commencing with Section 49091) of Chapter 27 of Division 17 and Section 50010.1 of, the Agricultural Code, relating to agricultural products, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 11, 1971. Filed with
Secretary of State June 11, 1971]

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

SECTION 1. Section 42795 of the Agricultural Code is amended to read:

42795. The board of supervisors of the county may establish reasonable fees to cover the cost incurred by commissioners in the enforcement of Section 48003.

The fees shall be based on the approximate cost of the inspection necessary to enforce Section 48003 or regulations issued pursuant to such section and shall be paid by persons engaged in the chopping or shredding of lettuce.

SEC. 2. Section 48003 is added to the Agricultural Code, to read:

48003. The director may by regulation establish quality standards for head lettuce to be used for chopping and shredding, prior to chopping or shredding, in conjunction with standards for lettuce which has been chopped or shredded and packaged. He may also establish regulations for granting, denial, suspension, and revocation of permits to insure compliance with this chapter and the regulations promulgated thereunder, including the transportation and sale of the product to be used for chopping or shredding.

SEC. 3. Article 6 (commencing with Section 49091) of Chapter 27 of Division 17 of the Agricultural Code is repealed.

SEC. 4. Section 50010.1 of the Agricultural Code is repealed.

SEC. 5. It is the intention of the Legislature that if the Director of Agriculture, after hearing, determines the marking and packing requirements for pears and marking requirements for potatoes contained in Article 6 (commencing with Section 49091) of Chapter 27 of Division 17 and Section 50010.1 of the Agricultural Code are satisfactory, that they shall be adopted as the regulations governing these subjects to become operative on the 31st day after the effective date of this act.

SEC. 6. Sections 3 and 4 of this act shall become operative the 31st day after the effective date of this act.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The quality standards for head lettuce to be used for chopping and shredding are necessary to protect the health of the public. The harvest season of such lettuce will end before the normal effective date of legislation passed at this session of the Legislature. It is necessary that this act become effective immediately that the Director of Agriculture may implement such standards to meet the needs of the current harvesting season of such lettuce.

CHAPTER 137

An act to amend Section 10433 of the Health and Safety Code, relating to birth records.

[Approved by Governor June 11, 1971. Filed with Secretary of State June 11, 1971.]

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

SECTION 1. Section 10433 of the Health and Safety Code is amended to read:

10433. The new birth certificate shall bear the name of the child as shown in the report of adoption, the names and ages of his adopting parents, the date and place of birth, and no reference shall be made in the new birth certificate to the adoption of the child. The new certificate shall be identical with a birth certificate registered for the birth of a child of natural parents. The specific name and address of the hospital or other facility where the birth occurred shall not be omitted from the new birth certificate unless requested by one of the adopting parents.

CHAPTER 138

An act to repeal Section 2 of Chapter 507 of the Statutes of 1970, relating to the Lakeside Elementary School District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 11, 1971. Filed with Secretary of State June 11, 1971.]

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

SECTION 1. Section 2 of Chapter 507 of the Statutes of 1970 is repealed.

SEC. 2. Notwithstanding any other provisions of law to the contrary, the Superintendent of Public Instruction shall not

withhold from any apportionments made to the Lakeside Elementary School District in Kings County during the 1970-1971 fiscal year any amount for purposes of repayment of the amount allocated to the district pursuant to Chapter 507 of the Statutes of 1970, except that the Superintendent of Public Instruction shall withhold from the 1970-1971 fiscal year first principal apportionment an amount representing interest as of that date on the amount so allocated.

The Superintendent of Public Instruction shall, on or before June 25, 1971, recompute the State School Fund apportionments for the Lakeside Elementary School District in Kings County for the 1970-1971 fiscal year and shall make appropriate adjustment in the second principal apportionment to be made to the district for the 1970-1971 fiscal year, to the end that no withholding will have been made during the 1970-1971 fiscal year for purposes of repayment of the amount allocated to the district pursuant to Chapter 507 of the Statutes of 1970, except an amount representing interest as of the date of the 1970-1971 fiscal year first principal apportionment on the amount so allocated.

SEC. 3. The Superintendent of Public Instruction shall, during the 1971-1972, 1972-1973, and 1973-1974 fiscal years, withhold from the apportionments to be made to the Lakeside Elementary School District in Kings County from the State School Fund in each of those years an amount equal to one-third the amount actually disbursed to the district pursuant to Section 1 of Chapter 507 of the Statutes of 1970, together with amounts representing interest at a rate based on the most current investment rate of the Pooled Money Investment Account as of the date of disbursement of funds to the district pursuant to Section 1 of Chapter 507 of the Statutes of 1970.

Such withholding shall be directed to the end that the entire amount disbursed, plus interest, shall have been recouped by the state at the end of the 1973-1974 fiscal year.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that repayment of the funds made available to the Lakeside Elementary School District in 1970 to aid the district in averting a financial crisis which directly involved the entire area of the district may be made in a more feasible and equitable manner, it is necessary that this act take immediate effect.

CHAPTER 139

An act to add Chapter 7 (commencing with Section 32100) to Division 22 of the Education Code, relating to continuous school programs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 11, 1971. Filed with Secretary of State June 11, 1971.]

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

SECTION 1. Chapter 7 (commencing with Section 32100) is added to Division 22 of the Education Code, to read:

CHAPTER 7. CONTINUOUS SCHOOL PROGRAMS

Article 1. General Provisions

32100. It is the intent and purpose of the Legislature in enacting this chapter to authorize public school districts of any type or class to establish, maintain, and operate their educational program under a continuous school program, to be conducted throughout the entire school year.

The Legislature is especially concerned and aware of the mounting costs of acquisition and construction of school sites and facilities, and is, therefore, desirous of providing a procedure whereby those fiscal burdens may be reduced by increased utilization of existing plants and facilities.

The Legislature is also interested in providing for the replacement of the present system of lengthy summer vacations with shorter periodic vacation periods, which will result in a reduction in the diminution of the student's summer vacation "learning loss."

Article 2. Establishment and Maintenance of the Continuous School Program

32110. The governing board of any school district, with the approval of the Superintendent of Public Instruction, may establish and operate in one or more of the schools within the district, or in all schools within the district, a continuous school program pursuant to the provisions of this chapter.

32111. The governing board of any school district operating pursuant to the provisions of this chapter shall divide the students of each selected school into four groups. Students of the same family shall be placed in the same group unless one or more of such students is enrolled in a special education class or unless the parent or guardian of such students requests that the students be placed in different groups.

32112. The governing board of any school district operating pursuant to the provisions of this chapter shall establish

a school calendar whereby each of the four groups of pupils will attend school all year around in rotating shifts of four approximately 45-class-day sessions, with approximately 15-class-day vacations interspaced between the four sessions.

32113. Each selected school shall be closed for all students and employees on regular school holidays specified in Article 3 (commencing with Section 5201) of Chapter 2 of Division 6.

32114. The sessions and vacations required by Section 32112 shall be established without reference to the school year as defined in Section 5101. The schools and classes shall be conducted for a total of no fewer than 175 days during the academic year.

Article 3. Elements of the Continuous School Program

32120. The provisions of Chapter 6 (commencing with Section 12101) of Division 9, and all other laws relating to compulsory full-time education and the enrollment and attendance of pupils in the kindergarten, elementary, and secondary grades shall be applicable with respect to the regular schooldays prescribed for the entire academic year established for the school at which a program pursuant to this chapter is conducted, and to the attendance area established for such school.

32121. The courses of instruction offered at a school maintained pursuant to this chapter shall meet all applicable requirements of law, including the requirements prescribed by or pursuant to Chapter 3 (commencing with Section 8501) of Division 7 relating to physical education. For such purposes the instructional program shall be designed to provide at least the overall equivalent in instruction in each course of study required by law to be provided in kindergarten and grades 1 to 12, inclusive, upon a pupil's completion of the work prescribed for any particular grade.

32122. The governing board of any school district operating the continuous school program pursuant to this chapter shall prescribe a separate salary schedule for the certificated and classified employees of the district who are employed at any school maintaining the continuous school program pursuant to this chapter, and who, because of such employment, will be engaged in rendering services for the district for a greater number of total days during the academic year than would be the case for a regular academic year.

Article 4. Financial Support

32130. Each school district maintaining a continuous school program in any school within the district pursuant to

this chapter shall be entitled to receive the same support, but not more support, from the State School Fund due to the average daily attendance at such school that it would have received if the school had been operating under the provisions of law relating to the regular school year, including summer school.

32131. The Superintendent of Public Instruction shall prescribe an appropriate procedure for the computation of allowances, apportionments, and disbursements from the State School Fund which are to be made to any school district maintaining a continuous school program pursuant to this chapter for any one or more of the purposes specified in Sections 17303 and 17303.5 for the average daily attendance at any school operating such a program.

32132. The allowances, disbursements, and apportionments under this article shall be made with respect to any school district maintaining a continuous school program pursuant to this chapter in accordance with the provisions of Chapter 2 (commencing with Section 17300) and Chapter 3 (commencing with Section 17601) of Division 14, to the extent possible.

32133. The Superintendent of Public Instruction may provide for the actual disbursement of the apportionments to the school district maintaining the continuous school program pursuant to this chapter at times other than as specified in Article 3 (commencing with Section 17401) of Chapter 2 of Division 14. In no event, however, shall the school district receive apportionments in a total amount in excess of the amount determined pursuant to this article.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

To avoid impending half-day sessions and to provide better utilization of present school facilities during the 1971-1972 school year and school years thereafter, it is necessary that this act take immediate effect.

CHAPTER 140

An act to amend Sections 990 and 11007.4 of the Government Code, relating to insurance.

[Approved by Governor June 11, 1971. Filed with
Secretary of State June 11, 1971.]

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

SECTION 1. Section 990 of the Government Code is amended to read:

990. Except for a liability which may be insured against pursuant to Division 4 (commencing with Section 3201) of the Labor Code, a local public entity may:

(a) Insure itself against all or any part of any tort or inverse condemnation liability.

(b) Insure any employee of the local public entity against all or any part of his liability for injury resulting from an act or omission in the scope of his employment.

(c) Insure, contract or provide against the expense of defending a claim against the local public entity or its employee, whether or not liability exists on such claim, including a claim for damages under Section 3294 of the Civil Code or otherwise for the sake of example or by way of punishment, where such liability arose from an act or omission in the scope of his employment, and an insurance contract for such purpose is valid and binding notwithstanding Section 1668 of the Civil Code, Section 533 of the Insurance Code, or any other provision of law.

Nothing in this section shall be construed to authorize a local public entity to pay for, or to insure, contract, or provide for payment for, such part of a claim or judgment against an employee of the local entity as is for punitive or exemplary damages.

SEC. 2. Section 11007.4 of the Government Code is amended to read:

11007.4. (a) As used in this section:

(1) "Employee" includes an officer, employee, or servant, whether or not compensated, but does not include an independent contractor.

(2) "Employment" includes office or employment.

(3) "Injury" means death, injury to a person, damage to or loss of property, or any other injury that a person may suffer to his person, reputation, character, feelings or estate, of such a nature that it would be actionable if inflicted by a private person.

(b) Except for a liability which may be insured against pursuant to Division 4 (commencing with Section 3201) of the Labor Code, any state agency may, subject to Section 11007.7:

(1) Insure itself against all or any part of any tort or inverse condemnation liability.

(2) Insure any employee of the state against all or any part of his liability for injury resulting from an act or omission in the scope of his employment.

(3) Insure against the expense of defending a claim against the state agency or its employee, whether or not liability exists on such claim.

(c) The insurance authorized by this section may be provided by:

(1) Self-insurance, which may be, but is not required to be, funded by appropriations to establish or maintain reserves for self-insurance purposes.

(2) Insurance in any insurer authorized to transact such insurance in this state.

(3) Insurance secured in accordance with Chapter 6 (commencing with Section 1760) of Part 2 of Division 1 of the Insurance Code.

(4) Any combination of insurance authorized by paragraphs (1), (2) and (3).

(d) The authority provided by this section to insure does not affect any other statute that authorizes or requires any state agency to insure against its liability or the liability of its employees. Except as otherwise provided in Section 11007.7, no other statute limits or restricts the authority to insure under this section.

(e) Neither the authority provided by this section to insure, nor the exercise of such authority, shall:

(1) Impose any liability on the state or an employee thereof unless such liability otherwise exists.

(2) Impair any defense the state or an employee thereof otherwise may have.

CHAPTER 141

An act to add Section 24306 to the Government Code, relating to consolidation of county offices.

[Approved by Governor June 11, 1971 Filed with
Secretary of State June 11, 1971.]

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

SECTION 1. Section 24306 is added to the Government Code, to read:

24306. If the board of supervisors in counties having a population of 4,000,000 or more persons, consolidates two or more offices pursuant to statute or charter, the occupant of the consolidated office need not possess any of the qualifications required of the occupant of any of the separate offices which are consolidated if:

(a) No qualification applies to all of the offices consolidated; and

(b) Each head of the division or unit of the consolidated office, which division or unit includes the functions of one of the offices consolidated, has the qualifications required of the occupant of such office.

This section does not permit the occupant of such consolidated office to practice any profession or trade for the practice of which a license, permit or registration is required without such license, permit, or registration.

CHAPTER 142

An act to amend Sections 2512, 2512.5, 2513, 4102, 4336 and 4337 of, to add Sections 3730, 3730.1 and 4922 to, and to repeal Sections 3730 and 4922 of, the Revenue and Taxation Code, relating to taxation.

[Approved by Governor June 11, 1971. Filed with Secretary of State June 11, 1971.]

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

SECTION 1. Section 2512 of the Revenue and Taxation Code is amended to read:

2512. If a remittance to cover a payment required by law to be made to a taxing agency on or before a specified date is sent through the United States mail, properly addressed with the required postage prepaid, it shall be deemed received on the date shown by the post office cancellation mark stamped upon the envelope containing the remittance or on the date it was mailed if proof satisfactory to the tax collector or redemption officer establishes that the mailing occurred on an earlier date.

If a remittance to cover a payment required by law to be made to the taxing agency on or before a specified time on a specified date is sent through the United States mail, properly addressed with the required postage prepaid, and the cancellation mark is placed on the envelope after it is deposited in the mail:

(a) Where the cancellation mark shows both date and time, the remittance shall be deemed received on the date shown by the cancellation mark and by the times specified by law for that date or on the date it was mailed and within the time specified by law for that date if proof satisfactory to the tax collector or redemption officer establishes that the mailing occurred on an earlier date.

(b) Where the cancellation mark shows only the date, the remittance shall be deemed received within the time and date specified when the cancellation mark bears a date on or before which payment is required or on the date it was mailed and within the time specified by law for that date if proof satisfactory to the tax collector or redemption officer establishes that the mailing occurred on an earlier date.

The taxing agency need not accept such a payment actually received in the mail if it is received more than 30 days after the date and time set by law for the payment.

SEC. 2. Section 2512.5 of the Revenue and Taxation Code is amended to read:

2512.5. If a remittance to cover a payment required by law to be made to a taxing agency prior to a specified date and hour before being delinquent is deposited in the United States mail in a sealed envelope, properly addressed with the required

postage prepaid, on the date the same becomes delinquent, the remittance shall be deemed received before delinquency on the date shown by the post office cancellation mark stamped upon the envelope containing the remittance or on the date it was mailed if proof satisfactory to the tax collector or redemption officer establishes that the mailing occurred on an earlier date. The taxing agency is not required to accept such a payment actually received in the mail if it is received more than 30 days after the date and time set by law for the payment.

SEC. 3. Section 2513 of the Revenue and Taxation Code is amended to read:

2513. If an application, tax statement or claim for credit or refund required by law to be filed with a taxing agency on or before a specified date is filed with the taxing agency through the United States mail, properly addressed with the required postage prepaid, it shall be deemed filed on the date shown by the post office cancellation mark stamped on the envelope containing it, or on the date it was mailed if proof satisfactory to the tax collector or redemption officer establishes that the mailing occurred on an earlier date.

If an application, tax statement or claim for credit or refund required by law to be filed with the taxing agency on or before a specified time on a specified date is sent through the United States mail, properly addressed with the required postage prepaid, and the cancellation mark is placed on the envelope after it is deposited in the mail:

(a) Where the cancellation mark shows both date and time, the application, tax statement or claim for credit or refund shall be deemed filed on the date shown by the cancellation mark and by the time specified by law for that date.

(b) Where the cancellation mark shows only the date, the application, tax statement or claim for credit or refund shall be deemed filed within the time and date specified when the cancellation mark bears a date on or before the specified date of filing.

SEC. 4. Section 3730 of the Revenue and Taxation Code is repealed.

SEC. 5. Section 3730 is added to the Revenue and Taxation Code, to read:

3730. (a) On order of the board of supervisors, the amount paid as the purchase price of property which the board determines should not have been sold because at the time of sale it belonged to the United States, this state, a city or other political subdivision of this state shall be refunded.

(b) No order for a refund under subdivision (a) shall be made except on the filing of a claim verified by the person who paid the purchase price, his guardian, executor, or administrator and filed within three years after the board of supervisors makes and gives notice of the determination required in subdivision (a).

SEC. 6. Section 3730.1 is added to the Revenue and Taxation Code, to read:

3730.1. On order of the board of supervisors, all taxes paid on property which the board determines pursuant to subdivision (a) of Section 3730 should not have been sold shall be refunded upon the filing of a claim verified by the person who paid the tax, his guardian, executor or administrator filed within three years after the board of supervisors makes and gives notice of such determination. No refund shall be made under this section for any year in which the property did not belong to the United States, this state, a city or other political subdivision of this state.

SEC. 7. Section 4102 of the Revenue and Taxation Code is amended to read:

4102. The amount necessary to redeem shall be paid in lawful money of the United States and is the sum of the following:

(a) The amount of sold taxes.

(b) Delinquent penalties and costs.

(c) Redemption penalties.

(d) A redemption fee of one dollar and fifty cents (\$1.50) on each separately valued parcel sold to the state after June 13, 1947, and prior to June 13, 1969, which fee shall be two dollars (\$2) on and after such date. On property sold to the state prior to June 13, 1947, there shall be no redemption fee collected.

SEC. 8. Section 4336 of the Revenue and Taxation Code is amended to read:

4336. When property is redeemed on which delinquent taxes have been paid in installments, there shall be credited on the amount necessary to redeem the total amount of back taxes previously paid, including an allowance for interest paid pursuant to subdivision (b) of Section 4221. The credit shall be allowed after computation of the amount necessary to redeem. If the last payment made of delinquent taxes in installments was under a provision of law which requires that payments be made on or before April 10th or on or before April 20th or on or before May 10th in each fiscal year or which expressly allows quarter-annual payment of installments, no credit shall be allowed under this section after five years succeeding April 10th or April 20th or May 10th of the first fiscal year when no payment was made as required.

SEC. 9. Section 4337 of the Revenue and Taxation Code is amended to read:

4337. When payment of delinquent taxes in installments on any property was started under any provision of law and payment of delinquent taxes in installments on the property is later started under another provision of law providing for such payment, or under the same provision of law after default in payment, there shall be credited on the amount payable the total amount of back taxes paid under the same or

previous provision, including an allowance for interest paid pursuant to subdivision (b) of Section 4221. This credit is in addition to and not a substitute for the payment of any part of any installment payable and shall be allowed after the first installment is paid. If the last payment made of delinquent taxes in installments was under a provision of law which requires that payments be made on or before April 10th or on or before April 20th or on or before May 10th in each fiscal year or which expressly allows quarter-annual payment of installments, no credit shall be allowed under this section after five years succeeding April 10th or April 20th or May 10th of the first fiscal year when no payment was made as required.

SEC. 10. Section 4922 of the Revenue and Taxation Code is repealed.

SEC. 11. Section 4922 is added to the Revenue and Taxation Code, to read:

4922. If a credit is canceled on unintended property, the redemption officer shall notify the assessee or agent of the assessee of the unintended property by registered mail at his last known address respecting the proposed transfer, or if no address is known, at the county seat. Assessee as used in this section refers to the assessee as shown on the last roll on which the unintended property appears.

If a credit on unintended property is canceled and transferred pursuant to subdivision (b) of Section 4920, the redemption officer shall inform the person owning the property immediately before issuance of the guaranty or certificate of title that the credit has been canceled and transferred and the person so notified shall be personally liable for the amount so transferred which shall be collected in the manner specified for the collection of taxes on the unsecured roll.

CHAPTER 143

An act to add Section 10843 to the Fish and Game Code, relating to the Farallon Islands.

[Approved by Governor June 15, 1971 Filed with
Secretary of State June 15, 1971.]

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

SECTION 1. Section 10843 is added to the Fish and Game Code, to read:

10843. The following constitutes the Farallon Islands Game Refuge: the Southeast Farallons, including Maintop Island, Middle Farallon, the North Farallons, Noonday Rock, and the waters lying around each island within one nautical mile from the coastline of each island.

Section 10513 shall have no application in this refuge. Notwithstanding the provisions of Section 10500, persons on commercial vessels may possess unloaded firearms when traveling through the navigable waters of this refuge. Fishermen, however, may not take any seal or sea lion while in this refuge, notwithstanding the provisions of Section 4500.

CHAPTER 144

An act to add Section 631.1 to the Code of Civil Procedures, relating to jury fees.

[Approved by Governor June 15, 1971. Filed with Secretary of State June 15, 1971.]

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

SECTION 1. Section 631.1 is added to the Code of Civil Procedure, to read:

631.1. Notwithstanding any other provision of law, the county may pay jury fees in civil cases from general funds of the county available therefor. Nothing in this section shall be construed to change the requirements for the deposit of jury fees in any civil case by the appropriate party to the litigation at the time and in the manner otherwise provided by law. Nothing in this section shall preclude the right of the county to be reimbursed by the party to the litigation liable therefor for any payment of jury fees pursuant to this section.

CHAPTER 145

An act to amend Sections 4303, 4305, and 4306 of, to add Sections 4307, 4308, 4309, 4310, and 4311 to, and to repeal Section 4307 of, the Public Utilities Code, relating to taxation of transportation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 15, 1971. Filed with Secretary of State June 15, 1971.]

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

SECTION 1. Section 4303 of the Public Utilities Code is amended to read:

4303. On and after January 1, 1971, no city or city and county shall assess, levy, or collect an excise or license tax of any kind, character, or description whatever upon the intercity transportation business conducted on or after October 1, 1970, by any express corporation, freight forwarder, motor transportation broker, or person or corporation, owning or operating motor vehicles in the transportation of property for

hire upon the public highways, under the jurisdiction of the commission. For purposes of this chapter, intercity transportation business includes every service performed in connection with transportation of property by such transportation companies where both the origin point and the destination point of such transported property are not within the exterior boundaries of a single city or city and county.

SEC. 2. Section 4305 of the Public Utilities Code is amended to read:

4305. On or after January 1, 1971, any person or corporation, subject to the license fee imposed by Section 4304, required to pay any excise or license tax of any kind, character, or description whatever imposed by any city, or city and county, other than an excise or license tax authorized under Division 2 (commencing with Section 6001) of the Revenue and Taxation Code, for the privilege of doing business therein on or after October 1, 1970, may credit the amount of such tax against the fee imposed by Section 4304.

SEC. 2.5. Section 4306 of the Public Utilities Code is amended to read:

4306. (a) All funds collected by the commission pursuant to this chapter, less all refunds and administrative costs incurred by the commission, shall be deposited in the State Treasury to the credit of a special account in the General Fund to be known as the "Highway Carriers' Uniform Business License Tax Account." All such money in the special account is hereby appropriated to the Controller, and the commission shall report to the Controller those cities and cities and counties imposing business license taxes for which credits have been taken as provided by Section 4305 and the amounts of such credits taken, reported for each city or city and county. The Controller, after deducting the direct cost of administering the special account, shall disburse the balance of the account as provided in this section.

(b) On or before the 15th day of February, May, August, and November of each year, the balance of the funds appropriated by this section shall be disbursed to the cities, and cities and counties, of this state in the proportion that the population of each city and each city and county bears to the total population of all cities and cities and counties in this state. In determining the amount of such disbursements the Controller shall increase the special account by the amount of the credits taken pursuant to Section 4305, and determine the proportion of the special account as so increased to be disbursed to each city or each city and county, treating the amounts of such credits as distributions to those cities or cities and counties reported to the Controller pursuant to subdivision (a) of this section.

If a city or city and county would be entitled to a disbursement in an amount less than the total amount of credits taken under Section 4305, the population of the city or city and

county and such credits shall be excluded by the Controller in computing disbursements under this section.

(c) For purposes of this subdivision, the population of each city and each city and county shall be the population determined by the Controller pursuant to Section 11005 of the Revenue and Taxation Code.

(d) Funds disbursed by the Controller pursuant to this section may be used for city or city and county purposes, as the case may be, or may, but need not necessarily, be used for state purposes.

SEC. 3. Section 4307 of the Public Utilities Code is repealed.

SEC. 4. Section 4307 is added to the Public Utilities Code, to read:

4307. (a) If any person or corporation is in default in the payment of the license fee prescribed by this chapter for a period of 30 days or more, the commission may suspend or revoke any certificate of public convenience and necessity, permit, or license of such person or corporation, shall estimate from all available information the gross operating revenue of such person or corporation, shall compute the license fee required by Section 4304, and shall impose a penalty of 25 percent of such fee for failure, neglect or refusal to report. In no event shall the amount of such penalty be less than one dollar (\$1). Upon payment of the estimated license fee and the penalty, the certificate, permit, or license of such agency suspended in accordance with the provisions of this section shall be reinstated.

(b) The commission may grant a reasonable extension of such 30-day period to any person or corporation, upon written application of the person or corporation and showing of the necessity for such extension.

(c) Upon revocation of any operating authority issued to any person or corporation subject to this chapter, all fees provided for by this chapter shall become due and payable immediately.

SEC. 5. Section 4308 is added to the Public Utilities Code, to read:

4308. The commission may bring an action, in its own name, or in the name of the people of the state, in any court of competent jurisdiction of the state, for the collection of delinquent fees estimated under Section 4307 plus any penalties, or for an amount due, owing and unpaid to it, as shown by a report filed by the person or corporation, together with a penalty of 25 percent of such amount for such delinquency.

SEC. 6. Section 4309 is added to the Public Utilities Code, to read:

4309. The employees, representatives, and inspectors of the commission may, under its order or direction, inspect and examine any books, accounts, records, memoranda, documents, papers, and correspondence kept by any person, corporation,

or person having direct or indirect control over a person or corporation subject to the license fee prescribed by this chapter.

SEC. 7. Section 4310 is added to the Public Utilities Code, to read:

4310. The commission may make refunds of all or any amount of a fee provided for in this chapter if it determines that such fee or amount thereof was paid in error.

SEC. 8. Section 4311 is added to the Public Utilities Code, to read:

4311. The commission may establish such rules and regulations as it deems necessary to carry out the provisions of this chapter.

SEC. 9. Sections 1, 2, and 3 of this act shall become operative on July 16, 1971.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The present financial crisis of the cities is of critical importance to the state. The financial relief afforded cities by this act will better enable cities to carry out their functions, including expenditures which they make for state purposes.

CHAPTER 146

An act to amend Sections 253.1 and 253.7 of the Streets and Highways Code, relating to state highways.

[Approved by Governor June 17, 1971. Filed with Secretary of State June 17, 1971.]

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

SECTION 1. Section 253.1 of the Streets and Highways Code is amended to read:

253.1. The California freeway and expressway system shall include:

Routes 5, 6, 7, 8, 10, 13, 14, 15, 17, 18, 21, 22, 24, 28, 29, 30, 31, 32, 34, 37, 40, 44, 47, 48, 50, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 65, 67, 68, 70, 71, 73, 74, 78, 80, 81, 83, 85, 87, 88, 89, 90, 92, 93, 97, 100, 102, 106, 107, 108, 109, 118, 121, 122, 124, 125, 126, 133, 134, 136, 139, 140, 141, 143, 145, 148, 149, 150, 154, 156, 157, 161, 163, 164, 171, 179, 181, 183, 184, 199, 205, 208, 210, 217, 221, 223, 230, 232, 234, 235, 237, 238, 239, 242, 244, 247, 249, 251, 252, 256, 257, 258, 259, 280, 380, 405, 505, 580, 605, 680, 805, and 880 in their entirety.

SEC. 2. Section 253.7 of the Streets and Highways Code is amended to read:

253.7. The California freeway and expressway system shall also include:

Route 137 from Route 99 near Tulare to Route 65 near Lindsay.

Route 138 from Route 5 near Gorman to Route 15 near Cajon Pass.

Route 142 from Route 71 near Chino to Route 30 near Upland.

Route 152 from Route 101 to Route 65 near Sharon via Pacheco Pass.

Route 160 from Sacramento to Route 80.

Route 166 from:

(a) Route 101 near Santa Maria to Route 33 in Cuyama Valley.

(b) Route 33 near Maricopa to Route 5.

Route 168 from Fresno to Huntington Lake.

Route 170 from:

(a) Los Angeles International Airport to Route 2.

(b) Route 101 near Riverside Drive to Route 5 near Tujunga Wash.

Route 178 from:

(a) Bakersfield to Route 14 near Freeman.

(b) Route 14 near Freeman to the vicinity of the San Bernardino county line.

Route 180 from:

(a) Route 101 near Gilroy to Route 156.

(b) Route 156 to Route 5 passing near Paicines.

(c) Route 5 to Route 99 passing near Mendota.

(d) Route 99 near Fresno to General Grant Grove section of Kings Canyon National Park.

Route 190 from Route 136 near Keeler to Route 127 near Death Valley Junction.

Route 193 from Route 65 near Lincoln to Route 80 near Newcastle.

Route 198 from Route 5 near Oilfields to the Sequoia National Park line.

Sec. 3. Section 253.1 of the Streets and Highways Code is amended to read:

253.1. The California freeway and expressway system shall include:

Routes 5, 6, 7, 8, 10, 13, 14, 15, 17, 18, 21, 22, 24, 28, 30, 31, 32, 34, 37, 40, 44, 47, 48, 50, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 65, 67, 68, 70, 71, 73, 74, 78, 80, 81, 83, 85, 87, 88, 89, 90, 92, 93, 97, 100, 102, 106, 107, 108, 109, 118, 121, 122, 124, 125, 126, 133, 134, 136, 139, 140, 141, 143, 145, 148, 149, 150, 154, 156, 157, 161, 163, 164, 171, 179, 181, 183, 184, 199, 205, 208, 210, 217, 221, 223, 230, 232, 234, 235, 237, 238, 239, 242, 244, 247, 249, 251, 252, 256, 257, 258, 259, 280, 380, 405, 505, 580, 605, 680, 805, and 880 in their entirety.

SEC. 4. It is the intent of the Legislature, if this bill and Senate Bill No. 158 are both chaptered and amend Section 253.1 of the Streets and Highways Code, and this bill is chaptered after Senate Bill No. 158, that the amendments to Section 253.1 proposed by both bills be given effect and incorporated in Section 253.1 in the form set forth in Section 3 of this act. Therefore, if Senate Bill No. 158 is chaptered before this bill and amends Section 253.1, Section 1 of this act shall not become operative.

CHAPTER 147

An act to amend Section 255.1 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 17, 1971. Filed with
Secretary of State June 17, 1971.]

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

SECTION 1. Section 255.1 of the Revenue and Taxation Code is amended to read:

255.1. The assessor, whenever in his judgment good cause exists, may grant a reasonable extension of time for filing a claim for the homeowners' property tax exemption to any claimant who has filed a timely claim, but the claim is otherwise defective because it lacks either any of the required information or the signature of the claimant.

Only one extension shall be allowed to such claimant for any one filing period. No extension shall be more than six months from the due date provided for filing the claim, unless the assessor does not find and notify the claimant of the defect within a reasonable time to allow resubmission of the defective claim as corrected before the expiration of the six-month extension, in which case the assessor shall extend the permissible period for filing no more than three months from the time the defect or defects are found and the claimant is notified.

SEC. 2. This act shall be operative with respect to claims for the 1971-1972 fiscal year and fiscal years thereafter.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the act to apply to defective claims filed for the 1971-1972 fiscal year, it is necessary for the act to take immediate effect.

CHAPTER 148

An act to amend Section 4321 of the Streets and Highways Code, relating to notice of assessments.

[Approved by Governor June 17, 1971. Filed with Secretary of State June 17, 1971.]

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

SECTION 1. Section 4321 of the Streets and Highways Code is amended to read:

4321. The street superintendent also shall give notice by publication pursuant to Section 6066 of the Government Code. Such notice shall state:

(a) That the assessment has been recorded in the office of the street superintendent, and that all sums assessed therein are due and payable immediately.

(b) That the payment of said sums is to be made to the street superintendent within 30 days after the date of recording the assessment, which date shall be stated in the notice.

(c) If bonds are not to be issued, that all assessments will become delinquent if not paid before the expiration of that 30 days and that upon such delinquency 5 percent of the amount of each such assessment will be added thereto.

(d) If bonds are to be issued, the effect of the failure to pay the assessments within the 30-day period.

CHAPTER 149*An act to amend Section 65302 of the Government Code, relating to planning.*

[Approved by Governor June 17, 1971. Filed with Secretary of State June 17, 1971.]

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

SECTION 1. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land-use element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land-use element shall include a statement of the standards of population density and building intensity recommended for the various districts

and other territory covered by the plan. The land-use element shall also identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to such areas.

(b) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land-use element of the plan.

(c) A housing element consisting of standards and plans for the improvement of housing and for provision of adequate sites for housing. This element of the plan shall endeavor to make adequate provision for the housing needs of all economic segments of the community.

(d) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies which have developed, served, controlled or conserved water for any purpose for the county or city for which the plan is prepared. The conservation element may also cover:

(1) The reclamation of land and waters.

(2) Flood control.

(3) Prevention and control of the pollution of streams and other waters.

(4) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.

(5) Prevention, control, and correction of the erosion of soils, beaches, and shores.

(6) Protection of watersheds.

(7) The location, quantity and quality of the rock, sand and gravel resources.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560) of this chapter.

CHAPTER 150

An act to amend Section 65302 of the Government Code, relating to local planning.

[Approved by Governor June 17, 1971. Filed with Secretary of State June 17, 1971.]

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

SECTION 1. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams

and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall also identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to such areas.

(b) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan.

(c) A housing element consisting of standards and plans for the improvement of housing and for provision of adequate sites for housing. This element of the plan shall endeavor to make adequate provision for the housing needs of all economic segments of the community.

(d) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies which have developed, served, controlled or conserved water for any purpose for the county or city for which the plan is prepared. The conservation element may also cover:

- (1) The reclamation of land and waters.
- (2) Flood control.
- (3) Prevention and control of the pollution of streams and other waters.
- (4) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.
- (5) Prevention, control, and correction of the erosion of soils, beaches, and shores.
- (6) Protection of watersheds.
- (7) The location, quantity and quality of the rock, sand and gravel resources.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560) of this chapter.

(f) A seismic safety element consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking, to ground failures, or to effects of seismically induced waves such as tsunamis and seiches.

CHAPTER 151

An act to amend Section 25657 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 17, 1971. Filed with Secretary of State June 17, 1971.]

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

SECTION 1. Section 25657 of the Business and Professions Code is amended to read:

25657. It is unlawful:

(a) For any person to employ, upon any licensed on-sale premises, any person for the purpose of procuring or encouraging the purchase or sale of alcoholic beverages, or to pay any such person a percentage or commission on the sale of alcoholic beverages for procuring or encouraging the purchase or sale of alcoholic beverages on such premises.

(b) In any place of business where alcoholic beverages are sold to be consumed upon the premises, to employ or knowingly permit anyone to loiter in or about said premises for the purpose of begging or soliciting any patron or customer of, or visitor in, such premises to purchase any alcoholic beverages for the one begging or soliciting.

Every person who violates the provisions of this section is guilty of a misdemeanor.

CHAPTER 152

An act to repeal Section 25656 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 17, 1971. Filed with Secretary of State June 17, 1971.]

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

SECTION 1. Section 25656 of the Business and Professions Code is repealed.

CHAPTER 153

An act to amend Sections 5870 and 5871 of the Streets and Highways Code, relating to improvements.

[Approved by Governor June 17, 1971. Filed with Secretary of State June 17, 1971.]

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

SECTION 1. Section 5870 of the Streets and Highways Code is amended to read:

5870. As used in this chapter:

(a) "Block" means property facing one side of any street between the next intersecting streets or between the terminus of a dedicated right-of-way of a street and an intersecting street. "Street" does not include an alley or other right-of-way unless it is of the same width as a regular residential minimum-width street approved as part of a master plan of circulation or streets by the governmental agency involved. In the case of an alley, "block" means property facing both sides of any alley between the next intersecting streets or alleys, or between the terminus of an alley and an intersecting street. In the case of street lighting, "block" means property facing the side of any street on which the improvement is to be constructed between the next intersecting streets on the side to be improved or between the terminus of a dedicated right-of-way of a street and a street intersecting the side to be improved; or property facing the side of any street on which the improvement is to be constructed between the next intersecting streets on the side to be improved or between the terminus of a dedicated right-of-way of a street and a street intersecting the side to be improved and the property facing the opposite side of the street.

Where a "block" exceeds 1,000 feet in length, a length of frontage of 1,000 feet constitutes a "block" as used in this chapter, if so designated by the superintendent of streets. A determination by the superintendent of streets of such a 1,000-foot block establishes a "block" and cannot later be changed to include a portion of said 1,000-foot "block" in another "block."

(b) "Driveway" means a paved portion of a public street providing an unobstructed passage from the roadway to an offstreet area used for driving, servicing, parking, or otherwise accommodating motor vehicles.

SEC. 2. Section 5871 of the Streets and Highways Code is amended to read:

5871. This chapter shall apply to the construction of sidewalks, gutters, pavements, driveways, and curbs and, the installation of storm and sanitary drainage facilities, parkway trees, and street lighting facilities in front of properties in any block where a sidewalk, gutter, pavement, driveway, the

installation of storm and sanitary sewer drainage facilities, parkway trees, and street lighting facilities, or curb or all of them have been constructed theretofore in front of properties in said block constituting more than fifty percent (50%) of the front footage of said block or where the owners of more than 60 percent of the front footage of the block, as shown by the last equalized assessment roll of the city, file a petition with the city clerk requesting the installation of any such improvements or where a petition signed by the owners of more than sixty percent (60%) of the front footage of any part of an unimproved portion or portions of a block has been filed with the city clerk requesting the installation of such improvements in front of said part.

This chapter shall not apply to driveway construction in front of a vacant lot, or in front of an unimproved property, unless requested by the owner.

As used in this chapter, "sidewalks or curbs" includes "gutters," "driveways," "pavement" to the centerline of the street, "full pavement" in alleys, "storm and sanitary drainage facilities," "parkway trees," "street lighting facilities," and "superintendent of streets" includes any other person or persons who may be designated by the legislative body to perform any of the duties of the superintendent of streets set forth in this chapter.

"Fronting" and "facing" as used in this chapter means "abutting" in the case of property adjoining an alley improvement.

In the case of street lighting, in determining how much of the front footage of a block has been improved, front footage of property benefiting from existing installations may be included regardless of the side of the street on which the installation has been constructed.

CHAPTER 154

An act to add Section 30661 to the Streets and Highways Code, relating to the Southern Crossing Bridge.

[Approved by Governor June 17, 1971 Filed with
Secretary of State June 17, 1971.]

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

SECTION 1. Section 30661 is added to the Streets and Highways Code, to read:

30661. Notwithstanding any other provision of law, the authority shall not commence construction of the Southern Crossing Bridge prior to the availability of the results of a special election to be held in the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, San

Mateo, and Santa Clara to determine whether the Southern Crossing Bridge should be constructed.

The special election shall be held by the counties on the first Tuesday after the first Monday in June 1972, and shall be consolidated with the direct primary election to be held on the same date. The results of the special election shall be reported by the county clerks to the authority.

The question on the ballot shall read as follows :

Shall the California Toll Bridge Authority be permitted to construct the Southern Crossing Bridge without further specific approval by the California Legislature?	YES	
	NO	

If a majority of the voters voting on the question vote in the negative, the authority shall not construct the Southern Crossing Bridge without further specific approval by the California Legislature.

CHAPTER 155

An act to add Section 46 to the El Dorado County Water Agency Act (Chapter 2139 of the Statutes of 1959), relating to the El Dorado County Water Agency.

[Approved by Governor June 17, 1971. Filed with Secretary of State June 17, 1971.]

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

SECTION 1. Section 46 is added to the El Dorado County Water Agency Act (Chapter 2139 of the Statutes of 1959), to read:

Sec. 46. (a) The board by resolution shall establish such zones within the agency as in the judgment of said board are necessary to equitably apportion the benefits of the agency to the lands within the respective zones. Such zones may be established within the agency without reference to the boundaries of other zones, by setting forth the descriptions thereof by metes and bounds and by entitling each of such zones by a zone number. The lands comprising a zone need not be contiguous. All zones shall be established only with respect to projects for the benefit of such zones and proceedings for the establishment of such zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in the manner prescribed in this section.

(b) The board may institute projects for the financing, acquisition, constructing, maintaining, operating, extending, repairing or otherwise improving any work of benefit to single zones or two or more zones. In cases of projects for the benefit of two or more zones, such zones shall become, and shall be

referred to as, participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zone or participating zones and fixing a time and place for public hearing of said resolution. The resolution shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation designated by the board, circulated in such zone or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in two public places designated by the board, in such zone or in each of said participating zones. Publication shall be completed at least seven days before the date of the hearing. Said notice must designate a public place in such zone or in each of said participating zones where a copy or copies of the resolution and the map or maps of the proposed project may be seen by any interested person; said resolution and map or maps must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

(c) At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, or a portion thereof, unless prior to the conclusion of said hearing written protests have been filed against the proposed project signed by owners of real property within the zone or participating zone the assessed value of which, as shown by the last equalized assessment roll, constitutes more than one-half of the total assessed value of the real property of such zone, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned at the discretion of the board.

(d) The board shall have power, in any year:

(1) To levy taxes upon all taxable property in each or any of said zones according to benefits derived or to be derived therein to pay the cost and expenses of carrying out any of the objects or purposes of this act of benefit to such zones, including the administering, acquiring, constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zones. Said taxes shall be based upon the assessment rolls used by the county for general tax purposes and shall not exceed fifty cents (\$.50) on each one hundred dollars (\$100) of assessed valuation, exclusive of any tax levied pursuant to subdivision (f), hereof.

(2) Said taxes shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said agency taxes shall be paid into the county treasury to the credit of the agency and the respective zones thereof, and the board shall have the power to control and order the expenditure thereof; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes levied under the provisions of this section shall be expended for acquiring, constructing, maintaining, operating, extending, repairing or otherwise improving any works located in any other zone, except in the case of projects for the benefit of participating zones or for projects authorized or established outside such zone or zones, but for the benefit thereof.

(e) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work in any zone or participating zones, the board may by resolution determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the office of the Recorder of El Dorado County within five (5) days after its adoption. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(f) After the filing for record of the resolution specified in subdivision (e) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes levied upon the lands situated within the zone or participating zones, and all such lands shall be and remain liable to be taxed for such payments as provided in this act.

(g) The board shall call such special bond election by resolution and submit to the qualified electors of said zone or participating zones the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in the resolution referred to in subdivision (e) of this section. The resolution calling the bond election shall recite the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of the resolution referred to in subdivision (e) of this section. The resolution calling such special bond election shall also state the estimated cost of the proposed work, the amount of the principal of the indebtedness to be incurred and the maximum rate of

interest to be paid on said indebtedness. Said resolution shall also fix the date on which such special election shall be held and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed 7 percent per annum. For the purposes of said election said board shall in said resolution calling said bond election establish a special bond election precinct or precincts within the boundaries of each zone and participating zones and may form election precincts by consolidating the precincts established for general elections in the agency to a number not exceeding six general precincts for each such special bond election precinct. Said resolution shall also designate polling places and appoint at least one inspector, one judge and one clerk for each of such special bond election precincts.

(h) In all particulars not recited in said resolution calling said bond election, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the state.

(i) The board shall cause a map to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed work and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

(j) Said resolution calling for such special bond election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in each zone and participating zone affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation. The last publication of such resolution must be at least fourteen (14) days before said election, and if there be no such newspaper, then such resolution shall be posted in two public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

(k) Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. If at such election two-thirds of the votes cast in the zone or in each of the participating zones are in favor of incurring such bonded indebtedness, then bonds for such zone or participating zones for the amount stated in such proceedings may be issued and sold as in this act provided.

(l) The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zones affected, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually, at the discretion of

the board, each and every year on a day and date and at a place to be fixed by said board and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

(m) The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different dates from those of any other series. The maturity dates of each series shall comply with this section. The board may fix a date not more than two (2) years from the date of issuance for the earliest maturity of each issue or series of bonds. The final maturity date of each issue or series shall not exceed forty (40) years from the time of incurring the indebtedness evidenced by such issue or series.

(n) The bonds shall be issued in such denomination as the board may determine, and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of 7 percent per annum, and shall be made payable annually or semiannually, and the bonds of each issue or series shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of the agency, and the seal of the agency shall be affixed thereto by the clerk of the board. One of such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his printed, engraved or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officers had remained in office until the delivery of the bonds.

(o) Before selling the bonds, or any part thereof, the board shall give notice not less than 10 days prior to the date of sale by publication in a newspaper of general circulation circulating in the agency inviting sealed bids in such manner as the board shall prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

(p) Any bonds issued under the provisions of this section, and the interest thereon, shall be paid by revenues derived from an annual tax upon all taxable property in the zone or participating zones sufficient to pay the interest and such portion of the principal of said bonds as is due or to become

due before the time for making the next general tax levy. No zone nor the property therein shall be liable for the share of bonded indebtedness of any other zone, nor shall any moneys derived from taxation in any of the several zones be used in payment of principal or interest or otherwise of the share of the bonded indebtedness chargeable to any other zone. Such taxes shall be levied and collected in the respective zones or participating zones, together with and not separately from taxes for county purposes, and the revenues derived from said taxes shall be paid into the County Treasury of said El Dorado County to the credit of the zone of payment, and be used for the payment of the principal and interest on said bonds, and for no other purpose. It is hereby declared that for the purposes of any tax levied pursuant to this subdivision (p), the property so taxed within a given zone is equally benefited.

CHAPTER 156

An act to amend Sections 1480 and 1484 of, and to add Section 1481.1 to, the Health and Safety Code, relating to paramedics.

[Approved by Governor June 17, 1971 Filed with
Secretary of State June 17, 1971]

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

SECTION 1. Section 1480 of the Health and Safety Code is amended to read:

1480. Any hospital operated by, or contracting with, a county may conduct a pilot program utilizing mobile intensive care paramedics for the delivery of emergency medical care to the sick and injured at the scene of an emergency and during transport to a hospital, while in the hospital emergency department, and until care responsibility is assumed by the regular hospital staff.

SEC. 2. Section 1481.1 is added to the Health and Safety Code, to read:

1481.1. The training program specified in Section 1481 shall consist of a minimum of 290 hours of training including, but not limited to, didactic and clinical experience in a cardiac care unit and in an emergency vehicle unit.

SEC. 3. Section 1484 of the Health and Safety Code is amended to read:

1484. This article shall remain in effect only until the 91st day after final adjournment of the 1974 Regular Session of the Legislature, and shall have no force or effect after that date.

CHAPTER 157

An act to add Sections 19313 and 19314 to the Streets and Highways Code, relating to highway lighting district zones.

[Approved by Governor June 17, 1971 Filed with
Secretary of State June 17, 1971.]

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

SECTION 1. Section 19313 is added to the Streets and Highways Code, to read:

19313. Where the board of supervisors or legislative body has so declared in its resolution of intention to order the formation of a lighting district or any annexation thereto, the board of supervisors or legislative body may, in its resolution ordering the formation of a lighting district or any annexation thereto, order the district divided into tax assessment zones. Tax assessment zones may be formed at a time other than at the formation of the district or any annexation thereto if pursuant to the same procedure of resolution, notice, and hearing as are applicable under this chapter to the annexation of territory.

No district shall be divided into zones unless the board of supervisors or legislative body finds that a tax assessment zone requires special services or special facilities in addition to those provided generally by the lighting district or the replacement of obsolete equipment, and that the tax levy is commensurate with the special benefits to be provided in the zone. The boundaries of tax assessment zones may be changed or a zone may be dissolved in the same manner that a zone may be formed in an existing district.

SEC. 2. Section 19314 is added to the Streets and Highways Code, to read:

19314. If a highway lighting district is divided into tax assessment zones, the board of supervisors or legislative body may determine what portion of the amount of money to be secured from the levy of taxes shall be secured from such zone within the district.

CHAPTER 158

An act to amend Sections 4005 and 4008.3 of the Business and Professions Code, relating to pharmacy.

[Approved by Governor June 17, 1971 Filed with
Secretary of State June 17, 1971]

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

SECTION 1. Section 4005 of the Business and Professions Code is amended to read:

4005. The executive secretary shall keep a book of registration open at the principal office of the board in which shall be entered under supervision of the board the names, titles, qualifications, and places of business of all persons coming under the provisions of this chapter. He shall erase from the register the name of any registered pharmacist who has died or who, in the opinion of the board, has forfeited his right under the law to do business in this state. Upon receipt of the notification of any change in the place of business or name the executive secretary shall make the necessary change in his register.

SEC. 2. Section 4008.3 of the Business and Professions Code is amended to read:

4008.3. The rules of professional conduct adopted by the board shall be printed as a part of the application for certificates, licenses, permits, registration or exemptions, and every applicant shall subscribe thereto when making an application.

CHAPTER 159

An act to amend Section 31000 of the Government Code, relating to counties.

[Approved by Governor June 17, 1971. Filed with Secretary of State June 17, 1971.]

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

SECTION 1. Section 31000 of the Government Code is amended to read:

31000. The board of supervisors may contract with and employ any person for the furnishing to the county, or to a county officer, or for any court within the county, or for and on behalf of any district within the county for furnishing to the district, of special services and advice, education and training in financial, economic, accounting, engineering, legal, medical, therapeutic, or administrative matters, or in matters related to the courts, by any person specially trained and experienced and who is competent to perform the special services required.

The authority herein given to contract shall include the right of the board of supervisors, to contract for the issuance and preparation of payroll checks.

The board may pay from any available funds such compensation to any such expert as it deems proper for the services rendered.

CHAPTER 160

An act to repeal Section 13722 of the Education Code, relating to classified school employees.

[Approved by Governor June 17, 1971. Filed with Secretary of State June 17, 1971]

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

SECTION 1. Section 13722 of the Education Code is repealed.

CHAPTER 161

An act to amend Section 23 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933), relating to replenishment assessments.

[Approved by Governor June 17, 1971. Filed with Secretary of State June 17, 1971]

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

SECTION 1. Section 23 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 23. Replenishment assessments levied pursuant to this act are declared to be in furtherance of district activities in the protection of the water supplies for users within the district which are necessary for the public health, welfare and safety of the people of this state. The replenishment assessments are authorized to be levied upon the production of ground water from all water-producing facilities, whether public or private, within said district for the benefit of all who rely directly or indirectly upon the ground water supplies of such district.

The proceeds of the replenishment assessment levied, assessed and collected upon the production of water from the ground water supplies within said district shall be used exclusively to acquire water and to construct, purchase, lease or otherwise acquire, and to operate and maintain necessary works, machinery, facilities, canals, conduits, wells, pumping plants, water rights, spreading grounds, lands, rights and privileges to replenish and protect the ground water supplies of said district.

CHAPTER 162

An act to add Section 54905 to the Government Code, relating to county sanitation districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 17, 1971. Filed with Secretary of State June 17, 1971.]

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

SECTION 1. Section 54905 is added to the Government Code, to read:

54905. Notwithstanding the provisions of Sections 54902 and 54903, any creation of a county sanitation district organized pursuant to Chapter 3 (commencing with Section 4700) of Part 3 of Division 5 of the Health and Safety Code, which was completed prior to the effective date of this section, shall be effective for assessment and taxation purposes for the 1971-1972 fiscal year if the statement and map or plat required by Section 54900 is filed on or before February 28, 1971.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to assure the earliest possible provision of sanitary sewerage facilities for the protection of the environment, it is necessary that taxes become available for the fiscal year 1971-72. Therefore, it is necessary for this act to take immediate effect.

CHAPTER 163

An act to amend Sections 652, 1215.5, 1831, 12091, and 12311, and to repeal Section 12310, of the Insurance Code, relating to insurance.

[Approved by Governor June 17, 1971. Filed with Secretary of State June 17, 1971.]

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

SECTION 1. Section 652 of the Insurance Code is amended to read:

652. (a) Every notice of cancellation of an auto liability insurance policy that is mailed shall contain a statement on a form to be prescribed by the Insurance Commissioner setting forth a brief description of the California assigned risk plan (Article 4 (commencing with Section 11620), Chapter 1, Part 3, Division 2) and advising the assured of his possible right

to obtain liability insurance coverage under the plan and a brief description of the manner in which he may avail himself of such plan.

(b) The requirements of subdivision (a) shall not apply to a notice of cancellation:

(1) For nonpayment of premium, or

(2) Of a policy issued on assignment from such assigned risk plan.

SEC. 2. Section 1215.5 of the Insurance Code is amended to read:

1215.5. (a) Material transactions by registered insurers with their affiliates shall be subject to each of the following standards:

(1) The terms shall be fair and reasonable;

(2) The books, accounts, and records of each party shall be so maintained as to clearly and accurately disclose the precise nature and details of the transactions;

(3) The insurer's surplus as regards policyholders following any dividends or distributions to shareholder affiliates shall be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

(b) For purposes of this article, in determining whether an insurer's surplus as regards policyholders is reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, the following factors, among others, shall be considered:

(1) The size of the insurer as measured by its assets, capital and surplus, reserves, premium writings, insurance in force, and other appropriate criteria;

(2) The extent to which the insurer's business is diversified among the several lines of insurance;

(3) The number and size of risks insured in each line of business;

(4) The extent of the geographical dispersion of the insurer's insured risks;

(5) The nature and extent of the insurer's reinsurance program;

(6) The quality, diversification, and liquidity of the insurer's investment portfolio;

(7) The recent past and projected future trend in the size of the insurer's surplus as regards policyholders;

(8) The surplus as regards policyholders maintained by other, comparable insurers;

(9) The adequacy of the insurer's reserves;

(10) The quality and liquidity of investments in subsidiaries made pursuant to Section 1215.1. The commissioner may treat any such investment as a disallowed asset for purposes of determining the adequacy of surplus as regards policyholders whenever in his judgment such investment so warrants.

(c) No insurer subject to registration under Section 1215.4 shall pay any extraordinary dividend or make any other ex-

traordinary distribution to its stockholders until 30 days after the commissioner has received notice of the declaration thereof and has not within such period disapproved such payment, or the commissioner shall have approved such payment within such 30-day period.

For purposes of this section, an extraordinary dividend or distribution is any dividend or distribution which, together with other dividends or distributions made within the preceding 12 months, exceeds the greater of (1) 10 percent of such insurer's company's surplus as regards policyholders as of the 31st day of December next preceding, or (2) the net gain from operations of such insurer company, if such insurer is a life insurer or the net investment income, if such insurer is not a life insurer, for the 12-month period ending the 31st day of December next preceding; provided, that the payment of any dividend by a title insurer which is not prohibited from making such payment by the provisions of Section 12373 shall not be deemed an extraordinary dividend or distribution.

Notwithstanding any other provision of law, an insurer may declare an extraordinary dividend or distribution which is conditional upon the commissioner's approval thereof, and such a declaration shall confer no rights upon stockholders until the commissioner has approved the payment of such dividend or distribution or until the commissioner has not disapproved such payment within the 30-day period referred in this subdivision.

SEC. 3. Section 1831 of the Insurance Code is amended to read:

1831. The following persons are exempt from this chapter:

- (a) Active members of the State Bar of California.
- (b) Licensed life agents, while lawfully acting for a life insurer as its agent.
- (c) Any person who has passed all of the qualifying examinations necessary to become an associate of the Society of Actuaries.
- (d) An officer or employee of any bank or trust company who receives no compensation from sources other than the bank or trust company for activities connected with his employment which would otherwise subject him to this chapter.

(e) Any person employed by an employer who on behalf of his employer or any employee of his employer transacts life insurance with, but not on behalf of, an insurer; or,

Advises his employer or any employee of his employer in any manner concerning life insurance; if:

- (1) The employer receives no compensation by reason of such transactions or advice; and
- (2) Such person receives no compensation from any source other than his employer for such transactions and advice.

SEC. 4. Section 12091 of the Insurance Code is amended to read:

12091. Whenever a surety insurer fails to maintain such a financial condition that assets allowed under subdivision (a) are equal in value to the aggregate of the charges prescribed under subdivision (b), the commissioner shall act as prescribed in Section 12092.

(a) In estimating its condition the commissioner shall allow as assets only such as are allowed under law in force at the time of the estimate.

(b) The charges to be aggregated shall be:

(1) Eighty percent of the paid-in capital, but in no case less than two hundred fifty thousand dollars (\$250,000).

(2) All outstanding indebtedness.

(3) Provision for reinsuring all outstanding risks, estimated as prescribed in Section 985.

SEC. 5. Section 12310 of the Insurance Code is repealed.

SEC. 6. Section 12311 of the Insurance Code is amended to read:

12311. Any person violating any provisions of this part is guilty of a misdemeanor.

CHAPTER 164

An act to amend Section 10203.5 of the Insurance Code, relating to group life insurance.

[Approved by Governor June 17, 1971. Filed with Secretary of State June 17, 1971.]

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

SECTION 1. Section 10203.5 of the Insurance Code is amended to read:

10203.5. (a) Life insurance conforming to all the following conditions is another form of group life insurance:

(1) Covering one of the following groups:

(A) All members are or become borrowers from one financial institution, including subsidiary or affiliated persons, under an agreement to repay the sum borrowed.

(B) All members are or become purchasers of merchandise or other property (exclusive of securities, investment certificates and bank deposits) under an agreement to pay the balance of the purchase price.

(2) The group numbers not less than 100 new entrants yearly.

(3) The amount insured on any one borrower or purchaser does not exceed:

(A) The amount of the loan commitment in the case of an agricultural or horticultural loan commitment (as defined in Section 10203.55) repayable in one sum or in irregular installments within a period not in excess of 18 months from the initial date of the loan commitment, or forty thousand dollars (\$40,000), whichever is less, and

(B) In all other cases the balance of the indebtedness to the institution or vendor, or ten thousand dollars (\$10,000), whichever is less, on any one life.

(4) The repayment or payment of purchase price is to be made, under the agreement of loan or purchase; in substantially equal installments over a period not exceeding 32 years; or in payments or installments in accordance with the usual terms of the creditor in the case of a revolving loan or revolving charge account; or in one sum or irregular installments within a period not in excess of 18 months from the initial date of the commitment on an agricultural or horticultural loan.

(5) The policy is issued upon application of and made payable to the institution, vendor, or a creditor to whom such vendor may transfer title to the indebtedness, as beneficiary, and the premiums are paid by or through the institution, vendor, or such creditor.

(b) A policy of insurance conforming to the provisions of this section is not subject to the provisions of Section 10209 or 10213.

CHAPTER 165

An act to add Sections 54931.15, 54931.16, and 54931.17 to the Government Code, relating to property taxes imposed by special districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 17, 1971. Filed with Secretary of State June 17, 1971.]

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

SECTION 1. Section 54931.15 is added to the Government Code, to read:

54931.15. Notwithstanding the provisions of Sections 54900 to 54903, inclusive, or any other provisions of this chapter, if the reorganization of any water district with another water district consists of their consolidation into a single district and also creates an improvement district therein and such reorganization is approved by the board of supervisors of the county after March 15, 1971, such reorganization shall be effective for assessment and taxation purposes for the 1971-1972 fiscal year for both the consolidated district and the improvement district therein, provided that the statement and map or plat required by Sections 54900 to 54903, inclusive, are filed on or before July 1, 1971.

SEC. 2. Section 54931.16 is added to the Government Code, to read:

54931.16. Notwithstanding any other provision of this chapter, any detachment from a county water district shall be effective for purposes of assessment and taxation for the 1971-1972

fiscal year, if the certificate of completion required by Section 56452 is filed with the Secretary of State on or before June 15, 1970, and if the statement or map or plat required by Section 54902 is filed with the assessor and the State Board of Equalization on or before May 21, 1971.

SEC. 3. Section 54931.17 is added to the Government Code, to read:

54931.17. Notwithstanding any other provision of this chapter, if a hospital district has annexed territory and the statement and map or plat required by Section 54902 is filed with the State Board of Equalization prior to July 1, 1971, and all other provisions of this chapter have been complied with, such annexation shall be effective for assessment and taxation purposes for the 1971-1972 fiscal year.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Unless this act takes immediate effect the hospital districts and reorganized county water districts will not be able to levy taxes to fund all of their operations in such districts or improvement districts for the entire 1971-1972 fiscal year. Moreover, taxes levied by county water districts will be imposed on lands previously detached from such districts.

CHAPTER 166

An act to add Sections 8672 and 8827.5 to the Elections Code, relating to Democratic central committees.

[Approved by Governor June 17, 1971. Filed with Secretary of State June 17, 1971.]

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

SECTION 1. Section 8672 is added to the Elections Code, to read:

8672. A person between the ages of 18 and 21 years who is registered to vote at federal elections is qualified for appointment to the committee if otherwise eligible.

SEC. 2. Section 8827.5 is added to the Elections Code, to read:

8827.5. Notwithstanding the provisions of Section 8827, a person shall be eligible for election or appointment to a committee if he is between the ages of 18 and 21 years and is registered to vote at federal elections.

CHAPTER 167

An act to amend Section 35002.5 of the Government Code, relating to annexation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 17, 1971. Filed with Secretary of State June 17, 1971.]

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

SECTION 1. Section 35002.5 of the Government Code is amended to read:

35002.5. Territory shall not be deemed contiguous as the word "contiguous" is used in this chapter if the only contiguity is based on a strip of land over 300 feet long and less than 200 feet wide, such width to be exclusive of highways.

Territory shall be deemed contiguous as the word "contiguous" is used in this chapter if the area thereof is separated by territory within the boundaries of another city or if such area is separated from the boundaries of an annexing city by territory within the boundaries of another city; provided, such separating territory became within the boundaries of the other city prior to January 1, 1925; and further provided, such separating territory is not in excess of 200 feet in width at all its separating points; and providing, that said separating territory within said separating point is uninhabited as defined in Section 35303 of the Government Code.

Territory shall be deemed contiguous as the word contiguous is used in this chapter if such territory is separated from the boundaries of an annexing city by territories within the boundaries of another city provided such separating territory became within the boundaries of the other city prior to January 1, 1925 and further provided such separating territory is not in excess of 3,000 feet in width at all of its separating points and provided further that said territory is a part of the same unified school district as the largest portion of the city seeking to annex such territory.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the changes made by this act to be effective for annexation purposes as soon as possible, it is necessary for this act to take effect immediately.

CHAPTER 168

An act to amend Section 23 of Chapter 1596 of the Statutes of 1970, relating to restricted dangerous drugs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 17, 1971. Filed with Secretary of State June 17, 1971.]

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

SECTION 1. Section 23 of Chapter 1596 of the Statutes of 1970 is amended to read:

Sec. 23. Sections 1 to 12, inclusive, of, and Article 1 (commencing with Section 11904) of Chapter 1.5 of the Health and Safety Code, as enacted by Section 17 of this act, shall become operative January 1, 1972.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The State Board of Pharmacy which is to enforce the provisions regulating and controlling of restricted dangerous drugs pursuant to Chapter 1.5 (commencing with Section 11904) of Division 10.5 of the Health and Safety Code will not be able to establish all the necessary regulatory machinery which Chapter 1.5 requires by July 1, 1971, the operative date of the chapter. The inability of the State Board of Pharmacy will impose a great burden on those persons affected by the provisions of such chapter. Thus, it is imperative that this act, which sets the operative to a later date, be enacted immediately so that this burden will not be imposed on citizens of this state.

CHAPTER 169

An act to amend Section 35550 of, and to add Section 35722 to, the Vehicle Code, relating to weight limits.

[Approved by Governor June 21, 1971. Filed with Secretary of State June 21, 1971.]

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

SECTION 1. Section 35550 of the Vehicle Code is amended to read:

35550. (a) The gross weight imposed upon the highway by the wheels on any one axle of a vehicle shall not exceed

18,000 pounds and the gross weight upon any one wheel, or wheels, supporting one end of an axle, and resting upon the roadway, shall not exceed 9,500 pounds.

(b) The gross weight limit provided for weight bearing upon any one wheel, or wheels, supporting one end of an axle shall not apply to vehicles the loads of which consist of livestock.

(c) The gross weight on the rear axle only of a bus shall not exceed 20,500 pounds.

(d) Vehicles having not more than two axles, designed by the manufacturer for the collection and transportation of garbage, rubbish, or refuse and which are used regularly for such collection and transportation by any person or any governmental entity engaged in the business of, or in providing the service of, collecting, transporting, and disposing of garbage, rubbish, or refuse may exceed the weight limitation imposed by this section when the excess weight is not more than 2,000 pounds and is on the rear axle only. The exemption granted by this subdivision shall only apply to such vehicles when engaged in the collection and transportation of garbage, rubbish, or refuse. If the weight on the rear axle is in excess of the provisions of this subdivision, the allowed load in pounds on the rear axle shall be 18,000 pounds maximum for the purpose of determining the amount of fine for such violation as specified in the table in Section 42030.

Subdivision (c) or (d) shall not be applicable to any highway when it would operate to prevent the state from receiving federal funds for highway purposes.

SEC. 2. Section 35722 is added to the Vehicle Code, to read: 35722. Notwithstanding any other provisions of this article, vehicles having not more than two axles, designed by the manufacturer for the collection and transportation of garbage, rubbish, or refuse and which are used regularly for such collection and transportation by any person or any governmental entity engaged in the business of or in providing the service of collecting, transporting, and disposing of garbage, rubbish, or refuse may exceed the weight limitations imposed by any county or city, when the excess weight is not more than 2,000 pounds and is on the rear axle only. The exemption granted by this section shall only apply to such vehicles when engaged in the collection and transportation of garbage, rubbish, or refuse. If the weight on the rear axle is in excess of the provisions of this section, the allowed load in pounds on the rear axle shall be 18,000 pounds maximum for the purpose of determining the amount of fine for such violation as specified in the table in Section 42030.

CHAPTER 170

An act to amend Sections 20230, 20390, 20393, 20453.5, 20601, 20603, 20652, 20750 2, 20750.3, 20750 4, 20750 42, 20750.8, 20750.9, 20755, 20758, 20950, 20951, 20952, 20952.5, 20952.6, 20981, 21021, 21022, 21251 13, 21291, 21294 and 21298 of, to amend and renumber Sections 20750.1 and 20750 15 of, to add Sections 20493 and 20750.85 to, and to repeal Sections 20493, 20497, 20601 5, 20601.6, 20601.7, 20610, 20750, 20750.32, 20750.44, 20750.45, 20950 5, 20950.7, 20953, 20954, 20983, 21251.35 and 21300 5 of, the Government Code, relating to the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 21, 1971 Filed with
Secretary of State June 21, 1971.]

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

SECTION 1. Section 20230 of the Government Code is amended to read:

20230. In addition to other records and accounts, the board shall keep such records and accounts as may be necessary to show at any time:

(a) The total accumulated contributions of members.

(b) The total accumulated contributions of retired members and of deceased members, to or on account of whom payments involving life contingencies are paid, less the annuity payments made to such members.

(c) The accumulated contributions of the state and of contracting agencies held for the benefit of members on account of current service.

(d) All other accumulated contributions of the state and of contracting agencies, which shall include the amounts available to meet the obligation of the state and of the contracting agencies, respectively, on account of benefits that have been granted to or on account of retired and deceased employees and on account of prior service of members.

For purposes of this section, "state" includes the state, the university, school districts, county superintendents of schools, and contracting agencies with respect to liability for benefits included in Section 20493 of this part.

SEC. 2. Section 20390 of the Government Code is amended to read:

20390. A person ceases to be a member:

(a) Upon retirement.

(b) If he is paid his normal contributions. For the purposes of this subdivision, deposit in the United States mail of a warrant drawn in favor of a member, addressed to the latest address of the member on file in the office of this system, constitutes payment to the member of the amount for which the warrant is drawn.

SEC. 3. Section 20393 of the Government Code is amended to read:

20393. Any other provision in this part to the contrary notwithstanding, a member who is credited with five or more years of service shall have the right to elect, not later than 90 days after the date upon which notice of said right is mailed by this system to the member's latest address on file in the office of this system, whether to leave such accumulated contributions on deposit in the Retirement Fund under any of the following conditions:

(1) If his state service is discontinued by reason of resignation or discharge.

(2) If his state service is discontinued by reason of layoff or leave of absence deemed by the board to have resulted in permanent discontinuance (and in such case, as of the date of the determination by the board that the discontinuance is permanent).

(3) If a member ceases to be entitled to credit in this system for future service because he has become entitled to credit for such service in another retirement system supported wholly or in part by funds of the United States government, or any state government or political subdivision thereof.

(4) If the disability retirement of a member is followed by cessation of the disability and by cancellation of the disability allowance, but the member does not reenter state service.

A member who is credited with less than five years of service shall have such right to elect if he enters employment as a member of a retirement system established under the County Employees' Retirement Law of 1937 on or after October 1, 1957, and within 90 days of leaving state service.

Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions. An election to allow accumulated contributions to remain in the Retirement Fund may be revoked by the member at any time except while he is employed in state service in a position in which he is not excluded from membership with respect to such service, or while he is in service, entered on or after October 1, 1957, and within 90 days after discontinuing state service, as a member of a retirement system established under the County Employees' Retirement Law of 1937. All contributions accumulated up to the time of revocation may then be withdrawn. A member whose membership continues under this section is subject to the same age and disability requirements as apply to other members for service or for disability retirement. After the qualification of such member for retirement by reason of age, which shall be the lowest age applicable to any membership category in which he has credited service, or disability, he shall be entitled to receive a retirement allowance based upon the amount of his accumulated contributions and service standing to his credit at the time of retirement and on the employer contributions held for him and calculated in

the same manner as for other members, except that the provisions in this part for minimum service and disability retirement allowances do not apply to him, unless he meets such minimum service requirements. If a basic death benefit becomes payable under Article 5 of Chapter 9 of this part because of death before retirement of such a member, the average annual compensation earnable in the year preceding the date of termination of such service rather than in the year preceding death shall be used in computing such benefit under such Article 5 of Chapter 9.

The provisions of this section as it read prior to the operative date of the amendment to this section at the 1971 Regular Session shall continue with respect to a member whose membership continued under this section on such operative date.

SEC. 4. Section 20453.5 of the Government Code is amended to read:

20453.5. Notwithstanding Section 20453, the approximate contribution quoted by the board and the actual contributions for a contracting agency shall be the employer rate fixed under Chapter 6 of this part (beginning at Section 20750) plus the additional amount required under said chapter on account of liability for service to date of contract and for benefits with respect to which it is not subject to Section 20493 of this code, said amount to be determined in accordance with Section 20453.

SEC. 5. Section 20493 of the Government Code is repealed.

SEC. 6. Section 20493 is added to the Government Code, to read:

20493. Any contract heretofore or hereafter entered into shall subject the contracting agency and its employees who are miscellaneous members to all provisions of this part applicable or subsequently becoming applicable to state miscellaneous members including such as provide, on the operative date of this section, for inapplicability to a contracting agency unless and until the agency elects to be subject thereto. This section shall not apply to provisions defining prior service, prescribing entitlement to credit for such service, for continuation of a retirement allowance to certain survivors, or for a survivor allowance under Article 6 (commencing with Section 21380) of Chapter 9 of this part. This section shall not apply with respect to persons retired or members deceased prior to its operative date.

SEC. 7. Section 20497 of the Government Code is repealed.

SEC. 8. Section 20601 of the Government Code is amended to read:

20601. The normal rate of contribution for a local safety member subject to Section 21252.5 who after the date upon which this section becomes operative enters such membership or enters employment more than one year following termination of previous employment in which he was such a member shall be the rate specified for his age, at his birthday nearest

to the date of such entry, in the rate schedule for the benefit formula applicable to such membership as established by the board in accordance with this chapter (commencing with Section 20600) as it read on the day preceding such operative date, and in effect on that date.

SEC. 9. Section 20601.5 of the Government Code is repealed.

SEC. 10. Section 20601.6 of the Government Code is repealed.

SEC. 11. Section 20601.7 of the Government Code is repealed.

SEC. 12. Section 20603 of the Government Code is amended to read:

20603. The normal rate of contribution for a state miscellaneous member, a school member, or a local miscellaneous member shall be 7 percent of the compensation paid such member for service rendered on and after the operative date of the amendments to this section at the 1971 Regular Session.

The normal rate of contribution as established under this section for a member whose service is included in the federal system, and whose service retirement allowance is reduced under Section 21251.13 because of such inclusion, shall be reduced by one-third as applied to compensation not exceeding four hundred dollars (\$400) per month for service after the date of execution of the modification of the federal-state agreement including such service in the federal system and prior to termination of such agreement with respect to the coverage group to which he belongs.

SEC. 13. Section 20610 of the Government Code is repealed.

SEC. 14. Section 20652 of the Government Code is amended to read:

20652. If the state service or membership herein, of a member is discontinued except by death on account of which a basic, a limited, or a special death benefit is payable or by retirement, or his membership is terminated or he elects to terminate his membership or resign from this system pursuant to this part, he shall, six months after date of discontinuance, termination, or resignation, be paid his accumulated contributions upon his demand, except that if he is credited with less than five years of state service, or is credited with five years or more of state service and has not elected to allow it to remain in the retirement fund, and, in the opinion of the board, is permanently separated from state service by reason of such discontinuance, he shall be paid forthwith all of his accumulated contributions.

SEC. 15. Section 20750 of the Government Code is repealed.

SEC. 16. Section 20750.1 of the Government Code is amended and renumbered to read:

20750. The contribution to the retirement fund of an employer, some or all of whose employees who are school or mis-

cellaneous members have been included in the federal system, with a reduction in the service retirement allowance because of such inclusion, in respect to miscellaneous members is a sum equal to 7.15 percent of the compensation paid such members employed by such employer.

SEC. 17. Section 20750.15 of the Government Code is amended and renumbered to read:

20750.1. The contribution of an employer, other than one subject to Section 20750, in respect to miscellaneous members is a sum equal to 7.65 percent of the compensation paid miscellaneous members employed by such employer.

SEC. 18. Section 20750.2 of the Government Code is amended to read:

20750.2. An employer's contribution to the retirement fund in respect to state patrol members is a sum equal to 27.51 percent of the compensation paid state patrol members employed by such employer.

SEC. 19. Section 20750.3 of the Government Code is amended to read:

20750.3. An employer's contribution to the retirement fund in respect to forestry members is a sum equal to 15 percent of the compensation paid forestry members employed by such employer.

SEC. 19.1. Section 20750.32 of the Government Code is repealed.

SEC. 20. Section 20750.4 of the Government Code is amended to read:

20750.4. An employer's contribution to the retirement fund in respect to warden members is a sum equal to 15.11 percent of the compensation paid warden members employed by such employer.

SEC. 21. Section 20750.42 of the Government Code is amended to read:

20750.42. An employer's contribution to the retirement fund in respect to law enforcement members is a sum equal to 18.97 percent of the compensation paid law enforcement members employed by such employer.

SEC. 22. Section 20750.44 of the Government Code is repealed.

SEC. 23. Section 20750.45 of the Government Code is repealed.

SEC. 24. Section 20750.8 of the Government Code is amended to read:

20750.8. Each contracting agency other than a county superintendent of schools with respect to a contract under Chapter 4.5 of this part shall make contributions in addition to those otherwise specified in this chapter in amounts to be fixed and determined by the board on account of unpaid liability for prior service and on account of liability for benefits not included in Section 20493 of this code and benefits provided local safety members. Payments shall be under such arrangement as may be agreed to by the board.

SEC. 25. Section 20750.85 is added to the Government Code, to read:

20750.85. The state and each employer included in a contract under Chapter 4.5 of this part shall make contributions on account of liability for prior service in addition to those otherwise specified in this chapter in a sum equal to 0.09 percent of compensation paid miscellaneous members.

SEC. 26. Section 20750.9 of the Government Code is amended to read:

20750.9. The rates of contribution fixed under this chapter shall be effective on the operative date of the amendments to this section at the 1971 Regular Session; provided that if such rate is greater than the current rate of a contracting agency, its effectivity shall be deferred and the current rate continued with respect to such agency on request of its governing body until July 1, 1972, in which case an amount equal to the additional contributions which would have been made by the contracting agency had such deferral not occurred shall be transferred from the contributions of the contracting agency held for liability to be funded pursuant to Section 20750.8 to the contributions held for liabilities of all employers in accordance with Section 20758. Rates of contributions as fixed under this chapter shall be adjusted thereafter from time to time by the board pursuant to actuarial valuation of the liability for benefits on account of the employees of all public employers. Any adjustment of such rate of contribution shall be effective on the July 1 following notice as provided in this section. The board shall report such adjustment to the Governor, the Legislature, and the governing body of every other public employer before January 1 of the fiscal year preceding that in which the adjustment becomes effective.

SEC. 27. Section 20755 of the Government Code is amended to read:

20755. The contributions of all employers with respect to miscellaneous members shall be applied by the board during each fiscal year to meet the obligations of all employers collectively with respect to miscellaneous members under this system as follows:

(a) First, in an amount equal to the liabilities accruing (1) because of state service of members for which normal contributions have been made, (2) on account of current service pensions and disability retirement pensions, and (3) the portion of death allowance provided from employer contributions. Such amount shall be determined by the most recent actuarial valuation as interpreted by the actuary.

(b) Second, in an amount equal to the payments of death benefits made from employer contributions during such year for deaths not qualifying for death allowances.

(c) Third, the balance of such contributions, on the liabilities accrued on account of prior service pensions.

SEC. 28. Section 20758 of the Government Code is amended to read:

20758. Accumulated contributions credited to or held as of the operative date of the amendments to this section at the 1971 Regular Session as having been made by the state, and an employer included in a contract included under Chapter 4.5 of this part and a contracting agency to the extent subject to Section 20493, and all contributions thereafter made by an employer pursuant to this chapter shall be held for the benefit of all members of this system who are now or hereafter credited with service rendered as employees of any such employer, and for beneficiaries of this system who are now or hereafter entitled to receive benefits on account of such service.

SEC. 29. Section 20950 of the Government Code is amended to read:

20950. A patrol, forestry, law enforcement or warden member shall be retired for service upon his written application to the board if he has attained age 50 and is credited with five years of state service.

SEC. 30. Section 20950.5 of the Government Code is repealed.

SEC. 31. Section 20950.7 of the Government Code is repealed.

SEC. 32. Section 20951 of the Government Code is amended to read:

20951. A state or local miscellaneous member shall be retired for service upon his written application to the board if:

(a) He has attained age 55 and is credited with five years of state service; or

(b) The following conditions exist:

(1) He is separated from state service because of a curtailment of or a change in the manner of performing such service, and not because of resignation or dismissal under charges.

(2) He has attained age 50 and is entitled to be credited with 15 or more years of state service.

(3) The board determines that his separation is of an extended and uncertain duration, and not the separation normally experienced by members in positions known at the time of employment to be of limited duration or on a seasonal or intermittent basis.

SEC. 33. Section 20952 of the Government Code is amended to read:

20952. (a) A local safety member, other than one subject to Section 21252.01, shall be retired for service upon his written application to the board if he has attained age 55, and is credited with five years of state service.

(b) The provisions of subdivision (a) of this section do not apply to the employees of any contracting agency having a contract with the board made prior to the date this section takes effect, which contract specifies an age greater than age

55 as the minimum age for voluntary retirement for service for local safety members, unless and until the agency elects to make subdivision (a) of this section applicable to its employees, by amendment to its contract made in the manner prescribed for the approval of contracts, except that an election among the employees is not required.

Unless and until any such contracting agency elects to make subdivision (a) of this section applicable to its employees, a local safety member employed by such contracting agency shall be retired for service upon his written application to the board if he has attained the minimum age for voluntary retirement specified in the contract between his employer and the board, and is credited with five years of state service.

SEC. 34. Section 20952.5 of the Government Code is amended to read:

20952.5. Notwithstanding the provisions of Section 20952, a local safety member to whom Section 20952 applies shall be retired for service upon his written application to the board if he has attained age 50 and is credited with five years of state service.

However, if such member retires before attaining age 55, his prior and current service pensions shall be reduced to that amount which the value of the pensions as deferred to that minimum age will purchase at the actual age of retirement.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

SEC. 35. Section 20952.6 of the Government Code is amended to read:

20952.6. A local safety member who is subject to Section 21252.01 shall be retired for service upon his written application to the board if he has attained age 50, and is credited with five years of state service.

SEC. 36. Section 20953 of the Government Code is repealed.

SEC. 37. Section 20954 of the Government Code is repealed.

SEC. 38. Section 20981 of the Government Code is amended to read:

20981. Every state miscellaneous member, school member and local miscellaneous member shall be retired on the first day of the calendar month succeeding that in which he attains age 70 if his 70th birthday occurs on or prior to September 30, 1971. Such members who have attained age 69 but not age 70 on September 30, 1971, shall be retired October 1, 1971, and those who attain age 69 in the period October 1, 1971, to September 30, 1972, inclusive, shall be retired on the first day of the calendar month next succeeding that in which they attain

age 69. Such members who have attained age 68 but not age 69 on September 30, 1972, shall be retired in October 1, 1972, and those who attain age 68 in the period October 1, 1972, to September 30, 1973, inclusive, shall be retired on the first day of the calendar month next succeeding that in which they attain age 68. Such members who have attained age 67 but not age 68 on September 30, 1973, shall be retired on October 1, 1973, and those who attain age 67 on or after October 1, 1973, shall be retired on the first day of the calendar month next succeeding that in which they attain age 67; provided that:

(a) Any member who is employed in a teaching capacity on a semester or school-year basis may elect to continue in active service until the end of the semester or school year during which he attains compulsory retirement age.

(b) Any member who is a state college president may elect to continue in active service until the end of the quarter, semester, or academic year during which he attains compulsory retirement age.

(c) Any member who is an academic teaching and administrative employee, as defined in this section, may elect to continue in active service until the end of the quarter, semester, or academic year during which he attains compulsory retirement age. Academic teaching and administrative employee means a state college employee of the rank of professor or lower, department heads and division heads whose principal duty is teaching at the state college and an employee whose principal duty is connected with the administration of the teaching program or related service, and includes, but is not limited to deans, business managers, admission officer, registrar, placement officer and professional librarians.

SEC. 39. Section 20983 of the Government Code is repealed.

SEC. 40. Section 21021 of the Government Code is amended to read:

21021. Any member incapacitated for the performance of duty shall be retired for disability pursuant to this chapter if he is credited with five years of state service, regardless of age.

SEC. 41. Section 21022 of the Government Code is amended to read:

21022. Any patrol or local safety member incapacitated for the performance of duty as the result of an industrial disability shall be retired for disability, pursuant to this chapter, regardless of age or amount of service.

SEC. 42. Section 21251.13 of the Government Code is amended to read:

21251.13. The combined current and prior service pensions for a local miscellaneous member, a school member, and for a state miscellaneous member, is a pension derived from the contributions of the employer sufficient, when added to the service retirement annuity that is derived from the accumulated normal contributions of the member at the date of his retirement, to equal the fraction of one-fiftieth of his final compensation

set forth opposite his age at retirement, taken to the preceding completed quarter-year, in the following table in the column applicable to his sex, multiplied by the number of years of current and prior service except service in a category of membership other than that of state miscellaneous member or local miscellaneous member or school member, with which he is entitled to be credited at retirement:

Age of retirement	Fraction	
	Men	Women
55 -----	.706	.730
55 $\frac{1}{4}$ -----	.718	.741
55 $\frac{1}{2}$ -----	.731	.753
55 $\frac{3}{4}$ -----	.743	.764
56 -----	.755	.776
56 $\frac{1}{4}$ -----	.768	.788
56 $\frac{1}{2}$ -----	.782	.800
56 $\frac{3}{4}$ -----	.795	.813
57 -----	.808	.825
57 $\frac{1}{4}$ -----	.823	.839
57 $\frac{1}{2}$ -----	.838	.852
57 $\frac{3}{4}$ -----	.852	.865
58 -----	.867	.879
58 $\frac{1}{4}$ -----	.883	.893
58 $\frac{1}{2}$ -----	.899	.908
58 $\frac{3}{4}$ -----	.915	.923
59 -----	.931	.937
59 $\frac{1}{4}$ -----	.948	.953
59 $\frac{1}{2}$ -----	.966	.969
59 $\frac{3}{4}$ -----	.983	.985
60 -----	1.000	1.000
60 $\frac{1}{4}$ -----	1.017	1.016
60 $\frac{1}{2}$ -----	1.034	1.032
60 $\frac{3}{4}$ -----	1.050	1.048
61 -----	1.067	1.064
61 $\frac{1}{4}$ -----	1.084	1.081
61 $\frac{1}{2}$ -----	1.101	1.097
61 $\frac{3}{4}$ -----	1.119	1.114
62 -----	1.136	1.131
62 $\frac{1}{4}$ -----	1.154	1.148
62 $\frac{1}{2}$ -----	1.173	1.166
62 $\frac{3}{4}$ -----	1.191	1.183
63 and over -----	1.209	1.200

The fractions specified in the above table shall be reduced by one-third as applied to that part of final compensation which does not exceed four hundred dollars (\$400) per month for all service of a member any of whose service has been included in the federal system or for service after the effective date of his coverage under the federal system in the case of a member who on the day preceding the operative date of amendments to this section at the 1971 Regular Session was

subject to the reduction provided in Section 21251.14 with respect only to service from such effective date. This reduction shall not apply to a member who, on the day preceding such operative date, was subject to Section 21251.1 but not Section 21251.14 with respect to service covered under the federal system, or to a member employed by a contracting agency which enters into a contract after such operative date and elects not to be subject to this paragraph or with respect to service rendered after the termination of the federal-state agreement with respect to the coverage group to which he belongs.

This section shall apply only to members whose retirement is effective on or after the operative date of amendments to this section at the 1971 Regular Session and as to such members and as of such date shall supersede Sections 21251.1, 21251.14, and 21252.001, whichever was then applicable to such members.

The improved retirement allowance provided by this section is granted subject to future reduction prior to a member's retirement, by offset of federal system benefits or otherwise, as the Legislature may from time to time deem appropriate because of changes in such federal system benefits.

SEC. 43. Section 21251.35 of the Government Code is repealed.

SEC. 44. Section 21291 of the Government Code is amended to read:

21291. Upon retirement for disability, a local miscellaneous member who has attained the minimum age at which he may retire for service without an actuarial discount because of age, shall receive his service retirement allowance.

SEC. 45. Section 21294 of the Government Code is amended to read:

21294. Upon retirement of a local safety member for industrial disability he shall receive a disability retirement allowance of 50 percent of his final compensation plus an annuity purchased with his accumulated additional contributions, if any, or, if qualified for service retirement, he shall receive his service retirement allowance if such allowance, after deducting such annuity, is greater.

SEC. 46. Section 21298 of the Government Code is amended to read:

21298. The disability retirement allowance of a local miscellaneous member retired for disability or a local safety member retired for nonindustrial disability and the requirements for obtaining it are the same as those for state members so retired if the employing contracting agency elects, by express provision in its contracts, or by amendment to its contract made as provided in Section 20461.5, to subject itself and its employees to the provisions of this part reducing the ages at which members may retire and increasing the benefits members will receive.

If, however, the employing contracting agency does not so elect, then as to the local miscellaneous members employed by

that agency retired for disability and the local safety members employed by that agency retired for nonindustrial disability, the requirements for obtaining the disability retirement allowance are the same as those for state members so retired, but the disability retirement pension shall be such an amount as with that portion of his annuity provided by his accumulated normal contributions, will make his disability retirement allowance equal:

(a) Ninety percent of one-seventieth of his final compensation multiplied by the number of years of service credited to him; or

(b) If the disability retirement allowance computed under subdivision (a) does not exceed one-fourth of his final compensation, 90 percent of one-seventieth of his final compensation multiplied by the number of years of service which would be creditable to him were his service to continue until attainment by him of age 65, but in such case the retirement allowance shall not exceed one-fourth of such final compensation. This subdivision is not applicable to members who are not entitled, at the time of retirement, to be credited with at least 10 years of state service.

In no event shall the disability retirement pension be more than sufficient to make the disability retirement allowance under either subdivision (a) or (b), exclusive of any annuity provided by accumulated additional contributions, exceed the service retirement allowance, exclusive of any annuity purchased by accumulated additional contributions, receivable by the member were he to continue in service and retire at age 65.

The disability retirement pension shall be derived from the contributions of the employer.

SEC. 47. Section 21300.5 of the Government Code is repealed.

SEC. 48. This act shall become operative on July 1, 1971, or if later, the first of the month following that in which the actuarial interest rate under the Public Employees' Retirement System is set at $5\frac{3}{4}$ percent.

SEC. 49. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The morale and welfare of many state and contracting agency members of the Public Employees' Retirement System are contingent upon the ability of those planning to retire in the near future to do so without delay. Otherwise, many will be obliged to delay their retirement until December 1971, which would be disadvantageous to them, their employers and the younger employees who would replace the retirees. Further, giving this act immediate effect would alleviate problems caused by possible layoffs in state service at the end of this fiscal year.

CHAPTER 171

An act relating to financial assistance to public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 21, 1971. Filed with Secretary of State June 21, 1971.]

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

SECTION 1. The uncertainty of the appropriation to the Department of Health, Education, and Welfare and attendant funding delays have resulted in a financial crisis for many school districts in the state which prepared their 1970-1971 fiscal year budgets in contemplation of the timely receipt of federal impact funds under Public Law 874 of the 81st Congress. The Legislature, by this act, intends to provide a procedure whereby these affected school districts can receive assistance in meeting their financial obligations for the remaining portion of the 1970-1971 fiscal year.

SEC. 2. During the 1970-1971 fiscal year only, the board of supervisors of each county or city and county may authorize the treasurer of the county or city and county to make a temporary transfer from the funds in his custody not immediately needed to pay claims against them to any school district in the county or city and county in which 5 percent or more of the revenues for its adopted total school budget for the 1970-1971 fiscal year were based on 1970-1971 budgeted entitlements under Public Law 874, the amount requested by the school district, subject to the provisions of Section 3 of this act. The county or city and county may establish a charge to pay all costs of any such transfer of funds. The costs may include, but are not limited to, all costs to the county or city and county of securing the funds to make such temporary transfers.

SEC. 3. The temporary transfer of funds made to eligible school districts, as described in Section 2 of this act, shall not exceed an amount equal to 50 percent of the school district's 1969-1970 fiscal year entitlement of Public Law 874 funds.

SEC. 4. School districts may repay such temporary transfer of funds without any interest to the county or city and county on or before May 1, 1972. Upon receipt of such 1970-1971 Public Law 874 funds, the school district shall immediately repay to the county or city and county the amount of the temporary transfer of funds made pursuant to Section 2 of this act.

If such temporary transfer of funds are not repaid by May 1, 1972, the county treasurer shall withhold from the May and June apportionments to such school districts an amount equal to the temporary transfer of funds and charges made to the school district under Section 2 of this act.

SEC. 5. The provisions of this act shall be effective until June 30, 1972, and shall have no force or effect thereafter.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Due to the uncertainty of the appropriation measure for the Department of Health, Education, and Welfare, many school districts in this state which had adopted school budgets for the 1970-1971 fiscal year based upon expected availability of Public Law 874 of the 81st Congress entitlements are now faced with a serious financial crisis. In order to place these school districts in a cash position to meet their financial obligations for the remainder of the 1970-1971 fiscal year, it is necessary that this act take immediate effect.

CHAPTER 172

An act to amend Section 10203.4 of the Insurance Code, relating to insurance.

[Approved by Governor June 21, 1971 Filed with
Secretary of State June 21, 1971]

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

SECTION 1. Section 10203.4 of the Insurance Code is amended to read:

10203.4. Insurance under any group life insurance policy issued pursuant to Sections 10202, 10202.7, 10202.8, 10203, 10203.1, and 10203.7 may, if 75 percent of the insured employees elect, be extended to insure the dependents, or any class or classes thereof, of each insured employee who so elects, in amounts in accordance with some plan which precludes individual selection and which shall not be in excess of 50 percent of the insurance on the life of such insured employee or one thousand five hundred dollars (\$1,500), whichever is less; provided, however, in the case of a dependent whose age at death is under six months, the amount shall not be in excess of one hundred dollars (\$100).

A dependent shall be the spouse or a child under 21 years of age of the insured employee. The premiums for the insurance on such dependents may be paid by the employer or by the employee or by the employer and the employee jointly.

CHAPTER 173

An act to amend Section 30730 of, to repeal Sections 30733 and 30734 of, and to add Sections 30733 and 30734 to, the Water Code, relating to county water districts.

[Approved by Governor June 21, 1971 Filed with
Secretary of State June 21, 1971]

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

SECTION 1. Section 30730 of the Water Code is amended to read:

30730. The board may, if it deems it to be for the best interest of the district, by resolution submit to the voters at any district election the question whether the directors shall be elected by divisions or from divisions.

The term "by divisions," as used in this article, means election of the directors by voters of the division alone. The term "from divisions," as used in this article, means election of directors who are residents of the division from which they are elected by the voters of the entire district.

The board of any district which is electing directors by divisions on the effective date of the amendment of this section at the 1971 Regular Session of the Legislature shall determine by ordinance, subject to referendum as provided in Section 30831, whether directors shall be elected by divisions or from divisions. The board shall thereupon comply with the requirements of Section 30733 or Section 30734, whichever is applicable, in the same manner as if the question of whether the directors shall be elected by divisions or from divisions had been submitted to and approved by the voters of the district.

SEC. 2 Section 30733 of the Water Code is repealed.

SEC. 3. Section 30733 is added to the Water Code, to read:

30733 If the question submitted to the voters of the district pursuant to this article provides for the election of directors by divisions and is approved by a majority of the voters voting on the question, then:

(a) The board shall promptly by resolution divide the district into five divisions as nearly equal in population as practicable and assign a number to each division.

(b) The board shall, not less than 85 days prior to the general district election next after the election approving the election of directors by division, by resolution designate which divisions shall elect directors at that election to succeed the directors whose terms then expire. The remaining divisions shall elect directors at the general district election next following that election.

(c) The board may, at any time after initially dividing the district into divisions but not less than 85 days before a general district election, by resolution change the boundaries of the divisions to keep them as nearly equal in population as practicable.

SEC. 4. Section 30734 of the Water Code is repealed.

SEC. 5. Section 30734 is added to the Water Code, to read:
30734. If the question submitted to the voters of the district pursuant to this article provides for the election of directors from divisions and is approved by a majority of the voters voting on the question, then:

(a) The board shall promptly by resolution divide the district into five divisions as nearly equal in acreage as practicable and assign a number to each division.

(b) The board shall, not less than 85 days prior to the general district election next after the election approving the election of directors from divisions, by resolution designate the division from which directors shall be elected at that election to succeed directors whose terms then expire. Directors shall be elected from the remaining divisions at the general district election next following that election.

(c) The board may, at any time after initially dividing the district into divisions but not less than 85 days before a general district election, by resolution change the boundaries of the divisions to keep them as nearly as equal in size as practicable.

CHAPTER 174

An act to add Article 12 (commencing with Section 13021) to Chapter 6 of Division 6 of the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor June 21, 1971. Filed with
Secretary of State June 21, 1971.]

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

SECTION 1. Article 12 (commencing with Section 13021) is added to Chapter 6 of Division 6 of the Public Utilities Code, to read:

Article 12. Irrigation Standby or Immediate Availability Charge

13021. This article shall apply only to the ownership, operation, control, or use by a district of a system for the distribution of irrigation water and shall not affect, but shall be in addition to, the right of the board of directors of the district to fix rates and charges, and to supervise and regulate every utility owned and operated by the district pursuant to this division.

13022. (a) A district which acquires, constructs, owns, operates, controls, or uses works for supplying its inhabitants and lands within the district with irrigation water, may fix by resolution on or before the first day of July of each year a water standby or immediate availability charge on all land within its boundaries to which water is made available by the

district for irrigation purposes, whether the water is actually used or not. Such charge shall not apply to lands permanently dedicated exclusively to transportation of persons or property.

(b) The board of directors of a district which fixes such a standby charge may establish schedules varying the charges in different areas within a district. The board of directors may not, however, fix an annual standby charge at a rate in excess of ten dollars (\$10) per acre or portion thereof.

(c) The resolution fixing a standby charge shall be adopted by the board of directors only after the submission of a report and recommendation by the general manager, notice and a hearing in the manner prescribed by Section 14401.

13023. (a) Any district levying a standby charge, which has elected under Section 12897 to use county and state assessment and tax collection procedures, shall, on or before the first day of August of each year, furnish in writing to the county auditor of each affected county a description of each parcel of land within the district upon which a standby charge has been levied for the current fiscal year, together with the amount of standby charge fixed by the district on each parcel of land.

(b) All county officers charged with the duty of collecting taxes shall collect district standby charges with the regular tax payments to the county. Such charges shall be collected in the same form and manner as county taxes are collected and shall be paid to the district. Charges fixed by the district shall be a lien on all the property benefited thereby. Liens for such charges shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

13024. Any funds derived from the standby charges levied pursuant to this article may be used by the district for all purposes which a district is authorized to expend funds insofar as such purposes relate to the acquisition of a water supply or the acquisition, construction, operation, control, or use of works for supplying land within the district with irrigation water.

CHAPTER 175

An act to amend Section 13746 of the Education Code, relating to classified employees.

[Approved by Governor June 21, 1971. Filed with Secretary of State June 21, 1971.]

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

SECTION 1. Section 13746 of the Education Code is amended to read:

13746. Classified employees shall be subject to layoff for lack of work or lack of funds. Whenever a classified employee is laid off, the order of layoff within the class shall be determined by length of service. The employee who has been employed the shortest time in the class, plus higher classes, shall be laid off first. Reemployment shall be in the reverse order of layoff.

For purposes of this section, for service commencing or continuing after July 1, 1971, "length of service" means all hours in paid status, whether during the school year, a holiday, recess, or during any period that a school is in session or closed, but does not include any hours compensated solely on an overtime basis as provided for in Section 13590.2.

Nothing contained in this section shall preclude the granting of "length of service" credit for time spent on military leave of absence, or unpaid illness leave, or unpaid industrial accident leave.

CHAPTER 176

An act to amend Sections 56003.1, 56028, 56039, and 56153 of the Government Code, relating to district reorganization.

[Approved by Governor June 21, 1971. Filed with
Secretary of State June 21, 1971.]

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

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

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

(a) The initiation, conduct or completion of proceedings for the incorporation of any city, the annexation or detachment of

territory to or from any city, the consolidation of any cities or the disincorporation of any city or for the formation of any district; and

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

If a commission shall so condition its approval, the commission may order that any further action pursuant to this division shall be continued and held in abeyance for such period of time as the commission may designate, not to exceed six months from the date of such conditional approval.

Any such commission order may also provide that any election called upon the question of confirming a change of organization or a reorganization pursuant to the provisions of this division shall be called, held and conducted before, upon the same date as, or after the date of any election to be called, held and conducted upon the incorporation of any city, the annexation or detachment of territory to or from any city, the consolidation of any cities or the disincorporation of any city or upon the formation of any district.

SEC. 1.2. Section 56028 of the Government Code is amended to read:

56028. "Change of organization" means an annexation or detachment of territory to or from a district, a minor boundary change, the dissolution or consolidation of any district or districts, a merger or the establishment of a subsidiary district, and, in the case of a reorganization, also includes district formations, annexations to and detachments from cities when the affected cities do not object to such annexations or detachments, and the incorporation of new cities when the board of supervisors does not object to such incorporations.

SEC. 1.5. Section 56039 of the Government Code is amended to read:

56039. "District" means an agency of the state, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries. "District" shall include a county service area but shall exclude the following:

- (a) The state;
- (b) A county;
- (c) A city, except for the provisions of this division relating to a merger, the establishment of a subsidiary district, or a reorganization which includes an annexation to or a detachment from a city when the affected city does not object to such annexation or detachment, or the incorporation of a new city when the board of supervisors does not object to such incorporation.
- (d) A school district;
- (e) A unified or union high school library district;
- (f) A special assessment district;
- (g) An improvement district;

- (i) An air pollution control district;
- (j) A bridge and highway district or a joint highway district;
- (k) A transit or rapid transit district or authority;
- (l) A metropolitan water district;
- (m) A flood control district, a flood control and floodwater conservation district, a flood control and water conservation district, a conservation district, a water conservation district, a water replenishment district, the Orange County Water District, a California water storage district, a water agency, a county water authority or a water authority, provided, that the commission of the principal county shall determine, in accordance with Sections 56015 and 56016 inclusive, that any district, agency or authority enumerated in this subdivision (m) is not a "district" within the meaning of this division.

SEC. 2. Section 56153 of the Government Code is amended to read:

56153. If the certificate of the executive officer shows the petition has not been signed by the requisite number of signers, he shall certify the petition to be insufficient and shall give mailed notice thereof to the chief petitioners, if any. Within 10 days after the date of a certificate of insufficiency, a supplemental petition bearing additional signatures may be filed with the executive officer.

CHAPTER 177

An act to amend Section 15517 of the Education Code, relating to school district taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 21, 1971. Filed with Secretary of State June 21, 1971.]

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

SECTION 1. Section 15517 of the Education Code is amended to read:

15517. The governing board of a school district may undertake corrective measures relating to fire and panic safety recommended to the governing board pursuant to Section 13143 of the Health and Safety Code by the State Fire Marshal, including the installation of protective and warning devices and intrusion alarms, or for any purpose for which the fire marshal certifies is necessary for fire and panic safety, in connection with any school building under the jurisdiction of the governing board without compliance with the procedures otherwise prescribed by this article

The maximum rate of tax of any school district for any school year is hereby increased by such amount as will pro-

duce the amount necessary to effect the corrective measures recommended by the State Fire Marshal, as provided in the preceding paragraph, as shown by the budget of the district for such school year, as finally adopted by the governing board of the district, less any unencumbered balances remaining at the end of the preceding school year derived from revenue from the increase in the rate of tax provided by this section.

The increase provided by this section shall not exceed ten cents (\$0.10) for each one hundred dollars (\$100) of the assessed valuation of property within the district in each fiscal year.

If at the end of any school year, there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for expenditures of the school district during that school year required for purposes of this section.

This section shall remain in effect until July 1, 1973.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the urgently needed authority for an increase in maximum school district tax rates afforded by Section 15517 of the Education Code, relating to fire and panic safety corrective measures and the installation of protective and warning devices and intrusion alarms, may be continued beyond July 1, 1971, without interruption, and in order that the effective period of Section 15517 of the Education Code may be extended before the presently prescribed date of expiration thereof, it is essential that this act take effect immediately.

CHAPTER 178

An act to amend Section 11101 of, and to add Section 11804.5 to, the Streets and Highways Code, relating to pedestrian malls, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 11101 of the Streets and Highways Code is amended to read:

11101. The legislative body of a city shall have the power:

- (a) To establish pedestrian malls.
- (b) To prohibit, in whole or in part, vehicular traffic on a pedestrian mall.

(c) To pay, from general funds of the city or other available moneys or from the proceeds of assessments levied on lands benefited by the establishment of a pedestrian mall, the damages, if any, allowed or awarded to any property owner by reason of the establishment of a pedestrian mall. No money available for expenditure within the city from the proceeds of any tax, license or fee imposed by any public agency upon the ownership or operation of vehicles or the fuel used therein shall be used to pay such damages, except as may be permitted by Section 11005 of the Revenue and Taxation Code.

(d) To construct on city streets which have been or will be established as a pedestrian mall improvements of any kind or nature necessary or convenient to the operation of such city streets as a pedestrian mall, including but not limited to, paving, sidewalks, curbs, gutters, sewers, drainage works, street lighting facilities, fire protection facilities, flood protection facilities, water distribution facilities, vehicular parking areas, retaining walls, landscaping, tree planting, statuary, fountains, decorative structures, benches, restrooms, child care facilities, display facilities, information booths, public assembly facilities, any improvements necessary or convenient for a covered air-conditioned mall, and other structures, works or improvements necessary or convenient to serve members of the public using such pedestrian mall, including the reconstruction or relocation of existing city-owned works, improvements or facilities on such city streets. The foregoing, or any portions thereof, are sometimes in this part referred to as "improvements."

(e) To pay, from general funds of the city or other available moneys or from the proceeds of assessments levied on property benefited by any such improvements, the whole or any portion of the cost of such improvements. No money available for expenditure within the city from the proceeds of any tax, license or fee imposed by any public agency upon the ownership or operation of vehicles or the fuel used therein shall be used to pay such cost or expense, except as may be permitted by Section 11005 of the Revenue and Taxation Code.

(f) To do any and all other acts or things necessary or convenient for the accomplishment of the purposes of this part.

SEC. 2. Section 11804.5 is added to the Streets and Highways Code, to read:

11804.5. Notwithstanding the provisions of Section 11804, the maximum rate which may be assessed by the legislative body of the City of Redding for the Redding Midtown Project No. 1, R-120 only, is two dollars (\$2) on each one hundred dollars (\$100) of assessed value.

Assessments for such project shall only be levied on property located within the project.

SEC. 3. The provisions of this act are necessary because the Redding Midtown Pedestrian Mall Project No. 1, R-120 is

facing construction, financing, and other problems not common to other pedestrian mall projects. It is therefore hereby declared that a general law cannot be made applicable and that the enactment of Section 11804.5 of the Streets and Highways Code as a special law is necessary for the solution of the problems facing the Redding Midtown Pedestrian Mall Project No. 1, R-120.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Redding Midtown Project No. 1, R-120 is presently under construction and in order to secure the businesses necessary to insure that the project will be financially successful it is imperative that a covered air-conditioned mall be constructed which will require changes in the provisions of the Pedestrian Mall Law of 1960 to specifically include improvements necessary or convenient for a covered air-conditioned mall and to authorize an increase in the maximum rate of assessment which will be necessary to pay for the cost of such a mall in Redding. Because the project is presently under construction, it is necessary that these required changes in the law go into immediate effect.

CHAPTER 179

An act to amend Section 253.2 of the Streets and Highways Code, relating to state highways.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 253.2 of the Streets and Highways Code is amended to read:

253.2. The California freeway and expressway system shall also include:

Route 1 from:

- (a) Route 5 south of San Juan Capistrano to Route 107.
- (b) Route 105 to Route 90.
- (c) Los Angeles-Ventura county line to Route 101 near El Rio.
- (d) Route 101 near Las Cruces to Route 227 south of Oceano.
- (e) Route 101 near San Luis Obispo to San Simeon.
- (f) Carmel to Route 280 south of San Francisco.
- (g) Route 280 to the San Francisco county line.
- (h) Route 101 near the southerly end of Marin Peninsula to the vicinity of Valley Ford.

(i) Route 128 near the mouth of the Navarro River to Route 208 near Rockport.

Route 2 from:

(a) Route 405 near Santa Monica to Route 210.

(b) Harter Lane near Gould Canyon north of La Canada to Route 138.

Route 3 from Route 299 near Weaverville to Route 5 near Yreka.

Route 4 from:

(a) Route 80 near Hercules to Route 99 near Stockton.

(b) Route 99 near Stockton to Route 65.

Route 11 from San Pedro to Route 248 in Pasadena.

Route 12 from:

(a) Route 1 near Valley Ford to Route 101 at Santa Rosa.

(b) Route 101 near Santa Rosa to Melita Road near Santa Rosa.

(c) Route 29 in the vicinity of Napa to Route 80 near Cordelia.

(d) Route 80 near Fairfield to Route 84 at Rio Vista.

(e) Route 84 near Rio Vista to Route 99 near Lodi.

(f) Route 99 near Lodi to Route 88 near Lockeford.

(g) Route 88 near Clements to Route 49 near San Andreas.

Route 16 from:

(a) Route 505 to Route 5 near Woodland.

(b) Route 50 near Perkins to Route 49 near Drytown.

Route 20 from Route 101 to Route 80 near Emigrant Gap.

CHAPTER 180

An act to amend Section 1858 of the Civil Code, relating to deposits, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1971. Filed with
Secretary of State June 25, 1971.]

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

SECTION 1. Section 1858 of the Civil Code is amended to read:

1858. As used in this article:

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

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

(c) "Property" means personal property used for or intended for personal, family, or household purposes, but does not include any motor vehicle within the meaning of Section 415 of the Vehicle Code.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are :

The application of Section 1858 of the Civil Code to deposits of motor vehicles for repair, alteration or sale has created an impossible situation with respect to various automobile deposit practices. Thus, in order to remedy this situation at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 181

An act to amend Sections 9950 and 9951 of the Vehicle Code, relating to vehicle sales, and declaring the urgency thereof, to take immediate effect.

[Approved by Governor June 24, 1971. Filed with
Secretary of State June 25, 1971.]

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

SECTION 1. Section 9950 of the Vehicle Code is amended to read :

9950. (a) Any advertisement, brochure, or manual relating to any gasoline-powered motor vehicle of a type subject to registration with a manufacturer's gross vehicle weight rating of under 6,000 pounds of 1972 or 1973 year model which contains any reference to the horsepower of the engine of such vehicle shall state only the Society of Automotive Engineers horsepower rating of such engine, as installed (net), as determined by S.A.E. Standard J245.

(b) Any advertisement, brochure, or manual relating to any gasoline-powered motor vehicle of a type subject to registration with a manufacturer's gross vehicle weight rating of under 6,000 pounds of 1974 or later year model which contains any reference to the horsepower of the engine of such vehicle shall state the actual horsepower rating of such engine as determined by an actual dynamometer test which measured the power delivered at the driving wheels of such vehicle.

SEC. 2. Section 9951 of the Vehicle Code is amended to read :

9951. Any advertisement, brochure, or manual relating to any gasoline-powered motor vehicle of a type subject to registration with a manufacturer's gross vehicle weight rating of under 6,000 pounds of 1974 or later year model which states the S.A.E. horsepower rating of the vehicle shall display immediately above or below, and in type, print, or letter of an equal size as, the S.A.E. horsepower rating, the actual horsepower

rating of the vehicle as determined pursuant to subdivision (b) of Section 9950.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It was not the intent of the Legislature, in enacting Section 9950 of the Vehicle Code, to include motor vehicles of 6,000 pounds or over within the provisions of Section 9950, which require certain specified information to be included on advertisements, brochures, and manuals with respect to the horsepower ratings of 1972 or later year model gasoline-powered motor vehicles. The provisions of this act will eliminate this problem and at the same time revise the requirements regarding such advertisements, brochures, and manuals. Since advertisements, brochures, and manuals are now being prepared for 1972 year model gasoline-powered motor vehicles, it is imperative that this act take effect immediately to avoid an unintended, undue burden on such manufacturers.

CHAPTER 182

An act to add Section 38794 to, and to amend Section 61600 of, the Government Code, relating to cities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 38794 is added to the Government Code, to read:

38794. The legislative body of a city may contract for ambulance service to serve the residents of the city as convenience requires.

SEC. 2. Section 61600 of the Government Code is amended to read:

61600. A district formed under this law may exercise the powers hereinafter granted for such of the following purposes as have been designated in the petition for formation of such district and for such others of the following purposes as the district shall adopt as hereinafter provided:

(a) To supply the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation.

(b) The collection, treatment or disposal of sewage, waste and storm water of the district and its inhabitants.

- (c) The collection or disposal of garbage or refuse matter.
- (d) Protection against fire.
- (e) Public recreation by means of parks, including but not limited to aquatic parks and recreational harbors, playgrounds, golf courses, swimming pools or recreation buildings.
- (f) Street lighting.
- (g) Mosquito abatement.
- (h) The equipment and maintenance of a police department or other police protection to protect and safeguard life and property.
- (i) To acquire sites for, construct, and maintain library buildings, and to cooperate with other governmental agencies for library service.
- (j) The opening, widening, extending, straightening, and surfacing, in whole or part of any street in such district, subject to the consent of the governing body of the county or city in which said improvement is to be made.
- (k) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (j), subject to the consent of the governing body of the county or city in which said improvement is to be made.
- (l) The conversion of existing overhead electric and communication facilities to underground locations, which facilities are owned and operated by either a 'public agency' or a 'public utility' as defined in Section 5896.2 of the Streets and Highways Code, and to take proceedings for and to finance the cost of such conversion in accordance with the provisions of Chapter 28 (commencing with Section 5896.1) of Part 3 of Division 7 of the Streets and Highways Code, subject to the consent of the public agency or public utility responsible for the owning, operation and maintenance of such facilities. Nothing herein contained shall be construed as giving a district formed under this law the power to install, own or operate such facilities as are described in this subdivision.
- (m) To contract for ambulance service to serve the residents of the district as convenience requires, if a majority of the voters in the district, voting in an election thereon, approve.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for cities and community services districts to provide ambulance service as soon as possible and to prevent further loss of life and injury, this act must take effect immediately.

CHAPTER 183

An act to amend Section 25150 of the Government Code, relating to publication of proceedings of the board of supervisors.

[Approved by Governor June 24, 1971 Filed with
Secretary of State June 25, 1971.]

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

SECTION 1. Section 25150 of the Government Code is amended to read:

25150. Within 10 days after each session of the board of supervisors, it shall cause to be published a fair statement of all its proceedings.

CHAPTER 184

An act to amend Sections 74662, 74663, 74664, 74665, 74666, and 74674 of the Government Code, relating to courts.

[Approved by Governor June 24, 1971 Filed with
Secretary of State June 25, 1971]

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

SECTION 1. Section 74662 of the Government Code is amended to read:

74662. In the San Jose-Milpitas Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 54. The clerk may appoint:

(a) One chief deputy court clerk who shall receive a salary as specified in range 49.

(b) Four deputy court clerks, grade IV, each of whom shall receive a salary as specified in range 42.

(c) Nineteen deputy court clerks, grade III, each of whom shall receive a salary as specified in range 41.

(d) Thirty-three deputy court clerks, grade II, each of whom shall receive a salary as specified in range 35.5.

(e) Nineteen deputy court clerks, grade I, each of whom shall receive a salary as specified in range 32.5.

SEC. 2. Section 74663 of the Government Code is amended to read:

74663. In the Santa Clara Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 51. The clerk may appoint:

(a) One senior deputy court clerk who shall receive a salary as specified in range 46.0.

(b) Five deputy court clerks, grade III, each of whom shall receive a salary as specified in range 41.

(c) Seven deputy court clerks, grade II, each of whom shall receive a salary as specified in range 35.5.

(d) Five deputy court clerks, grade I, each of whom shall receive a salary as specified in range 32.5.

SEC. 3. Section 74664 of the Government Code is amended to read:

74664. In the Los Gatos-Campbell-Saratoga Judicial District there shall be one clerk who shall also act as secretary to the judge and who shall receive a salary as specified in range 51. The clerk may appoint:

(a) One senior deputy court clerk who shall receive a salary as specified in range 46.

(b) Two deputy court clerks, grade III, who shall receive a salary as specified in range 41.

(c) Four deputy court clerks, grade II, each of whom shall receive a salary as specified in range 35.5.

(d) Four deputy court clerks, grade I, each of whom shall receive a salary as specified in range 32.5.

SEC. 4. Section 74665 of the Government Code is amended to read:

74665. In the Sunnyvale-Cupertino Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 51. The clerk may appoint:

(a) One senior deputy court clerk who shall receive a salary as specified in range 46.

(b) Three deputy court clerks, grade III, each of whom shall receive a salary as specified in range 41.

(c) Six deputy court clerks, grade II, each of whom shall receive a salary as specified in range 35.5.

(d) Three deputy court clerks, grade I, each of whom shall receive a salary as specified in range 32.5.

SEC. 5. Section 74666 of the Government Code is amended to read:

74666. In the Palo Alto-Mountain View Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 52. The clerk may appoint:

(a) One senior deputy court clerk who shall receive a salary as specified in range 47.

(b) Eight deputy court clerks, grade III, each of whom shall receive a salary as specified in range 41.

(c) Twelve deputy court clerks, grade II, each of whom shall receive a salary as specified in range 35.5.

(d) Ten deputy court clerks, grade I, each of whom shall receive a salary as specified in range 32.5.

SEC. 6. Section 74674 of the Government Code is amended to read:

74674. In each of the municipal court districts in the County of Santa Clara official reporters, appointed pursuant

to Section 72194 shall be attachés of such courts and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such courts, shall receive a biweekly salary as specified in range 48.5, which shall be a charge against the general fund of the county. Should the board of supervisors increase salaries or adopt a pay plan for official reporters in the superior court pursuant to Section 70046.1, the salary increase or pay plan shall apply equally for all official reporters in municipal courts but all such changes or adjustments shall be effective only until 90 days after adjournment of the next following general session of the Legislature. During the hours which the courts are open for transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

CHAPTER 185

An act to amend Sections 23205, 23223, and 23225, to repeal Section 23210, and to add Sections 23204.1, 23204.2, 23204.3 and 23204.4 to the Government Code, relating to county boundaries, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 23204.1 is added to the Government Code, to read:

23204.1. "Landowner" or "landowner owning land" means any person shown as the owner of land on the last equalized assessment roll. Where such person is no longer the owner, then any person entitled to be shown as owner of land on the next assessment roll shall be the landowner for the purpose of this chapter; where land is subject to a recorded written agreement of sale, any person shown therein as purchaser shall be the landowner for the purpose of this chapter. Any public agency owning land may be the landowner for the purpose of this chapter. "Landowner" or "landowner owning land" shall not include a public agency which owns highways, rights-of-way, easements, waterways or canals.

SEC. 2. Section 23204.2 is added to the Government Code, to read:

23204.2. The assessor shall compare the names of the signers on the statement of consent against the names of the persons shown as owners of land on the last equalized assessment roll of the county and ascertain therefrom:

(a) The total number of landowners owning land within the territory proposed to be transferred; and

(b) The total number of landowners represented by qualified signers of the statement of consent.

SEC. 3. Section 23204.3 is added to the Government Code, to read:

23204.3. If any person signing a statement of consent as a landowner appears as owner on the last equalized assessment roll but is shown thereon as a partner, joint tenant, tenant in common, or as husband or wife, the signature of such persons shall be counted as if all such owners shown on the roll had signed.

SEC. 4. Section 23204.4 is added to the Government Code, to read:

23204.4. When the assessor has completed his examination of the statements of consent pursuant to Section 23204.3, he shall attach to the petition his certificate showing the results of his examination.

SEC. 5. Section 23205 of the Government Code is amended to read:

23205. The person circulating the petition may be a qualified elector of either county which will be affected by the proposed change. He may circulate the written statement among the landowners at the same time.

SEC. 6. Section 23210 of the Government Code is repealed.

SEC. 7. Section 23223 of the Government Code is amended to read:

23223. Whenever county boundaries are altered pursuant to this article, the boards of the counties whose boundaries are altered shall file or cause to be filed before January 1st with the State Board of Equalization and with the assessors of such counties a statement setting forth the legal description of the boundaries as they have been altered, together with a map or plat indicating such boundaries. The alteration of boundaries shall not be effective for purposes of assessment or taxation unless the statement, together with the map or plat required by this section, is filed with the county assessors and with the State Board of Equalization on or before the first of January of the year in which the assessments or taxes are to be levied.

SEC. 8. Section 23225 of the Government Code is amended to read:

23225. If any alteration of county boundaries pursuant to this article results in territory of a district being transferred from one county to another, the boards of supervisors of the two counties shall determine whether it is in the best interests of the people in the territory for the territory to remain within the district or be withdrawn. If both boards of supervisors determine that the territory should be withdrawn from the

district, the withdrawal shall be effective upon the filing of a copy of the ordinance so holding by the board of supervisors of each county with the Secretary of State.

Except as provided in Article 10 (commencing with Section 1900) of Chapter 1 of Division 5 of the Education Code, if there is district indebtedness outstanding on the effective date of withdrawal, the territory withdrawn shall nevertheless remain liable for assessment and payment of the tax for its pro rata share thereof until the extinguishment of such indebtedness.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Several counties are making long-awaited adjustments in county boundaries to correct existing problems of law enforcement, assessment practices, building code enforcement, planning, road management and legal residence and must conclude during the current year to insure fair and equitable transfer of the total value of all property transferred and in order that relief may be afforded at the earliest possible time.

CHAPTER 186

An act to amend Section 53069.5 of the Government Code, relating to rewards.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 53069.5 of the Government Code is amended to read:

53069.5. A local agency, as defined in Section 54951, may offer and pay a reward, the amount thereof to be determined by the local agency, for information leading to the determination of the identity of, and the apprehension of, any person who willfully damages or destroys any property of the local agency or any property of any other local agency or state or federal agency located within the boundaries of the local agency.

Any person who has willfully damaged or destroyed such property shall be liable for the amount of any reward paid pursuant to this section and if he is a minor his parent or guardian shall also be liable for the amount.

CHAPTER 187

An act to amend Section 65858 of the Government Code, relating to zoning.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 65858 of the Government Code is amended to read:

65858. Without following the procedures otherwise required preliminary to the adoption of a zoning ordinance, the legislative body, to protect the public safety, health and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses which may be in conflict with a contemplated zoning proposal which the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time. Such urgency measure shall require a four-fifths vote of the legislative body for adoption. Such interim ordinance shall be of no further force and effect four months from the date of adoption thereof; provided, however, that after notice pursuant to Section 65856 and public hearing, the legislative body may extend such interim ordinance for eight months and subsequently extend such interim ordinance for one year. Any such extension shall also require a four-fifths vote for adoption. Not more than the two such extensions may be adopted. Alternatively, an interim ordinance may be adopted by a four-fifths vote following notice pursuant to Section 65856 and public hearing, in which case it shall be of no further force and effect one year from the date of adoption thereof; provided, however, that after notice pursuant to Section 65856 and public hearing, the legislative body may by a four-fifths vote extend such interim ordinance for one year. When any such interim ordinance has been adopted, every subsequent ordinance adopted pursuant to this section, covering the whole or a part of the same property, shall automatically terminate and be of no further force or effect upon the termination of the first such ordinance or any extension thereof as herein provided.

CHAPTER 188

An act to amend Section 10500 of the Water Code, relating to the appropriation of water by the Department of Water Resources.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 10500 of the Water Code is amended to read:

10500. The department shall make and file applications for any water which in its judgment is or may be required in the development and completion of the whole or any part of a general or coordinated plan looking toward the development, utilization, or conservation of the water resources of the state.

Any application filed pursuant to this part shall be made and filed pursuant to Part 2 (commencing with Section 1200) of Division 2 of this code and the rules and regulations of the State Water Resources Control Board relating to the appropriation of water insofar as applicable thereto.

Applications filed pursuant to this part shall have priority, as of the date of filing, over any application made and filed subsequent thereto. Until the 61st day after adjournment of the 1975 Regular Session, or such later date as may be prescribed by further legislative enactment, the statutory requirements of said Part 2 (commencing at Section 1200) of Division 2 relating to diligence shall not apply to applications filed under this part, except as otherwise provided in Section 10504.

CHAPTER 189

An act to repeal Section 7.1 of the Yuba County Water Agency Act (Chapter 788 of the Statutes of 1959), relating to the Yuba County Water Agency.

[Approved by Governor June 24, 1971. Filed with
Secretary of State June 25, 1971.]

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

SECTION 1. Section 7.1 of the Yuba County Water Agency Act (Chapter 788 of the Statutes of 1959) is repealed.

CHAPTER 190

An act to establish procedures for the assessment of open-space lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1971. Filed with
Secretary of State June 25, 1971.]

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

SECTION 1. Notwithstanding any other provision of law to the contrary, the assessment procedures specified under Sections 423 and 423.5 of the Revenue and Taxation Code shall be effective with respect to land subject to taxation for the 1971-1972 fiscal year, if such land is subject to an instrument

meeting the requirements of Section 422 of the Revenue and Taxation Code and such instrument is signed and recorded on or before May 15, 1971; provided, that prior to 5 o'clock p.m. on March 10, 1971, either the land which is subject to a contract was included in a proposal to establish an agricultural preserve submitted to the planning commission or planning department or the matter of accepting an open-space easement or scenic restriction had been referred to such commission or department.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Some counties and cities have inadvertently failed to file the instruments reflecting the true status of property as being eligible for the assessment authorized by the Constitution for open-space lands, and in some cases negotiations to sign such instruments were not completed by the lien date in 1971. As a result, some individuals now are confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the proper valuation of such property for tax purposes. In so doing, the public policy of the state as expressed in the Constitution will be entirely fulfilled and the state as a whole will benefit.

CHAPTER 191

An act to amend Sections 27257 and 27263 of, and to repeal Sections 27258, 27259, 27260, 27261, and 27262 of, the Government Code, relating to recorder's indices.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 27257 of the Government Code is amended to read:

27257. Instead of those indices indicated in this division, the recorder may utilize either of the following systems of indexing:

(a) The recorder may keep two indices, labeled respectively: "General index of grantors" (names of grantors, defendants, and first parties, who would otherwise be indexed in any of the other indices specified in this article) and "General index of grantees" (names of grantees, plaintiffs, and second parties, who would otherwise be indexed in any of the other indices specified in this article). Each page of the general index of grantors shall be divided into seven columns, labeled respec-

tively: "Date filed," "Grantors and defendants," "Grantees and plaintiffs," "Title," "Document number," "Book," and "Page." Each page of the general index of grantees shall be divided into seven columns, labeled respectively: "Date filed," "Grantees and plaintiffs," "Grantors and defendants," "Title," "Document number," "Book," and "Page"; or

(b) The recorder may combine the general index of grantors and the general index of grantees into a single index which shall alphabetically combine the grantors and grantees as defined in subdivision (a). Each page of the "General grantor-grantee index" shall be divided into seven columns, labeled respectively: "Date filed," "Grantors-grantees," "Grantees-grantors," "Title," "Document number," "Book," and "Page." Where such a combined index is used, the names of the grantors shall be distinguished from the names of the grantees, as respectively defined in subdivision (a), by an easily recognizable mark or symbol.

Indexing as enumerated in subdivisions (a) and (b) above may be in lieu of indexing in any of the other indices, and shall impart notice in like manner and effect as the indexing would otherwise impart in the other indices provided for in this division. If the recorder keeps any other index, he shall not be required to index those names in the general index as enumerated in subdivisions (a) and (b) above. Nothing in this section shall prevent the recorder from indexing any names which also appear in any other of his indices.

Where the method of subdivision (a) is utilized, and in those counties where the recorder alphabetizes grantors' and grantees' names by mechanical methods, fewer columnar headings may be used in the two indices, if adequate index reference to the location of each document in the permanent file, book, or film record is provided.

The alphabetical subdivisions in each of the general indices shall be so arranged, as nearly as possible, that the entries to be made in the indices will be equally apportioned. The alphabetical subdivisions shall be sufficient in number to facilitate reference.

The recorder may keep in the same volume any two or more of the indices enumerated in this article, and the several indices shall be kept distinct from each other and the volume distinctly marked on the outside so as to show all the indices kept in it, provided that nothing in this section shall prohibit the recorder from combining the general indices in one volume as enumerated in subdivision (b). The names of the parties in the first column in the several indices shall be arranged in alphabetical order.

SEC. 2. Section 27258 of the Government Code is repealed.

SEC. 3. Section 27259 of the Government Code is repealed.

SEC. 4. Section 27260 of the Government Code is repealed.

SEC. 5. Section 27261 of the Government Code is repealed.

SEC. 6. Section 27262 of the Government Code is repealed.

SEC. 7. Section 27263 of the Government Code is amended to read:

27263. When a conveyance is executed by a sheriff, marshal, or constable the name of the sheriff, marshal, or constable and the party charged in the execution shall both be inserted in the index. When an instrument is recorded to which an executor, administrator, or trustee is a party, the name of the executor, administrator, or trustee and the name of the testator, or intestate, or party for whom the trust is held, shall be inserted in the index. The recorder need not index the name of the trustee in a deed of trust or in a partial or full deed of reconveyance. A trustee's deed given upon exercise of the power of sale under any deed of trust shall be indexed under the names of the original trustor and the grantee named therein.

CHAPTER 192

An act to add Section 5720 to the Welfare and Institutions Code, relating to mental health.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 5720 is added to the Welfare and Institutions Code, to read:

5720. For three years following discharge of any person from a state hospital for the mentally ill, the county of residence at the time of admission to the hospital shall be responsible for payment of nonstate costs of all treatment and services rendered to such person under Division 5 (commencing with Section 5000) of this code in the county where such hospital is located, provided the county rendering such treatment and services shall have complied with the following requirements:

(a) Notify the county responsible for payment within 15 days of commencement of treatment of the name and address of the patient, the date of commencement of treatment, the type of treatment and the projected length of treatment; and

(b) Submit a bill to the county responsible for payment not later than 30 days following completion of such treatment or the end of the month during which treatment is rendered, whichever is later. Where the treatment period covers more than one month, a monthly bill shall be required.

CHAPTER 193

An act to add Section 580.2 to the Welfare and Institutions Code, relating to sale of handiwork of probationers.

[Approved by Governor June 24, 1971. Filed with
Secretary of State June 25, 1971.]

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

SECTION 1. Section 580.2 is added to the Welfare and Institutions Code, to read:

580.2. The probation officer may authorize the sale of articles of handiwork made by wards under the jurisdiction of the probation officer to the public at probation institutions, in public buildings, at fairs, or on property operated by nonprofit associations. The cost of any county materials or other property consumed in the manufacture of articles shall be paid for out of funds received from the sale of the articles. The remainder of any funds received from the sale of the articles shall be placed in the ward's trust account pursuant to subdivision (b) of Section 580.

CHAPTER 194*An act to amend Section 850 of the Penal Code, relating to warrants.*

[Approved by Governor June 24, 1971. Filed with
Secretary of State June 25, 1971.]

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

SECTION 1. Section 850 of the Penal Code is amended to read:

850. (a) A telegraphic copy of a warrant or an abstract of a warrant may be sent by telegraph, teletype, or any other electronic devices, to one or more peace officers, and such copy or abstract is as effectual in the hands of any officer, and he shall proceed in the same manner under it, as though he held the original warrant issued by a magistrate or the issuing authority or agency.

(b) An abstract of the warrant as herein referred to shall contain the following information: the warrant number, the charge, the court or agency of issuance, the subject's name, address and description, the bail, the name of the issuing magistrate or authority, and if the offense charged is a misdemeanor, whether the warrant has been certified for night service.

CHAPTER 195

An act to amend Section 1269b of the Penal Code, relating to bail.

[Approved by Governor June 24, 1971 Filed with
Secretary of State June 25, 1971]

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

SECTION 1. Section 1269b of the Penal Code is amended to read:

1269b. The officer in charge of a jail wherein an arrested person is held in custody, an officer of a sheriff's department or police department of a city who is in charge of a jail or employed at a fixed police or sheriff's facility and is acting under an agreement with the agency which keeps the jail wherein an arrested person is held in custody, the clerk of the justice or municipal court of the judicial district in which the offense was alleged to have been committed, and the clerk of the superior court in which the case against the defendant is pending shall have authority to approve and accept bail in such amount as fixed by the warrant of arrest or schedule of bail or order admitting to bail in cash or surety bond executed by a certified, admitted surety insurer as provided in the Insurance Code, to issue and sign an order for the release of the arrested person, and to set a time and place for the appearance of the arrested person before the appropriate court and give notice thereof, as follows:

(a) For appearance before the court of an arrested person who has been arrested for having committed a misdemeanor and is being held in custody prior to the filing of a formal complaint, and for appearance before the court of a defendant charged with a misdemeanor by a formal complaint filed in the court. If a defendant has appeared before a judge of the court on the charge contained in the complaint the bail shall be in the amount fixed by such judge at the time of such appearance; if no such appearance has been made the bail shall be in the amount fixed in the warrant of arrest or, if no warrant of arrest has been issued, the amount of bail shall be pursuant to a schedule of bail in such case previously fixed and approved by the judge or judges of the court of the judicial district in which the offense is alleged to have been committed.

(b) For appearance before the court of a defendant charged with a felony by a formal complaint filed in court. If a defendant has appeared before a judge of the court on the charge contained in the complaint, the bail shall be in the amount fixed by such judge at the time of such appearance; if no such appearance has been made the bail shall be in the amount fixed in the warrant of arrest.

(c) It is the duty of the municipal and justice court judges in each county to prepare and adopt, by a majority vote, a schedule of bail for all misdemeanor and infraction offenses.

It shall contain a list of such offenses and the amounts of bail applicable thereto as the judges determine to be appropriate. If the schedule does not list all misdemeanor and infraction offenses specifically, it shall contain a general clause for misdemeanors and a separate one for infractions providing for designated amounts of bail as the judges of the county determine to be appropriate for all such offenses not specifically listed in the schedule. The schedule of bail may be revised from time to time by the judges of the county, and the senior judge at each county seat shall call not more than two or less than one meeting each year of all municipal and justice court judges in the county for the purpose of establishing or revising a countywide uniform bail schedule. A copy of the schedule shall be sent to the officer in charge of the county jail and to the officer in charge of each city jail within the county.

Upon posting such bail the defendant or arrested person shall be discharged from custody as to the offense on which the bail is posted.

All money and surety bonds so deposited with such officer shall be transmitted immediately to the judge or clerk of the court by which the order was made or warrant issued or bail schedule fixed.

If a defendant or arrested person so released fails to appear at the time and in the court so ordered upon his release from custody, the court before which he was ordered to appear may forfeit the cash bail or surety bond, with or without issuing a warrant, and if the bail is a surety bond the surety company is obligated as provided by Section 1306 of the Penal Code, subject to the right of the court to set aside the forfeiture as provided by law.

(d) For the appearance before the proper court of a person who has been arrested for an offense on a warrant issued in a county of this state other than the county where such person is held in custody.

CHAPTER 196

An act to add Section 35201.6 to the Government Code, relating to city annexations.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 35201.6 is added to the Government Code, to read:

35201.6. Pursuant to this article a city may annex a parcel of noncontiguous territory not exceeding 400 acres in any one parcel in area which lies in the same county as that in which the city is situated and is not more than five miles from the city, if the territory is owned by the city, is dedicated for park purposes, is not restricted to use by residents of the city

and was purchased with the aid of federal contributions under the Open Space Act.

CHAPTER 197

An act to amend Section 12459 of the Education Code, relating to compulsory education.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 12459 of the Education Code is amended to read:

12459. Any judge of a municipal or justice court in which the school district is located, or in which the offense is committed, has jurisdiction of offenses committed under this article.

CHAPTER 198

An act to amend Section 537 of the Penal Code, relating to public and private campgrounds.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 537 of the Penal Code is amended to read:

537. Any person who obtains any food or accommodations at an hotel, inn, restaurant, boardinghouse, lodginghouse, apartment house, bungalow court, motel, auto camp, or public or private campground, without paying therefor, with intent to defraud the proprietor or manager thereof, or who obtains credit at an hotel, inn, restaurant, boardinghouse, lodginghouse, apartment house, bungalow court, motel, auto camp, or public or private campground by the use of any false pretense, or who, after obtaining credit, food, or accommodations, at an hotel, inn, restaurant, boardinghouse, lodginghouse, apartment house, bungalow court, motel, auto camp, or public or private campground, absconds, or surreptitiously, or by force, menace, or threats, removes any part of his baggage therefrom without paying for his food or accommodations is guilty of a misdemeanor.

Evidence that such person left the premises of such an hotel, inn, restaurant, boardinghouse, lodginghouse, apartment house, bungalow court, motel, auto camp, or public or private campground, without paying or offering to pay for such food or accommodation shall be prima facie evidence that such person obtained such food or accommodations with intent to defraud the proprietor or manager.

CHAPTER 199

An act to amend Section 14670.1 of the Government Code, relating to the letting of state property.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 14670.1 of the Government Code is amended to read:

14670.1. Notwithstanding Section 14670, the Director of General Services, with the consent of the Department of Mental Hygiene, may let to a nonprofit corporation, for the purpose of conducting an educational and work program for mentally retarded persons, and for a period not to exceed 50 years, real property not exceeding 10 acres located within the grounds of the Napa State Hospital.

The lease authorized by this section shall be nonassignable and shall be subject to periodic review every five years. Such review shall be made by the Director of General Services, who shall:

(a) Assure the state the original purposes of the lease are being carried out;

(b) Determine what, if any, adjustment should be made in the terms of the lease.

The lease shall also provide for an initial capital outlay by the lessee of thirty thousand dollars (\$30,000) prior to January 1, 1976. Such capital outlay may be, or may have been, contributed before or after the effective date of the act adding this section.

CHAPTER 200

An act to add Section 8276.5 to the Fish and Game Code, relating to crabs and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 8276.5 is added to the Fish and Game Code, to read:

8276.5. Notwithstanding any other provisions of this code or any regulations made pursuant to this code:

(a) Crabs may be taken in Districts 6, 7, 8, and 9 only between December 1st and August 31st.

(b) Crabs may be taken in all other districts only between the second Tuesday in November and June 30th.

(c) Crabs may not be taken for commercial purposes in any district or part of a district lying within the portions of Crescent City Harbor between the south sand barrier and the breakwater.

This section shall remain in effect only until the 61st day after the final adjournment of the 1972 Regular Session of the Legislature and as of that date is repealed. Section 8276 shall be inoperative until that date.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

For this act to be operative in time to extend the present crab season and prevent major economic loss to the crab industry, it is necessary that it becomes effective immediately.

CHAPTER 201

An act to add Chapter 7 (commencing with Section 2350) to Division 3 of the Streets and Highways Code, relating to highways, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1971 Filed with
Secretary of State June 25, 1971]

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

SECTION 1. Chapter 7 (commencing with Section 2350) is added to Division 3 of the Streets and Highways Code, to read:

CHAPTER 7. FEDERAL AID FOR URBAN SYSTEMS

Article 1. General Provisions

2350. This chapter shall be known and may be cited as the Federal Aid for Urban Systems Act.

2351. To the maximum extent permitted by federal laws, rules, and regulations, not less than 5 percent of the funds apportioned to this state pursuant to subsection (b)(6) of Section 104 of Title 23, United States Code, for federal urban system projects may be allocated by the commission to local agencies for fringe parking projects meeting the criteria set forth in Section 137 of Title 23, United States Code.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

go into immediate effect. The facts constituting such necessity are:

The heavy traffic congestion occurring along urban highway corridors presents a serious problem to the economy and well-being of this state. In order that this problem may be remedied without further economic loss, it is necessary that this act take effect immediately.

CHAPTER 202

An act to add Sections 1460.5 and 1464 to, and to repeal Section 1464 of, the Education Code, relating to school district elections.

[Approved by Governor June 24, 1971 Filed with
Secretary of State June 25, 1971]

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

SECTION 1. Section 1460.5 is added to the Education Code, to read:

1460.5. Whenever a school measure qualifies for a place on the ballot, the county clerk shall transmit a copy of the measure to the county counsel or to the district attorney in any county which has no county counsel.

The county counsel or district attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure.

The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

SEC. 2. Section 1464 of the Education Code is repealed.

SEC. 3. Section 1464 is added to the Education Code, to read:

1464. When the person conducting the election has selected the arguments for and against the measure which will be printed and distributed to the voters, he shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor.

The authors may prepare and submit rebuttal arguments not exceeding 250 words.

The rebuttal arguments shall be filed with the county clerk not more than 10 days after the final date for filing direct arguments. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

CHAPTER 203

An act to amend Section 7230 of the Fish and Game Code, relating to canned fish.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 7230 of the Fish and Game Code is amended to read:

7230. Any cannery or packing plant in which fish that have been taken under a sport fishing license are canned, shall emboss or imprint on the top of each can the words "not to be sold" in letters of such size as to be clearly legible, and the embossment or imprint shall remain affixed to the can. Such canned fish may not be sold, purchased, or offered for sale.

CHAPTER 204

An act to amend Section 15b of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), relating to the Los Angeles County Flood Control District.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 15b of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915) is amended to read:

Sec. 15b. The governing body of said district may, upon receiving request therefor, cause to be designed and inserted in the specifications and contract for any flood control channel or storm drain, as to any portion thereof planned to be constructed under this act as an open channel, provision for the construction in conjunction therewith of facilities for the covering or crossing over of any such portion, or a part of such portion if, in the judgment of said governing body, such crossing or covering will not impair the usefulness of said flood control channel or storm drain and will not be otherwise adverse to the best interests of said district; provided, however, that as to any such requested covering or crossing facilities the costs of design and construction are to be fully borne by the requesting party or parties.

The governing body of the district may expend funds of the district for the construction of facilities for the covering or crossing over of any portion of existing flood control channels

or storm drains of the district whenever it determines such expenditures to be in the best interests of the district. The district may also expend for such purpose any funds provided it by any local agency within the district for the construction of facilities for the covering or crossing over of any portion of existing flood control channels or storm drains of the district.

CHAPTER 205

An act to amend Section 35400 of the Vehicle Code, relating to vehicles.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 35400 of the Vehicle Code is amended to read:

35400. (a) No vehicle shall exceed a length of 40 feet.

(b) This section does not apply to:

(1) A vehicle used in a combination of vehicles when the excess length is caused by auxiliary parts, equipment, or machinery not used as space to carry any part of the load, except that the combination of vehicles shall not exceed the length provided for combination vehicles.

(2) A vehicle when the excess length is caused by any parts necessary to comply with the fender and mudguard regulations of this code.

(3) An articulated bus, except that such bus shall not exceed a length of 60 feet.

(4) An articulated trolley coach, except that such trolley coach shall not exceed a length of 50 feet.

(5) A semitrailer while being towed by a truck tractor, if the distance from the kingpin to the rearmost axle of the semitrailer does not exceed 38 feet, provided, that the semitrailer does not, exclusive of attachments, extend forward of the rear of the cab of the truck tractor.

(6) A bus when the excess length is caused by the projection of a front safety bumper or a rear safety bumper, or both. Such safety bumper shall not cause the length of the vehicle to exceed the maximum legal limit by more than one foot in the front and one foot in the rear. For purposes of this chapter, "safety bumper" means any device which may be fitted on an existing bumper or which replaces the bumper and is so constructed, treated, or manufactured so that it absorbs energy upon impact.

CHAPTER 206

An act to amend Section 35541 of, and to add Section 35541.7 to, the Health and Safety Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 35541 of the Health and Safety Code is amended to read:

35541. Except as otherwise provided in Sections 35541.5, 35541.6, and 35541.7, dwelling structures in any such temporary housing project shall not be disposed of for use as housing, but such dwelling structures shall be demolished and shall be demolished not later than one year after the 61st day after final adjournment of the 1971 Regular Session of the Legislature.

SEC. 2. Section 35541.7 is added to the Health and Safety Code, to read:

35541.7. The County of San Mateo need not demolish the temporary housing project located in its jurisdiction commonly known as the "Midway Village" until the 91st day after final adjournment of the 1974 Regular Session of the Legislature.

The Legislature finds and declares that Midway Village, located in the County of San Mateo has been rehabilitated and the dwellings are reasonably safe and sanitary places in which to live.

The Legislature further finds and declares that the provisions of this section are intended to aid in relieving a present critical shortage of low-rental housing in the County of San Mateo for members of low-income military families, and any current removal of Midway Village would place an extreme hardship on these people due to the resultant relocation from these temporary housing projects.

This section shall not be construed to relieve any governmental agency of any existing duty under present housing programs.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety, within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There is in the County of San Mateo housing that is urgently needed but which will be required to be demolished. Such housing has been rehabilitated and the dwellings are reasonably safe and sanitary places in which to live. This act would postpone the date by which such housing is required to be demolished, and consequently would permit the continued use of this much-needed housing and alleviate an extreme hardship on those people currently using such housing due to the resultant relocation from these temporary housing projects. It is, therefore, imperative that this act take effect immediately.

CHAPTER 207

An act to amend Section 27801 of the Vehicle Code, relating to motorcycles.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 27801 of the Vehicle Code is amended to read:

27801. No person shall drive any two-wheel motorcycle:

(a) Equipped with a seat so positioned that the driver, when sitting astride the seat, cannot reach the ground with his feet.

(b) Equipped with handlebars so positioned that the hands of the driver, when upon the grips, are at or above his shoulder height when sitting astride the seat.

CHAPTER 208

An act to add Section 55371.5 to the Water Code, relating to county waterworks district property.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 55371.5 is added to the Water Code, to read:

55371.5. If the board determines that the property is needed for the uses of another county waterworks district governed by the same board, the property may be sold or leased to that district at its reasonable market value without notice.

CHAPTER 209

An act to amend Sections 6 and 7 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), relating to Los Angeles County flood control.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 6 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915) is amended to read:

Sec. 6. After the adoption of the report by said board of supervisors, as above provided, said board shall without delay

call a special election and submit to the qualified electors of said district the proposition of incurring a bonded debt in the amount and for the purposes stated in said report.

Said board of supervisors shall call such special election by ordinance, and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief general description of such objects and purposes, and refer to the report adopted by said board of supervisors, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part of such indebtedness shall be paid each and every year, and which shall not be less than one-fortieth of the whole amount of such indebtedness, and the rate of interest to be paid on such indebtedness, and shall fix the date on which such special election shall be held, the manner of holding the same, and the manner of voting for or against incurring such indebtedness. The rate of interest to be paid on such indebtedness shall not exceed 7 per centum per annum.

For the purposes of said election, said board of supervisors shall in said ordinance establish election precincts within the boundaries of the said district, and may form election precincts by consolidating the precincts established for general election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and shall appoint election boards, the composition of which shall correspond with the boards appointed in general elections in Los Angeles County. Any election called pursuant to this section may be consolidated with any other election, pursuant to the provisions of Chapter 4, of Part 2, of Division 11 of the Elections Code if the ordinance calling the election authorizes the consolidation. If the election called pursuant to this section is consolidated with any election, the notice thereof need not set forth the precincts, place, or places of holding the election, or the names of the officers appointed to conduct the election, but may instead state that the precincts, place, or places of holding the election, and officers appointed to conduct the election shall be the same as those provided for such other election within the territory affected by the consolidation and set forth in the ordinance, order, resolution, or notice calling, providing for, or giving notice of such other election and except where consolidation is with a state primary or a state general election, reference shall be made to such ordinance, resolution or notice, by number and title, or date of adoption, or by date or proposed date of publication and the name of the newspaper in which the publication has been or will be made, or by any other definite description.

In all particulars not recited in such ordinance, such election shall be held as nearly as practicable in conformity with the general election laws of the state.

Said board of supervisors shall cause so much of said report as covers a general description of the work to be done, and the map showing the location of the proposed work and improvements, to be printed at least 30 days before the date fixed for such election, and a copy thereof furnished to every qualified elector of said district who shall apply for the same.

Said ordinance calling such election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation, printed and published in said district, and designated by said board of supervisors for said purpose. No other notice of such election need be given.

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds.

If at such election a majority of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district for the amount stated in such proceedings shall be issued and sold as in this act provided.

SEC. 2. Section 7 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915) is amended to read:

Sec. 7. The said board of supervisors shall, subject to the provisions of this act, prescribe by ordinance the form of said bonds, and of the interest coupons attached thereto. As to any bond issue authorized pursuant to this act prior to January 1, 1970, the bonds shall be payable substantially in the following manner: A part to be determined by said board, and which shall not be less than one-fortieth part of the whole amount of such indebtedness, shall be payable each and every year on a day and date, and at a place to be fixed by said board, and designate in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

As to any bond issue authorized pursuant to this act following January 1, 1970, the board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series; provided, that the earliest maturity of each issue or series, as the case may be shall not be more than two years from the date of the bonds of said issue or series. The final maturity date of any bond shall not exceed 40 years from the date of the bond. Every year beginning with the date of the earliest maturity of each issue or series of bonds, as the case may be, not less than one-fortieth of the whole of the indebtedness evidenced by such issue or such series shall be payable.

The bonds shall be issued in such denominations as the said board of supervisors may determine and shall be payable on the day and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of 7 per centum per annum, and shall be payable

semiannually, and said bonds shall be signed by the chairman of the board of supervisors, and countersigned by the auditor of said Los Angeles County, and the seal of said district shall be affixed thereto. Such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed. Any such signature may be affixed in accordance with the provisions of the Uniform Facsimile Signatures of Public Officials Act, Chapter 6 (commencing with Section 5500) of Title 1 of the Government Code. The interest coupons of said bonds shall be numbered consecutively and signed by the auditor of said Los Angeles County by his engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

CHAPTER 210

An act to add Article 3.2 (commencing with Section 25210.39) to Chapter 2.2 of Part 2 of Division 2 of Title 3 of the Government Code, relating to county service areas.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Article 3.2 (commencing with Section 25210.39) is added to Chapter 2.2 of Part 2 of Division 2 of Title 3 of the Government Code, to read:

Article 3.2. Elimination of Authorized Services

25210.39. If the board of supervisors is of the opinion that public convenience and necessity no longer require that one or more, but not all, extended services be provided within an established county service area, it may at any time adopt a resolution of intention to eliminate such extended service.

25210.39a. The resolution shall:

- (a) State the name of the area.
- (b) Generally describe the territory included in the area.
- (c) Specify the type or types of extended services proposed to be eliminated.
- (d) Fix a time and place for a hearing upon the question of eliminating such extended service, which shall not be less than 30 or more than 60 days after the adoption of the resolution of intention.

25210.39b. The clerk of the board of supervisors shall give notice of the hearing in the same manner and within the same time as provided for the giving of notice of a hearing on a resolution of intention to establish a county service area.

The notice shall:

- (a) Contain the text of the resolution.
- (b) State the time and place for hearing.
- (c) State that at the time of the hearing the testimony of all interested persons or taxpayers for or against the elimination of extended services will be heard.

25210.39c. The hearing may be continued from time to time, but must be completed within 30 days. At the conclusion of the hearing the board of supervisors may abandon the proceedings or may, by resolution, order the elimination of one or more of the extended services as of some stated date not later than June 30th of that fiscal year. The board thereafter shall not provide the extended service so eliminated within such area from general funds of the county.

25210.39d. The elimination of extended service from a county service area does not relieve the area and the taxpayers therein from responsibility for payment for such extended service rendered before the effective date of the elimination, pursuant to Sections 25210.9b and 25210.9c and Article 10 (commencing with Section 25211.1) of this chapter.

CHAPTER 211

An act to amend Sections 24000, 24300, and 24304 of the Government Code, relating to county officers.

[Approved by Governor June 24, 1971 Filed with
Secretary of State June 25, 1971]

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

SECTION 1. Section 24000 of the Government Code is amended to read:

24000. The officers of a county are:

- (a) A district attorney.
- (b) A sheriff.
- (c) A county clerk.
- (d) A controller.
- (e) An auditor, who shall be ex officio controller.
- (f) A treasurer.
- (g) A recorder.
- (h) A license collector.
- (i) A tax collector, who shall be ex officio license collector.
- (j) An assessor.
- (k) A superintendent of schools.
- (l) A public administrator.
- (m) A coroner.

- (n) A surveyor.
- (o) Members of the board of supervisors.
- (p) A livestock inspector.
- (q) A fish and game warden.
- (r) A county librarian.
- (s) A county health officer.
- (t) An administrative officer.
- (u) A director of finance.
- (v) A road commissioner.
- (w) Such other officers as are provided by law.

SEC. 2. Section 24300 of the Government Code is amended to read:

24300. By ordinance the board of supervisors may consolidate the duties of certain of the county offices in one or more of these combinations:

- (a) Sheriff and tax collector.
- (b) Auditor and recorder.
- (c) County clerk, auditor, and recorder.
- (d) County clerk and public administrator.
- (e) County clerk and recorder.
- (f) County clerk and auditor.
- (g) Treasurer and tax collector.
- (h) Treasurer and recorder.
- (i) Treasurer and assessor.
- (j) Treasurer and public administrator.
- (k) Public administrator and coroner.
- (l) District attorney and public administrator.
- (m) District attorney and coroner.
- (n) Sheriff and coroner.
- (o) Sheriff and public administrator.
- (p) County agricultural commissioner and county sealer of weights and measures.
- (q) Road commissioner and surveyor. A county may create an office entitled public works director, combining the duties of road commissioner and surveyor and any other compatible duties not legally required to be performed by another county officer.

SEC. 3. Section 24304 of the Government Code is amended to read:

24304. Notwithstanding the provisions of Section 24300, in counties of the 13th to 57th classes, inclusive, the board of supervisors by ordinance may consolidate the duties of certain of the county offices in one or more of these combinations:

- (a) Sheriff and tax collector.
- (b) Auditor and recorder.
- (c) County clerk, auditor, and recorder.
- (d) County clerk and public administrator.
- (e) County clerk and recorder.
- (f) County clerk and auditor.
- (g) Treasurer and tax collector.
- (h) Treasurer and recorder.
- (i) Treasurer and assessor.

- (j) Treasurer and public administrator.
- (k) Public administrator and coroner.
- (l) District attorney and public administrator.
- (m) District attorney and coroner.
- (n) Sheriff and coroner.
- (o) Sheriff and public administrator.
- (p) County agricultural commissioner and county sealer of weights and measures.
- (q) County clerk and tax collector.
- (r) Treasurer, tax collector, and recorder.
- (s) Sheriff, tax collector, and coroner.
- (t) Coroner and health officer.
- (u) Road commissioner and surveyor. A county may create an office entitled public works director, combining the duties of road commissioner and surveyor and any other compatible duties not legally required to be performed by another county officer.
- (v) Sheriff, coroner, and public administrator.
- (w) Treasurer, tax collector, and public administrator.

CHAPTER 212

An act to amend Sections 11514, 11709, and 11804 of the Vehicle Code, relating to licensees of the Department of Motor Vehicles.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 11514 of the Vehicle Code is amended to read:

11514. An automobile dismantler's established place of business and such other sites or locations as may be operated and maintained by such automobile dismantlers in conjunction with their principal established place of business shall have posted in a place conspicuous to the public in each and every location the certificate and license issued by the department and shall have erected or posted thereon such signs or devices providing information relating to the automobile dismantler's name, the location and address of the automobile dismantler's established place of business so as to enable any person doing business with such automobile dismantler to identify him properly. Every such sign erected or posted on an established place of business, shall have an area of not less than four square feet per side displayed, and shall contain lettering of sufficient size to enable the sign to be read from a distance of at least 50 feet.

SEC. 2. Section 11709 of the Vehicle Code is amended to read:

11709. A dealer's established place of business and such other sites or locations as may be operated and maintained by such dealers in conjunction with their established place of business shall have posted in a place conspicuous to the public in each and every location the certificate and license issued by the department to the dealer and to each salesman employed by the dealer and shall have erected or posted thereon such signs or devices providing information relating to the dealer's name, the location and address of such dealer's established place of business to enable any person doing business with such dealer to identify him properly. Every such sign erected or posted on an established place of business, shall have an area of not less than two square feet per side displayed, and shall contain lettering of sufficient size to enable the sign to be read from a distance of at least 50 feet.

Notwithstanding the provisions of Section 11704 and this section, a dealer may display vehicles at a fair, exposition or similar exhibit without securing a branch license providing no actual sales are made at such events, and that such display does not exceed 30 days.

This section shall not be applicable to a dealer in snow-mobiles.

SEC. 3. Section 11804 of the Vehicle Code is amended to read:

11804. The license provided for herein, upon issuance thereof by the department to the licensee, shall forthwith be delivered to and posted in a place conspicuous to the public on the premises of the dealer employing such licensee, and shall be thereafter continuously exhibited in such a public place while said salesman is employed by such employer. In the event a vehicle salesman's employment is terminated, the license shall be forwarded to the department by the dealer not later than the end of the third business day of the dealer thereafter.

SEC. 4. Section 11514 of the Vehicle Code is amended to read:

11514. An automobile dismantler's established place of business and such other sites or locations as may be operated and maintained by such automobile dismantlers in conjunction with their principal established place of business shall have posted in a place conspicuous to the public in each and every location the certificate and license issued by the department and shall have erected or posted thereon such signs or devices providing information relating to the automobile dismantler's name, the location and address of the automobile dismantler's established place of business so as to enable any person doing business with such automobile dismantler to identify him properly. Every such sign erected or posted on

an established place of business, shall have an area of not less than four square feet per side displayed, and shall contain lettering of sufficient size to enable the sign to be read from a distance of at least 50 feet. The sign shall indicate the licensee is an automobile dismantler by inclusion of the term "automobile dismantler" or the term "automobile wrecker" on such sign.

SEC. 5. It is the intent of the Legislature, if this bill and Senate Bill No. 625 are both chaptered and amend Section 11514 of the Vehicle Code, and this bill is chaptered after Senate Bill No. 625, that the amendments to Section 11514 proposed by both bills be given effect and incorporated in Section 11514 in the form set forth in Section 4 of this act. Therefore, if Senate Bill No. 625 is chaptered before this bill and amends Section 11514, Section 1 of this act shall not become operative.

CHAPTER 213

An act to amend Sections 305 and 310 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 305 of the Vehicle Code is amended to read:

305. A "driver" is a person who drives or is in actual physical control of a vehicle. The term "driver" does not include the tillerman or other person who, in an auxiliary capacity, assists the driver in the steering or operation of any articulated firefighting apparatus.

SEC. 2. Section 310 of the Vehicle Code is amended to read:

310. "Driver's license" is a valid license to drive the type of motor vehicle or combination of vehicles for which a person is licensed under this code or by a foreign jurisdiction.

CHAPTER 214

An act to amend Sections 25211.19, 26349, 38901, 50749, 53897, 54433, 54434, 58751, 58752, 58753, 58754, 58755, 58756, 58757, 58758, 59759, 58760, 58761, and 61673 of the Government Code, to amend Section 13118 of the Public Resources Code, to amend Sections 8105, 8109, 8127, 8128, 8129, 8130, 8131, 8133, and 8134 of, and to amend the heading of Article 2 (commencing with Section 8126) of Chapter 6 of Division 4 of, the Public Utilities Code, to amend Sections 20000, 20003,

20004, 20040, 20041, 20042, 20044, 20045, 20046, 20047, 20048, 20051, 20052, 20053, 20060, 20061, 20080, 20081, 20082, 20082.5, 20083, 20084, 20085, 20086, 20087, 20100, 20101, 20102, 20103, 20104, 20106, 20572, 23222, 23286, 23670.1, 23811, 24253, 24353, 24354, 24628.5, 24662, 24763, 24764, 24957, 24958, 24959, 24960, 24961, 24962, 24964, 25036, 25037, 25038, 25041, 25060, 25061, 25090, 25091, 25111, 25114, 25241, 25245, 25280, 25300, 25333, 25403, 26500, 30067, 31006, 34054, 35426, 35854, 35885, 35886, 36151, 36402.3, 36408, 36408.4, 39080, 40382, 42275, 42276, 42280, 42290, 42300, 42301, 42355, 42356, 42357, 42358, 42359, 42500, 42501, 42526, 42700, 42725, 42726, 42750, 43503, 44032, 44427, 44429, 44430, 44431, 44432, 44433, 44911, 44956, 45100, 45102, 45900, 46000, 46002, 46004, 46008, 46150, 46153, 46154, 46200, 46204, 46205, 46209, 46225, 46255, 46256, 46305, 46327, 46355, 46377, 47551, 47806, 52702, 52703, 52704, 52709, 52713, 52730, 52732, 52733, and 74880 of, to amend and renumber Sections 20024, 20025, 20026, 20027, 20028, 20029, 20030, 20031, and 20033 of, to amend the headings of Chapter 1 (commencing with Section 20000) of Division 10 of, Chapter 4 (commencing with Section 39080) of Part 1 of Division 14 of, Article 4 (commencing with Section 42275) of Chapter 1 of Part 5 of Division 14 of, Article 1 (commencing with Section 42300) of Chapter 2 of Part 5 of Division 14 of, and Article 1 (commencing with Section 42500) of Chapter 3 of Part 5 of Division 14 of, to add Section 20001 to, and to repeal Sections 20001, 20015, 20016, 20017, 20018, 20019, 20020, 20021, 20022, 20023, 20032, 20515, and 39032 of, the Water Code, to amend Section 18 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to amend Section 55 of the El Dorado County Water Agency Act (Chapter 2139 of the Statutes of 1959), to amend Sections 16, 16a, 17, 21.1, 21.2, and 21.3 of the Palo Verde Irrigation District Act (Chapter 452 of the Statutes of 1923), to amend Section 17 of the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957), to amend Section 24 of the Plumas County Flood Control and Water Conservation District Act (Chapter 2114 of the Statutes of 1959), to amend Section 24 of the Sierra County Flood Control and Water Conservation District Act (Chapter 2123 of the Statutes of 1959), to amend Section 24 of the Siskiyou County Flood Control and Water Conservation District Act (Chapter 2121 of the Statutes of 1959), to amend Section 17 of the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959), to amend Section 23 of the Tehama County Flood Control and Water Conservation District Act (Chapter 1280 of the Statutes of 1957), to amend Section 48 of the Yuba-Bear River Basin Authority Act (Chapter 2131 of the Statutes of 1959), to amend Section 17 of the Yuba County Water

Agency Act (Chapter 788 of the Statutes of 1959), and to repeal Chapter 1396 of the Statutes of 1969, relating to securities.

[Approved by Governor June 24, 1971 Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 25211.19 of the Government Code is amended to read:

25211.19. Any bonds issued by any area organized under the provisions of this chapter are hereby given the same force, value and use as bonds issued by any municipality and shall be exempt from all taxation within the state.

All bonds issued by any area payable from taxes are legal investments for all trust funds, for the trust funds of all insurance companies, the state school funds, and any funds which may be invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the state.

Whenever the board of supervisors declares by resolution that it deems it desirable that any bonds issued or to be issued by the area should be certified by the State Treasurer as provided in this section, the board shall file a certified copy of the resolution with the State Treasurer and the bonds described in said resolution shall then be subject to investigation and certification by the State Treasurer. If in the opinion of the State Treasurer the bonds are adequately secured and the revenues and other funds applicable to the payment of the bonds are, or upon the acquisition, construction or improvement of the enterprise for which such bonds were or are to be issued, will be, sufficient to pay the principal of and interest on such bonds the State Treasurer shall certify that such bonds are legal investments for all trust funds, for the funds of all insurance companies, the state school funds, and any funds, other than funds of savings banks, which may be invested in bonds of cities, counties, cities and counties, school districts or municipalities in the state.

SEC. 2. Section 26349 of the Government Code is amended to read:

26349. The bonds issued under this chapter shall be subject to investigation and certification by the State Treasurer under the Districts Securities Law as such law reads or is hereafter amended to read. If the State Treasurer determines that the bonds are adequately secured and the revenues of the authority applicable to the payment thereof are or will be sufficient to pay the principal and interest of the bonds, and if the State Treasurer certifies to that effect, the bonds shall be eligible as legal investments for both public and private funds in the same manner as provided in the Districts Securities Law (Chapter 1 (commencing with Section 20000), Division 10, Water Code).

SEC. 3. Section 38901 of the Government Code is amended to read:

38901. A city may reclaim public and private lands therein by levees, bulkheads, breakwaters, fills, embankments, basins, drains, canals, excavations, sluices, pipes, watergates, pumping plants, and all works and structures useful therefor. Such work is a local improvement and a municipal affair. The costs of reclamation shall be borne solely by the lands reclaimed.

This section shall not be construed as affecting any public district or public entity now or hereafter established and having similar powers.

On and after the effective date of this paragraph, the legislative body shall not authorize, either directly or indirectly, any project authorized by this section, until a financial feasibility report, containing the information specified in Sections 20042 and 20044 of the Water Code, has first been obtained from the State Treasurer. The legislative body shall consider such report prior to determining whether any securities shall be authorized but shall not be bound by the State Treasurer's findings.

The financial feasibility report required by this section shall be submitted by the State Treasurer to the legislative body within 60 days after the State Treasurer's receipt of the request therefor, except that the State Treasurer, upon written request to the legislative body, may be granted an extension of time to prepare the report, if the legislative body finds that the extension is necessary. The legislative body shall give written notice of its decision to the State Treasurer within seven days of receiving the request for extension. The notice shall specify the date of termination of any extension granted.

The cost of the financial feasibility report shall be a charge against the city. To the extent that private lands are reclaimed under this section, the city may recover from the owner of the private lands that proportion of the total charge attributable to the private lands. If securities are authorized and issued to finance any project authorized by this section, the cost of the feasibility report shall be deemed an incidental expense of the project and the city or owner, as the case may be, shall be repaid for the cost thereof from the proceeds of the sale of such securities.

SEC. 4. Section 50749 of the Government Code is amended to read:

50749. The bonds issued under this chapter shall be subject to investigation and certification by the State Treasurer under the Districts Securities Law (Chapter 1 (commencing with Section 20000), Division 10, Water Code) as such law reads or is hereafter amended to read. If the State Treasurer determines that the bonds are adequately secured and the revenues of the authority applicable to the payment thereof are or will be sufficient to pay the principal and interest of the bonds, and if the State Treasurer certifies to that effect,

the bonds shall be eligible as legal investments for both public and private funds in the same manner as provided in the Districts Securities Law.

SEC. 5. Section 53897 of the Government Code is amended to read:

53897. Whenever, under the provisions of Section 12463.1, reports of financial transactions are required to be furnished to the Controller from districts which make comprehensive annual financial reports to the State Treasurer, the provisions of this article shall be satisfied if a copy of the report to the State Treasurer is furnished to the Controller within the time limits specified herein.

SEC. 5.2. Section 54433 of the Government Code is amended to read:

54433. Whenever the legislative body declares by resolution that it deems it desirable that the bonds should be certified as provided in this section and in Section 54434, the legislative body shall file a certified copy of the resolution with the State Treasurer and the bonds shall then be subject to investigation and certification by the State Treasurer pursuant to the Districts Securities Law (Chapter 1 (commencing with Section 20000), Division 10, Water Code).

SEC. 5.4. Section 54434 of the Government Code is amended to read:

54434. If in the opinion of the State Treasurer, the bonds are adequately secured and the revenues of the enterprise and the other funds applicable to the payment of the bonds are, or upon the acquisition, construction, or improvement of the enterprise will be, sufficient to pay the principal of and the interest on the bonds, the State Treasurer shall certify that the bonds are eligible as legal investments for public and private funds and as security for the deposit of public funds in banks in the state pursuant to the Districts Securities Law (Chapter 1 (commencing with Section 20000), Division 10, Water Code) and pursuant to Section 54433 and this section.

SEC. 5.6. Section 58751 of the Government Code is amended to read:

58751. As used in this chapter, unless the context requires otherwise:

“Assessed value” means, in the case of (i) a district, the total assessed value of real property within the entire territory of the district, and (ii) a subdistrict, the total assessed value of real property within such subdistrict. Such assessed value shall be determined from the last equalized assessment roll or rolls of the county or counties within which any such district or subdistrict is located. If the boundaries of any district or subdistrict do not conform to the property lines shown on such roll or rolls, the county assessor shall furnish the district or the State Treasurer with estimated assessed values as may be necessary to comply with this chapter.

“Bonds” means (i) any “security”, as defined in subdivisions (a) to (d), inclusive, of Section 8102 of the Commercial Code, that has been or is proposed to be issued by a district or any officer thereof, the principal and interest of which is payable, in whole or in part, from any taxes or ad valorem assessments upon real or personal property, or both, and, (ii) in addition, any bonds issued or proposed to be issued under the Improvement Bond Act of 1915 (commencing with Section 8500, Streets and Highways Code). “Bonds” does not include:

(a) Any bonds, the entire principal of which is payable within a period of less than five years from the date of issuance thereof, except where any such bonds shall be a part of a larger issue or series of bonds some of which are payable after said five-year period;

(b) Any bonds, payable to or to be purchased or held by the state, the United States of America, or any city, city and county, county or district, or any agency, department or officer thereof; or

(c) Any bonds, issued under any special assessment act or law where the sole remedy of the bondholder is the enforcement of a specific lien on a specific parcel of land.

“District” means any agency of the state, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries. “District” shall not include the state, any city, city and county, county, school district, any district the majority of members of whose governing body is composed of members of boards of supervisors or city councils, or any combination of either, or is composed of members the majority of which are appointed by boards of supervisors or city councils, or any district which proposes to issue bonds pursuant to any law requiring the approval of or an investigation and report by the State Treasurer prior to the issuance of such bonds.

“District bonds” means (i) any bonds issued or proposed to be issued by the district which are payable, in whole or in part, from taxes or ad valorem assessments to be levied upon real or personal property, or both, within the entire territory of the district, and (ii) any bonds issued or proposed to be issued by the district under the Improvement Bond Act of 1915 in a proceeding where the entire territory of the district comprises the special assessment district.

“Investigation, report, and approval” means the making of an investigation and report and the approval of bonds for certification, in the manner and as provided in Division 10 (commencing with Section 20000) of the Water Code.

“Issue” or “issuance” means any award or contract which obligates the district, or any of its officers, to execute and deliver bonds to any purchaser or other person entitled thereto.

“Outstanding district indebtedness” means the unpaid principal amount of all issued and outstanding (i) district bonds and (ii) subdistrict bonds issued under the Improvement Bond Act of 1915.

“Subdistrict” means any lands, consisting of less than the entire territory of a district, which have been or are proposed to be formed by the district into a special assessment district or any improvement district, zone or area within the district.

“Subdistrict bonds” means (i) any bonds issued or proposed to be issued by the district which are payable, in whole or in part, from taxes or ad valorem assessments to be levied upon real or personal property, or both, within the territory of a subdistrict, and (ii) any bonds issued or proposed to be issued by the district under the Improvement Bond Act of 1915 in a proceeding where less than the entire territory of the district comprises the special assessment district.

SEC. 5.8. Section 58752 of the Government Code is amended to read:

58752. The issuance of any proposed district bonds shall be subject to prior investigation, report, and approval by the State Treasurer whenever all of the following conditions are present:

(a) There are less than 500 registered voters residing within the district; and

(b) The amount of the outstanding district indebtedness plus the principal amount of the proposed district bonds shall exceed 200 percent of assessed value of the real property within the district; and

(c) The number of registered voters within the district shall represent a ratio of less than one registered voter for each two acres of the territory within said district.

Whenever all of the foregoing conditions exist, no district bonds shall be issued until after investigation, report, and approval by the State Treasurer.

SEC. 6. Section 58753 of the Government Code is amended to read:

58753. The issuance of any proposed subdistrict bonds shall be subject to prior investigation, report, and approval by the State Treasurer whenever all of the following conditions are present:

(a) There are less than 500 registered voters residing within the entire district; and

(b) The sum of the following amounts shall exceed 200 percent of the assessed value of real property within the subdistrict:

(1) An amount equal to the subdistrict’s share of any outstanding district indebtedness, such share being in the proportion that the assessed value of real property within the territory of such subdistrict bears to the assessed value of real property within the entire territory of the district;

(2) An amount equal to the unpaid principal amount of all subdistrict bonds theretofore issued for said subdistrict;

(3) The principal amount of the proposed bonds; and

(c) The number of registered voters within the subdistrict shall represent a ratio of less than one registered voter for each two acres of territory within said subdistrict.

Whenever all of the foregoing conditions exist, no sub-district bonds shall be issued until after investigation, report, and approval by the State Treasurer.

If the proposed subdistrict bonds are to be issued under the Improvement Bond Act of 1915 and there is any outstanding district indebtedness represented by bonds theretofore issued under said act in a proceeding where the prior special assessment district is coterminous with the present subdistrict, the amount of any such outstanding district indebtedness shall be excluded from clause (1) of subdivision (b) above, and included in clause (2) of said subdivision (b).

SEC. 6.2. Section 58754 of the Government Code is amended to read:

58754. If any bonds proposed to be issued under the Improvement Bond Act of 1915 will, upon their issuance, be eligible for investment of funds in the Retirement Fund, under and pursuant to the provisions of the State Employees' Retirement Law, such bonds shall not be subject to prior investigation, report, and approval by the State Treasurer.

SEC. 6.4. Section 58755 of the Government Code is amended to read:

58755. If the board of directors of a district determines that the proposed issuance of any district or subdistrict bonds is subject to prior investigation, report, and approval by the State Treasurer, application and proceedings for such investigation, report, and approval shall be made and taken, as provided in Section 58758.

SEC. 6.6. Section 58756 of the Government Code is amended to read:

58756. If the board of directors of a district determines that the issuance of any district or subdistrict bonds is not subject to prior investigation, report, and approval, said board shall adopt a resolution so determining. Said resolution shall contain all such data and information concerning the matters referred to in Sections 58752 to 58754, inclusive, as may be necessary to ascertain the applicability of said sections. A certified copy of such resolution shall be filed with the State Treasurer at least 14 days prior to the proposed date, if any, for the issuance of all or any part of any such bonds.

SEC. 6.8. Section 58757 of the Government Code is amended to read:

58757. Within 10 days after the date of filing of the resolution provided for by Section 58756, the State Treasurer shall give written or telegraphic notice to the clerk or secretary of the district or the governing body thereof stating either (i) that the proposed bonds referred to in said resolution do not appear to be subject to prior investigation, report, and approval by the State Treasurer or (ii) that there are reasonable grounds to believe that some or all of the determinations made in said resolution may be substantially in error or that there has been a change of circumstances which may substantially affect any such determinations and that the State Treasurer

will hold a hearing to review such determinations, specifying the time and place of such hearing. Said hearing shall be held not earlier than 7 nor later than 35 days after the date of giving such notice unless the district shall consent to an earlier or later time for such hearing. After receipt of any notice providing for any such hearing and review the legislative body shall not issue all or any part of the proposed bonds until (i) the State Treasurer has found that such determinations are substantially correct or have not been substantially affected by a change of circumstances, or (ii) the State Treasurer has investigated, reported, and approved the issuance of such proposed bonds. The hearing shall be concluded upon the date specified in the notice unless the district shall consent to a continuance of the hearing. At the conclusion of the hearing and any continuance thereof, the State Treasurer shall determine whether the issuance of the proposed bonds is subject to investigation, report, and approval by the State Treasurer, as provided in Section 58758, and shall immediately notify the district of such determination. The district shall be entitled to appear and be heard at any such hearings.

SEC. 7. Section 58758 of the Government Code is amended to read:

58758. Unless it shall be determined that the proposed issuance of bonds is not subject to investigation, report, and approval by the State Treasurer, no district shall issue any bonds until the State Treasurer shall have made an investigation, report, and approval thereon. All such investigations, reports, and approvals shall be made under and pursuant to Division 10 (commencing with Section 20000) of the Water Code. The provisions of Section 20004 of the Water Code shall apply to all investigations, reports, and approvals. The State Treasurer shall complete his investigation, report, and approval within 60 days after the date of filing with him of a resolution of application of a district for such investigation, report, and approval, unless the applicant district gives written consent to an extension of time.

SEC. 7.2. Section 58759 of the Government Code is amended to read:

58759. If the bonds of any district shall be certified pursuant to Division 10 (commencing with Section 20000) of the Water Code, the provisions of said Division 10 shall continue to apply to such district (i) so long as any such bonds shall be outstanding, or (ii) until the legislative body of said district determines by resolution that said district is no longer subject to the jurisdiction of the State Treasurer, whichever may be earlier. Any such resolution and the determinations made therein shall be made and filed and be subject to review in accordance with Sections 58752, 58753, 58754, 58756 and 58757, except that the determinations shall be based upon the outstanding indebtedness, assessed value, population and areas within the district or the subdistrict, as the case may be, as the same exist on the date of adoption of said resolution.

SEC. 7.4. Section 58760 of the Government Code is amended to read:

58760. Failure of the board of directors of a district or of the State Treasurer to comply with the provisions of this chapter shall not invalidate any bonds issued by a district; provided, that if any bonds so issued shall be a part of a larger issue or series of bonds, no authorized but unissued portion of said bonds shall thereafter be issued except upon compliance with the provisions of this chapter.

SEC. 7.6. Section 58761 of the Government Code is amended to read:

58761. The intentional failure or refusal by any member of the board of directors of a district or the State Treasurer to comply with the provisions of this chapter shall constitute willful or corrupt misconduct in office and such person may be removed from office in the manner provided by Article 3 (commencing with Section 3060) of Chapter 7, Division 4, Title 1.

SEC. 8. Section 61673 of the Government Code is amended to read:

61673. Any bonds issued by any district organized under the provisions of this act are hereby given the same force, value and use as bonds issued by any municipality and shall be exempt from all taxation within the state.

All bonds issued by any district payable from taxes are legal investments for all trust funds, for the funds of all insurance companies, the state school funds, and any funds which may be invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the state.

Whenever the board of directors of a district declares by resolution that it deems it desirable that any bonds issued or to be issued by the district should be certified by the State Treasurer as provided in this section, the board of directors shall file a certified copy of the resolution with the State Treasurer and the bonds described in said resolution shall then be subject to investigation and certification by the State Treasurer pursuant to the Districts Securities Law (Chapter 1 (commencing with Section 20000), Division 10, Water Code). If in the opinion of the State Treasurer the bonds are adequately secured and the revenues and other funds applicable to the payment of the bonds are, or upon the acquisition, construction or improvement of the enterprise for which such bonds were or are to be issued, will be, sufficient to pay the principal of and interest on such bonds the State Treasurer shall certify that such bonds are legal investments for all trust funds, for the funds of all insurance companies, the state school funds, and any funds, other than funds of savings banks, which may be invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the state.

SEC. 9. Section 13118 of the Public Resources Code is amended to read:

13118. Any bonds issued by any area organized under the provisions of this division are hereby given the same force,

value and use as bonds issued by any municipality and shall be exempt from all taxation within the state.

All bonds issued by any area payable from taxes are legal investments for all trust funds, for the trust funds of all insurance companies, the state school funds, and any funds which may be invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the state.

Whenever the board of supervisors declares by resolution that it deems it desirable that any bonds issued or to be issued by the area should be certified by the State Treasurer as provided in this section, the board shall file a certified copy of the resolution with the State Treasurer and the bonds described in said resolution shall then be subject to investigation and certification by the State Treasurer. If in the opinion of the State Treasurer the bonds are adequately secured and the revenues and other funds applicable to the payment of the bonds are, or upon the acquisition, construction or improvement of the enterprise for which such bonds were or are to be issued, will be, sufficient to pay the principal of and interest on such bonds the State Treasurer shall certify that such bonds are legal investments for all trust funds, for the funds of all insurance companies, the state school funds, and any funds, other than funds of savings banks, which may be invested in bonds of cities, counties, cities and counties, school districts or municipalities in the state.

SEC. 10. Section 8105 of the Public Utilities Code is amended to read:

8105. Such limitations on the utility contained in any such order of the Public Utilities Commission shall not be effective until the State Treasurer has issued its order limiting the area to be served or defining the area not to be served by the irrigation district and approving the contract or conditions, if any, in connection therewith as set forth in the petition and contract.

SEC. 11. Section 8109 of the Public Utilities Code is amended to read:

8109. Nothing in this article shall be construed to give to or vest in the Public Utilities Commission any jurisdiction over irrigation districts or to vest in or give to the State Treasurer any jurisdiction over utilities other than irrigation districts.

SEC. 12. The heading of Article 2 (commencing with Section 8126) of Chapter 6 of Division 4 of the Public Utilities Code is amended to read:

Article 2. Designation by State Treasurer

SEC. 13. Section 8127 of the Public Utilities Code is amended to read:

8127. Any irrigation district, formed under the laws of this state, may petition the State Treasurer, setting forth, among other things in its petition, the following:

(a) That the petitioner and a utility are both engaged or proposed to engage in the sale and distribution of electric power and energy in a described area or areas or in contiguous areas, or that the petitioner proposes to acquire an electric distribution system in a described area from the utility.

(b) That the petitioner and utility are desirous of entering into a contract in which, among other things, and as one of the considerations therefor, they consent to the limitation of areas which each are to serve or are to be excluded from serving.

(c) A copy of the contract or proposed contract.

(d) A description of the respective areas that the limitations will affect and the terms of the contract, if any, or the conditions, if any, existing in connection with such limitations or the sale or acquisition of the utility distribution system.

(e) A prayer that the State Treasurer issue his order limiting the areas within which the petitioner may, directly or indirectly, sell or distribute electric power or energy or define the areas within which the petitioner shall not sell or distribute electric power or energy as indicated in the petition and set forth in the contract or proposed contract.

SEC. 14. Section 8128 of the Public Utilities Code is amended to read:

8128. Thereupon, the State Treasurer shall cause an investigation to be made and may conduct such hearings in connection therewith as he considers desirable.

SEC. 15. Section 8129 of the Public Utilities Code is amended to read:

8129. If the State Treasurer finds that it is for the best interests of the state and of the district, and not incompatible with any public interest, that the petition be granted, he shall make and issue his order limiting the area or areas, within or without the district and within or without the state, within which the district shall have the right and authority to sell or distribute electric power or energy, directly or indirectly, or defining the area or areas within or without the boundaries of such district and within or without the boundaries of this state, within which the district shall not have the right or authority to sell or distribute electric power or energy, directly or indirectly. The State Treasurer may, in his order, approve and thereby authorize the contract or conditions, if any, in connection therewith. No limitations or definitions of areas or statement of conditions shall be included in the order except as contained in the petition and contract.

SEC. 16. Section 8130 of the Public Utilities Code is amended to read:

8130. If the utility is subject to the jurisdiction of the Public Utilities Commission, the limitations on the district contained in any order of the State Treasurer shall not be effective until the Public Utilities Commission has issued its order limiting the area or areas to be served or defining the area or areas not to be served by the utility as set forth in the

contract or proposed contract and approving the contract or conditions, if any, in connection therewith as set forth in the petition of the district and the contract or proposed contract.

If the utility is not subject to the jurisdiction of the Public Utilities Commission, the order of the State Treasurer shall not be effective until, by contract or other means satisfactory to the district, the area or areas to be served or not to be served by the utility are limited or defined and written evidence thereof has been filed by the district with the State Treasurer.

SEC. 17. Section 8131 of the Public Utilities Code is amended to read:

8131. Where limitation of areas to be served or limitations or designations of areas not to be served by the utility and by an irrigation district have been heretofore approved or are hereafter approved by the State Treasurer, they shall be deemed to have complied with this article.

SEC. 18. Section 8133 of the Public Utilities Code is amended to read:

8133. If, in any contract submitted to and approved by the State Treasurer, or in any order made by the State Treasurer pursuant to application and petition as in this article provided, it is provided that the irrigation district is not to serve or furnish electric energy in a specified area or areas, or is to furnish or serve electric energy under limited or specified circumstances only, or is to refrain from serving or furnishing electric energy in certain specified areas or under certain specified circumstances or under certain specified limitations, then, from and after the effective date of such order of the State Treasurer, it shall be unlawful for the irrigation district to serve electric energy in any area or in any manner which the contract and order provides that service shall not be rendered, the affected utility shall be entitled, as a matter of right, to an injunction to prevent any such unlawful act on the part of the irrigation district.

SEC. 19. Section 8134 of the Public Utilities Code is amended to read:

8134. Nothing contained in this article shall be construed to give to or vest in the Public Utilities Commission any jurisdiction over irrigation districts or to vest in or give to the State Treasurer any jurisdiction over utilities other than irrigation districts.

SEC. 20. The heading of Chapter 1 (commencing with Section 20000) of Division 10 of the Water Code is amended to read:

CHAPTER 1. DISTRICTS SECURITIES

SEC. 21. Section 20000 of the Water Code is amended to read:

20000. This chapter shall be known and may be cited as the Districts Securities Law.

SEC. 22. Section 20001 of the Water Code is repealed.

SEC. 23. Section 20001 is added to the Water Code, to read:

20001. The State Treasurer is the successor to, and is vested with, all the powers, duties, and responsibilities of the California Districts Securities Commission, and all the powers, duties, and responsibilities previously vested in the California Bond Certification Commission, sometimes designated the State Irrigation District Bond Commission.

The California Districts Securities Commission has been abolished by Chapter 1396 of the Statutes of 1969, and the staff of such commission and all files, records, and equipment appurtenant thereto have been transferred to the Office of the State Treasurer. The State Treasurer may, in his discretion, create a board to assist him in carrying out these powers, duties, and responsibilities.

Whenever the terms "California Districts Securities Commission," "California Bond Certification Commission," or "State Irrigation District Bond Commission" are used in any provision of law, such terms shall be construed as referring to the State Treasurer.

Whenever, by any statute now in force or that may be hereafter enacted, any power, duty, or responsibility is imposed or conferred upon the California Districts Securities Commission or upon the California Bond Certification Commission, sometimes designated the State Irrigation District Bond Commission, such power, duty, or responsibility shall be deemed to be imposed or conferred upon the State Treasurer.

SEC. 24. Section 20003 of the Water Code is amended to read:

20003. Whenever the governing board of any water storage district, water conservation district, county water district, county waterworks district, public utility district, reclamation district, drainage district, or any district other than an irrigation district, the primary function of which is the irrigation, reclamation, or drainage of land, or the development of water for domestic use or the distribution thereof, or the generation of power or the distribution thereof, which district exists under the law of this state, declares by resolution that it deems it desirable that the bonds of the district should be certified pursuant to this chapter, the governing board of the district shall file a certified copy of the resolution with the State Treasurer. Then, and in that event, all of the provisions of this chapter apply to the district.

If the bonds of the district are thereafter certified, then the district is subject to all of the provisions of this chapter so long as any of the bonds so certified remain outstanding.

SEC. 25. Section 20004 of the Water Code is amended to read:

20004. Whenever a public body requests certification of district bonds for a project, the primary purpose of which project is not irrigation, reclamation, or drainage of land, the State Treasurer shall determine whether all or part of the provisions

of this chapter shall apply to such public body and such bonds and the provisions so determined applicable shall apply, but in no event shall the State Treasurer certify any such bonds unless the State Treasurer completes an investigation to the extent necessary to protect the public interest.

SEC. 26. Section 20015 of the Water Code is repealed.

SEC. 27. Section 20016 of the Water Code is repealed.

SEC. 28. Section 20017 of the Water Code is repealed.

SEC. 29. Section 20018 of the Water Code is repealed.

SEC. 30. Section 20019 of the Water Code is repealed.

SEC. 31. Section 20020 of the Water Code is repealed.

SEC. 32. Section 20021 of the Water Code is repealed.

SEC. 33. Section 20022 of the Water Code is repealed.

SEC. 34. Section 20023 of the Water Code is repealed.

SEC. 35. Section 20024 of the Water Code is amended and renumbered to read:

20015. The State Treasurer may examine the books and records of any district.

SEC. 36. Section 20025 of the Water Code is amended and renumbered to read:

20016. Each district shall annually file with its secretary and in the office of the State Treasurer a report upon a form prescribed by the State Treasurer.

SEC. 37. Section 20026 of the Water Code is amended and renumbered to read:

20017. Upon the written request of the governing board of any district, either before or after default in the payment of interest on or principal of its bonds, the State Treasurer may act for the district in negotiating with the holders of bonds or other evidences of indebtedness of the district for the purpose of compromising or adjusting the indebtedness.

SEC. 38. Section 20027 of the Water Code is amended and renumbered to read:

20018. The State Treasurer shall periodically establish a fee schedule which shall result in the collection of amounts sufficient to cover the estimated costs incurred by the State Treasurer in performing any function of the State Treasurer vested in him pursuant to Section 20001. The State Treasurer may adjust the fees as to any particular district to meet special circumstances in relation to that district. The State Treasurer shall charge and collect fees from districts and other local agencies for whom services are performed in accordance with the schedule. All such funds collected by the State Treasurer shall be deposited in the General Fund. All funds for the support of the State Treasurer with respect to the performance of any function vested in him pursuant to Section 20001 shall come from the General Fund.

The benefit of any services performed and any data obtained by the State Treasurer or any other public official in pursuance of the requirements of any law other than this chapter shall be available for the use of the State Treasurer without charge to the district whose affairs are under investigation.

SEC. 39. Section 20028 of the Water Code is amended and renumbered to read:

20019. The State Treasurer may accept contributions from any source to pay the cost of making investigations or reports under the provisions of this chapter.

SEC. 40. Section 20029 of the Water Code is amended and renumbered to read:

20020. The State Treasurer has been and is authorized in the instance of any application for the issuance of securities in exchange for one or more bona fide outstanding securities, claims, or property interests or partly in exchange and partly for cash to approve the terms of the issuance and exchange and the fairness of the terms after a hearing upon the fairness of the terms at which all persons to whom it is proposed to issue securities in the exchange may appear.

SEC. 41. Section 20030 of the Water Code is amended and renumbered to read:

20021. The State Treasurer has been and is authorized to approve the terms of any modification of any refunding plan of any district or of the terms of the refunding bonds issued thereunder and the fairness of all the terms after a hearing upon the fairness of the terms at which all persons interested, including all persons owning or holding any refunding bonds issued under the refunding plan, may appear.

SEC. 42. Section 20031 of the Water Code is amended and renumbered to read:

20022. The State Treasurer has been and is authorized to fix the time and manner of giving notice and the place of hearing.

SEC. 43. Section 20032 of the Water Code is repealed.

SEC. 44. Section 20033 of the Water Code is amended and renumbered to read:

20023. The State Treasurer has been and is authorized, to amend or revoke any order or report other than a certification report upon 10 days notice upon any ground deemed by the State Treasurer to warrant amendment or revocation.

SEC. 45. Section 20040 of the Water Code is amended to read:

20040. Whenever the governing board of any district by resolution declares that it deems it desirable that any of its bonds, whether contemplated, authorized but not issued, or outstanding, should be certified pursuant to this chapter, the board shall file a certified copy of the resolution with the State Treasurer. The copy of the resolution shall be accompanied by a report which describes the plan of the project to be financed with the proceeds of the bonds in such detail as the State Treasurer may require and shall also be accompanied by such other information as the State Treasurer may require.

SEC. 46. Section 20041 of the Water Code is amended to read:

20041. The State Treasurer upon receipt of a certified copy of the resolution shall without delay make an investigation of the affairs of the district and report thereon in writing.

SEC. 47. Section 20042 of the Water Code is amended to read:

20042. If no bonds of the district have theretofore been approved for certification by the State Treasurer or any statutory predecessor of the State Treasurer, the report shall be made upon each detail that may in the opinion of the State Treasurer have any bearing upon the feasibility and economic soundness of the project.

SEC. 48. Section 20044 of the Water Code is amended to read:

20044. In either case the State Treasurer shall set forth in the report all of the following:

(a) His estimate of the reasonable value of the water, water rights, canals, reservoirs, reservoir sites, tanks, pipelines, machinery, irrigation and power works, and other property owned by the district or to be acquired or constructed with the proceeds of the bonds proposed to be issued by the district.

(b) His estimate of the reasonable value of the land within the district.

(c) If bonds authorized, whether issued or unissued, are entitled to certification, the numbers, date or dates of issue, and denominations of the bonds.

SEC. 49. Section 20045 of the Water Code is amended to read:

20045. Except as herein provided, no bond issue of any district shall be approved for certification which together with any other outstanding bonds and bonds authorized but not issued of the district exceeds 60 percent of the aggregate value of the property owned by the district or to be acquired or constructed with the proceeds of the bonds proposed to be issued by the district and the reasonable value of the land within the district.

The foregoing limitation shall not apply to bond issues payable solely from revenues to be received from the proceeds of a contract with a corporation authorized to do business in this state if in the judgment of the State Treasurer the proposed revenues will be adequate to service the proposed bond issue, including any reserve fund requirements.

SEC. 50. Section 20046 of the Water Code is amended to read:

20046. The written report of the State Treasurer shall be filed in the office of the State Controller, and a copy of the report shall be forwarded by the State Treasurer to the secretary of the district for which the investigation was made.

SEC. 51. Section 20047 of the Water Code is amended to read:

20047. If the State Treasurer finds as set out in the report that the project of a district is economically sound and feasible, the bonds of the district enumerated in the report filed

with the State Controller are entitled to certification by the State Controller as provided in this chapter.

SEC. 52. Section 20048 of the Water Code is amended to read:

20048. If the State Treasurer is notified by the governing board of any district whose project has been found in a report of the State Treasurer to be economically sound and feasible, that the district has authorized bonds approved but not enumerated in the report, and the State Treasurer finds that the bonds are for any project approved in the report, the State Treasurer shall prepare and file with the State Controller a supplementary report giving the numbers, date or dates of issue, and denominations of the bonds. Upon the filing of the supplementary report with the State Controller, the bonds described in it shall be entitled to certification by him.

SEC. 53. Section 20051 of the Water Code is amended to read:

20051. The State Treasurer is authorized, on not less than five days' notice to the district, to revoke any report validating bonds for certification by the State Controller prior to actual certification of the bonds described therein by the State Controller, whenever in the opinion of the State Treasurer such revocation is desirable.

SEC. 54. Section 20052 of the Water Code is amended to read:

20052. The revocation of any certification report of the State Treasurer may be based upon any change in the economic or financial condition of the district which has occurred subsequent to the date of the original report, or upon any other ground deemed by the State Treasurer to warrant the exercise of the power of revocation.

SEC. 55. Section 20053 of the Water Code is amended to read:

20053. A copy of the order of revocation shall be forthwith filed with the State Controller and thereafter the State Controller shall not certify the bonds described therein unless and until a new report, based upon a new application by the district, shall be made by the State Treasurer.

SEC. 56. Section 20060 of the Water Code is amended to read:

20060. The State Controller shall provide for both:

(a) Filing and preserving each report of the State Treasurer made upon an application for approval of bonds for certification.

(b) Making and preserving a record of the bonds certified by him, including in the record all of the following:

- (1) The date of certification.
- (2) The name of the district.
- (3) The number of each bond.
- (4) Its par value.
- (5) The date of its issue.
- (6) The date of its maturity.

SEC. 57. Section 20061 of the Water Code is amended to read:

20061. Whenever any bond entitled to certification is presented to the State Controller, he shall certify it by attaching to it a certificate in substantially the following form:

Sacramento, Cal. _____ (insert date), I, _____, Controller of the State of California, certify that the within bond, No. _____ of issue No. _____ of the _____ District, issued _____ (insert date), is a legal investment for all trust funds, for the funds of all insurance companies, banks, both commercial and savings, trust companies, the state school funds, and any funds which may be invested in county, municipal, or school district bonds, and it may be deposited as security for the performance of any act whenever the bonds of any county, city, city and county, or school district may be so deposited, including deposit as security for public money, it being entitled to these privileges by virtue of an examination by the State Treasurer.

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SEC. 58. Section 20080 of the Water Code is amended to read:

20080. Whenever the survey, examination, drawings and plans of a district, and the estimate of cost based thereon provide that the works necessary for a completed project shall be constructed progressively over a period of years in accordance with a plan or schedule, no portion of the bonds so voted and certified shall be sold until after the written approval of the State Treasurer.

SEC. 59. Section 20081 of the Water Code is amended to read:

20081. Whenever the bonds of any district have been certified, no expenditure shall be made from the proceeds of the bonds nor shall any liability to be met from the proceeds be incurred until there has been filed with and approved by the State Treasurer a schedule of proposed expenditures of the proceeds setting forth to the satisfaction of the State Treasurer the plan proposed for carrying out the purposes for which the bonds were authorized or for any of the purposes the district may at the time of filing the schedule desire to commence to fulfill. A certified copy of such approved schedule shall be filed by the secretary of the district with the treasurer, or person in custody of the proceeds, of the district before any expenditures from the proceeds of certified bonds may be made.

SEC. 60. Section 20082 of the Water Code is amended to read:

20082. No expenditures from the proceeds of certified bonds shall be made by the treasurer, or any other person in custody of the proceeds, of a district for any purpose not

specified in the approved schedule or for any approved purpose in excess of the amount allowed therefor in the approved schedule. However, revised schedules may be submitted to the State Treasurer as necessary and on approval by the State Treasurer shall supersede the original approved schedule.

SEC. 61. Section 20082.5 of the Water Code is amended to read:

20082.5. Whenever the bonds of a district have been certified, no material deviation shall be made from the plan of the project without the consent of the State Treasurer.

SEC. 62. Section 20083 of the Water Code is amended to read:

20083. During the progress of any work to be paid from the proceeds of any certified bond issue, the State Treasurer shall make from time to time an inspection of the work in order that the State Treasurer may be advised as to the progress of the work and of any deficiencies which may be found to exist.

SEC. 63. Section 20084 of the Water Code is amended to read:

20084. During the progress of any work to be paid from the proceeds of any certified bond issue, a district shall report on the nature and status of the expenditure of the bond proceeds, as required by the State Treasurer. Upon completion of the project, the district shall submit to the State Treasurer a schedule showing the expenditures as actually made from the proceeds of the certified bond issue. If the district fails to make a required report, the State Treasurer may provide for the report at the expense of the district.

SEC. 64. Section 20085 of the Water Code is amended to read:

20085. Upon completion of the work, the State Treasurer shall determine whether or not the project has been satisfactorily completed in accordance with the plan of the project.

SEC. 65. Section 20086 of the Water Code is amended to read:

20086. The State Treasurer, upon determining that the project has been satisfactorily completed and that the bond proceeds have been expended properly, shall forthwith make a report to the district approving the expenditures made from the proceeds of the certified bonds.

SEC. 66. Section 20087 of the Water Code is amended to read:

20087. If any moneys remain from the proceeds of any certified bond issue after all work contemplated under the issue has been completed and all payments therefor have been made, the amount of moneys remaining shall be immediately reported to the State Treasurer and these remaining moneys shall not be expended without the State Treasurer's approval.

SEC. 67. Section 20100 of the Water Code is amended to read:

20100. No person shall issue or cause to be issued any certificate of deposit for any security certified pursuant to this

chapter until application in the form prescribed by the State Treasurer has been made for and a permit to issue the certificate of deposit has been secured from the State Treasurer.

SEC. 68. Section 20101 of the Water Code is amended to read:

20101. No certificate of deposit for certified securities of a district issued without the consent of the State Treasurer is valid or has any effect.

SEC. 69. Section 20102 of the Water Code is amended to read:

20102. Upon the filing of an application, the State Treasurer shall examine the application and other papers and documents filed therewith and may make a detailed examination, audit, and investigation of the applicant and its affairs.

SEC. 70. Section 20103 of the Water Code is amended to read:

20103. The State Treasurer shall issue to the applicant a permit authorizing it to issue or cause to be issued certificates of deposit in this state for certified district securities if he finds that all of the following are true:

(a) The proposed plan of readjustment or compromise, the agreement under which the securities are to be deposited, and the certificates of deposit issued are not unfair or contrary to public policy.

(b) The certificates of deposit proposed to be issued and the methods to be used in issuing them and in soliciting the deposit of securities in exchange therefor will not work a fraud or injustice on the depositing security holders.

SEC. 71. Section 20104 of the Water Code is amended to read:

20104. The State Treasurer shall deny an application not meeting the requirements set forth in Section 20103 and refuse to issue a permit and so notify the applicant in writing of his decision.

SEC. 72. Section 20106 of the Water Code is amended to read:

20106. The State Treasurer may from time to time amend or revoke any permit for a certificate of deposit issued by him or temporarily suspend the rights of the applicant under the permit.

SEC. 73. Section 20515 of the Water Code is repealed.

SEC. 74. Section 20572 of the Water Code is amended to read:

20572. Fees payable to the State Treasurer pursuant to this division shall be those established by the State Treasurer pursuant to Section 20018 of this code.

SEC. 75. Section 23222 of the Water Code is amended to read:

23222. The proposal and, if any, the plan of the project, including a copy of the estimate of cost and the engineer's report, shall be submitted to the State Treasurer for his ex-

amination and report. The proceedings in that regard shall be in accord with the proceedings provided in Chapter 1 (commencing with Section 24950) of Part 9 of this division as far as they may be applicable.

SEC. 76. Section 23286 of the Water Code is amended to read:

23286. A proposal to enter into any contract with the United States pursuant to this article shall be submitted to the State Treasurer.

SEC. 77. Section 23670.1 of the Water Code is amended to read:

23670.1. Upon approval by two-thirds of the board, and approval by the State Treasurer, the assessment may be made payable in not more than 20 annual installments.

SEC. 78. Section 23811 of the Water Code is amended to read:

23811. Upon approval by two-thirds of the board, and approval by the State Treasurer, the improvement district warrants shall be made payable over not to exceed a period of 20 years and shall specify a rate of interest fixed at the time of their issuance not exceeding 6 percent per year.

SEC. 79. Section 24253 of the Water Code is amended to read:

24253. If the largest payment to be made under any one lease or contract for any property exceeds in any year an amount equal to one-fourth of 1 percent of the total valuation of the land in the district according to the assessment next equalized before the making of the lease or contract, the lease or contract shall not be valid unless either:

1. The district has appropriate funds on hand at the time the lease or contract is made, sufficient to meet all payments to be made thereunder and in excess of the district's normal requirements for the period in which the payments are to be made; or,

2. Unless a particular purpose or emergency assessment sufficient to meet all of the principal payments to become due under the lease or contract is authorized; or,

3. The lease or contract is approved by the State Treasurer.

SEC. 80. Section 24353 of the Water Code is amended to read:

24353. A district may with the approval of the State Treasurer designate any bank or trust company to act as its agent for any or all of the following purposes:

(a) Making payment of the principal or interest or both of any of its bonds.

(b) Receiving any revenue allocated by the board to the payment of either or both the principal and interest, or any part of either, of any bonds for which the allocation was made.

(c) Applying the revenue to the payment of the principal or interest designated.

SEC. 81. Section 24354 of the Water Code is amended to read:

24354. A district with the consent of the State Treasurer may from time to time substitute another bank or trust company in the place of the bank or trust company designated pursuant to Section 24353 and may similarly make resubstitutions.

SEC. 82. Section 24628.5 of the Water Code is amended to read:

24628.5. Warrants payable at a future time or times may also be issued to obtain funds or property for any lawful purpose of the district; provided, that, unless approved by the State Treasurer, the total amount of warrants payable in any one year shall not exceed one-fourth of 1 percent of the total valuation of the land in the district according to the last equalized assessment roll.

SEC. 83. Section 24662 of the Water Code is amended to read:

24662. A district may, subject to the consent of the State Treasurer, enter into agreement either individually or collectively with the holder or holders of any registered warrants fixing the time of, method of, and allocation of funds for the payment of the warrants and may in this agreement or otherwise waive the time of commencing any action or proceeding thereon.

SEC. 84. Section 24763 of the Water Code is amended to read:

24763. The agreement or plan may be submitted to the State Treasurer.

SEC. 85. Section 24764 of the Water Code is amended to read:

24764. If the State Treasurer approves the agreement or plan, the board may call an election to submit to the voters the question whether or not the bonds or warrants shall be modified as provided in the agreement or plan.

SEC. 86. Section 24957 of the Water Code is amended to read:

24957. The board shall then submit to the State Treasurer the plan of the project, including a copy of the estimate and the engineer's report.

SEC. 87. Section 24958 of the Water Code is amended to read:

24958. The State Treasurer shall forthwith examine the plan and any data in its possession or in the possession of the district and shall make any additional surveys and examinations he deems proper or practicable.

SEC. 88. Section 24959 of the Water Code is amended to read:

24959. As soon as practicable thereafter the State Treasurer shall make to the board a report, which shall contain any matters which in the judgment of the State Treasurer may be desirable.

SEC. 89. Section 24960 of the Water Code is amended to read:

24960. The report may state generally the conclusions of the State Treasurer regarding all of the following:

(a) The supply of water available for the project.

(b) The nature of the soil proposed to be irrigated as to fertility and susceptibility to irrigation, the probable amount of water needed for its irrigation, and the probable need of drainage.

(c) The cost of property necessary for a complete and satisfactory project.

(d) The proper dates of maturity for the bonds proposed to be issued.

(e) His opinion as to whether or not it is advisable to proceed with the proposed bond issue.

SEC. 90. Section 24961 of the Water Code is amended to read:

24961. If after examination and investigation the State Treasurer deems any of the following to be advisable, he shall so state in his report to the board:

(a) The plans submitted should be modified.

(b) The amount of the bonds proposed to be issued should be changed.

(c) Certain conditions should be prescribed to insure the success of the project.

(d) The proposed bond issue should not be authorized.

SEC. 91. Section 24962 of the Water Code is amended to read:

24962. After receiving the report of the State Treasurer or failing to receive it within 90 days after the submission of the plan, estimate, and engineer's report to the State Treasurer, the board, if it declares by resolution that the proposed plan of the project or a modified plan recommended by the State Treasurer is satisfactory and that the plan or modified plan is feasible, shall make an order determining the amount of bonds that should be issued in order to raise the money necessary to complete the proposed project.

SEC. 92. Section 24964 of the Water Code is amended to read:

24964. When any district issues bonds to carry out any plans approved by the State Treasurer pursuant to this chapter, the district shall not make any material change in the plans without the consent of the State Treasurer.

SEC. 93. Section 25036 of the Water Code is amended to read:

25036. To issue refunding bonds no survey, examination, drawing, plan, estimate, or report of the State Treasurer nor any resolution of the board that the proposed plan of the project is satisfactory is required, but in lieu thereof the board desiring to refund any bonds of the district shall submit to the State Treasurer its proposed plan for refunding the bonds.

SEC. 94. Section 25037 of the Water Code is amended to read:

25037. Any district may make any expenditures or with the approval of the State Treasurer may incur indebtedness and issue warrants therefor for the purpose of paying the expenses incident to the making and execution of any refunding plan or any modification of it.

SEC. 95. Section 25038 of the Water Code is amended to read:

25038. If the refunding plan is approved by the State Treasurer, the board shall call an election for the purpose of authorizing the issuance of the refunding bonds.

SEC. 96. Section 25041 of the Water Code is amended to read:

25041. The maturities of refunding bonds shall be fixed by the board subject to the approval of the State Treasurer.

SEC. 97. Section 25060 of the Water Code is amended to read:

25060. If any issue of refunding bonds are made to mature at one time, the board prior to or at the time of their issuance shall provide for the creation of and payments into a sinking fund for the payment of the bonds in amounts determined by the board with the approval of the State Treasurer.

SEC. 98. Section 25061 of the Water Code is amended to read:

25061. The amount of sinking fund payments may be modified from time to time by the board with the approval of the State Treasurer.

SEC. 99. Section 25090 of the Water Code is amended to read:

25090. When one of the terms of a refunding plan approved by the State Treasurer reserves the right to modify the plan one or more times and the board thereafter desires to modify the plan, the board shall submit the proposed modification to the State Treasurer for approval.

SEC. 100. Section 25091 of the Water Code is amended to read:

25091. If the modification of a refunding plan is approved by the State Treasurer, the board shall call an election for the purpose of authorizing the modification of the plan.

SEC. 101. Section 25111 of the Water Code is amended to read:

25111. The terms of any refunding plan and of the refunding bonds outstanding thereunder may be modified from time to time provided the modification is approved in the manner provided in this article by all of the following:

(a) The State Treasurer.

(b) The district.

(c) The holders of all of the outstanding refunding bonds affected.

SEC. 102. Section 25114 of the Water Code is amended to read:

25114. The approval of the State Treasurer shall be given by an order of the State Treasurer upon application of the board of the district.

SEC. 103. Section 25241 of the Water Code is amended to read:

25241. If in the judgment of the board it is desirable that the principal or interest or both of any bonds or any part of the principal or interest be payable solely from revenue designated by the board, the board with the approval of the State Treasurer may so provide by resolution adopted at or prior to the time of the issuance of the bonds.

SEC. 104. Section 25245 of the Water Code is amended to read:

25245. If any board with the approval of the State Treasurer provides that the principal or interest or both of any bonds or any portion of the principal or interest or both shall be payable solely from designated revenue, neither the district nor any officer thereof shall be held for payment otherwise.

SEC. 105. Section 25280 of the Water Code is amended to read:

25280. Any sources of revenue of any district may by order of its board with the approval of the State Treasurer be irrevocably allocated to a reserve fund established to pay the interest or principal of any bonds.

SEC. 106. Section 25300 of the Water Code is amended to read:

25300. With the approval of the State Treasurer a district may by resolution of its board adopted at or prior to the time of issuing any bonds then proposed to be issued, provide for the call and redemption prior to their fixed maturity of any of the bonds.

SEC. 107. Section 25333 of the Water Code is amended to read:

25333. No sale of bonds at private sale shall be valid unless approved by the State Treasurer.

SEC. 108. Section 25403 of the Water Code is amended to read:

25403. No bonds authorized under the provisions of this chapter shall be issued and sold until said bonds shall have been investigated and certified pursuant to the Districts Securities Law (Chapter 1 (commencing with Section 20000), Division 10 of this code).

SEC. 109. Section 26500 of the Water Code is amended to read:

26500. If a board neglects or refuses in any year to levy assessments pursuant to this part, the board of supervisors of the office county shall, as provided in this article, perform the duties of the board of the district in respect to levying assessments in the same manner and with the same effect as if they were performed by the board.

Provided further, that if a board neglects or refuses in any year to levy assessments pursuant to this part a survey of the

financial needs of the district shall be made by the State Treasurer and the district shall cooperate with the State Treasurer in obtaining needed information. The State Treasurer may thereupon, and at any time after the effective date of this act when two calendar years shall have elapsed during which the board has not levied suitable assessments or otherwise provided for its financial obligations shall, notify the board of supervisors of the county that the district has failed to fulfill its obligations and the board of supervisors without further inquiry shall as provided in this article perform the duties of the board of the district with reference to levying assessments in the same manner and with the same effect as if the same were performed by the board.

Provided further, however, that the making of such survey by the State Treasurer shall not serve to relieve the board of supervisors of its primary duty as provided in this article.

SEC. 110. Section 30067 of the Water Code is amended to read:

30067. Fees payable to the State Treasurer pursuant to this division shall be those established by the State Treasurer pursuant to Section 20018 of this code.

SEC. 111. Section 31006 of the Water Code is amended to read:

31006. Any district formed under this division may, by resolution of the board of the district spread on its minutes, change the name of the district.

Certified copies of the resolution changing the name of the district shall be recorded in the office of the county recorder of every county, included in whole or in part, in the district and sent to the department, State Treasurer, and Secretary of State.

SEC. 112. Section 34054 of the Water Code is amended to read:

34054. Fees payable to the State Treasurer pursuant to this division shall be those established by the State Treasurer pursuant to Section 20018 of this code.

SEC. 113. Section 35426 of the Water Code is amended to read:

35426. Any lease or contract provided for in Section 35425 entered into for a period of more than one year shall not be valid unless approved by the State Treasurer.

SEC. 114. Section 35854 of the Water Code is amended to read:

35854. All contracts and transfers entered into or made pursuant to this chapter shall be first approved by the State Treasurer.

SEC. 115. Section 35885 of the Water Code is amended to read:

35885. All contracts entered into or made pursuant to this chapter shall be first approved by the State Treasurer.

SEC. 116. Section 35886 of the Water Code is amended to read:

35886. After approval by the State Treasurer the board may execute the contract on behalf of the district if two-thirds of the votes cast at the election favor the contract.

SEC. 117. Section 36151 of the Water Code is amended to read:

36151. A district shall not issue bonds in excess of an amount authorized by the State Treasurer.

SEC. 118. Section 36402.3 of the Water Code is amended to read:

36402.3. The proceeds of such warrants may, with the approval of the State Treasurer where required, be used and applied to the purchase or redemption of any outstanding warrants of the district.

SEC. 119. Section 36408 of the Water Code is amended to read:

36408. Warrants shall not be issued under this chapter in excess of an amount authorized by the State Treasurer. The State Treasurer shall not authorize the issuance of any warrants under this chapter unless the State Treasurer shall find and determine that in his judgment the district will be able to pay the principal of and interest on the warrants as the same respectively become due. Such warrants shall be subject to investigation and certification in the same manner, by the same officers and with the same force and effect as prescribed for the investigation and certification of bonds of irrigation districts by the provisions of Division 10 (commencing with Section 20000).

SEC. 120. Section 36408.4 of the Water Code is amended to read:

36408.4. In the absence of approval by the State Treasurer, warrants payable at a future date or times may also be issued to obtain funds or property for any lawful purpose of the district; provided, the total amount of such warrants payable in any one year shall not exceed one-fourth of one (1) percent of the total valuation of the land in the district according to the last equalized assessment roll.

SEC. 121. Section 39032 of the Water Code is repealed.

SEC. 122. The heading of Chapter 4 (commencing with Section 39080) of Part 1 of Division 14 of the Water Code is amended to read:

CHAPTER 4. DEPARTMENT OF WATER RESOURCES AND STATE TREASURER

SEC. 123. Section 39080 of the Water Code is amended to read:

39080. The department and the State Treasurer shall have the powers and duties conferred upon them by this division and further powers and authority necessary to enable them to fully perform the duties imposed upon them by this division, including the employment of any assistants they deem necessary, and the fixing of their compensation. The compensation

of assistants and the cost and expense of all work done by the department and the State Treasurer pursuant to this division shall be paid by the district as provided in this division for payment of other expenses of the district.

SEC. 124. Section 40382 of the Water Code is amended to read:

40382. The State Treasurer shall ascertain whether the duties relating to the levying and collection of any assessment provided for in this division have been performed by the proper officer. If the State Treasurer learns that any officer of the district or of any county therein has neglected or refused to perform the duty he shall notify the district attorney of the office county. The district attorney shall, after due notice to the officer involved, take such proceedings in court as are necessary to compel the performance of the duty.

SEC. 125. The heading of Article 4 (commencing with Section 42275) of Chapter 1 of Part 5 of Division 14 of the Water Code is amended to read:

Article 4. Report to State Treasurer

SEC. 126. Section 42275 of the Water Code is amended to read:

42275. Upon completion of the examination and study of the proposed project by the board, the board shall prepare and file in duplicate a report in the office of the State Treasurer and a copy in the office of the secretary.

SEC. 127. Section 42276 of the Water Code is amended to read:

42276. The report shall set forth in such detail as the State Treasurer may find to be necessary to enable him and the voters to determine the probable cost and the financial and economic feasibility of the proposed project, all the following:

- (a) The character and nature of the proposed works.
- (b) A description of the rights both to water and land it will be necessary to acquire to complete the project.
- (c) Plans and specifications.
- (d) An estimate of the cost of the project, including the acquisition of all rights necessary to its completion and operation, and including any amounts proposed to be provided out of bond funds for the establishment of a bond reserve fund and for amounts proposed to be provided out of bond funds for the payment of interest on bonds during construction of the project.

SEC. 128. Section 42280 of the Water Code is amended to read:

42280. If the board of any district fails to complete and file its report within 10 years from the date of the filing of the order of the department declaring the district duly organized, the project of the district shall be deemed abandoned and the board shall within 90 days thereafter pay all outstanding debts and claims against the district and shall within

that time remit to the assessment payers of the district in proportion to the amount paid by the assessment payers on the last call or assessment levied by the board the balance of any funds then remaining with the treasurer of the district or to its credit with the county treasurers of affected counties. The State Treasurer, on hearing and after good cause shown, may extend the time to complete and file the report for an additional period or periods of time which shall not exceed five years altogether; provided, that if such extension has been granted, the State Treasurer, on hearing and after good cause shown for a further extension, may again extend the time to complete and file the report for a further additional period or periods of time which shall not exceed a further five years; provided, that notwithstanding preceding extensions including the last further extension above provided, the State Treasurer on hearing and after good cause shown for another extension, may again extend the time to complete and file the report for another period or periods of time which shall not exceed five years more.

SEC. 129. Section 42290 of the Water Code is amended to read:

42290. At any time before the board shall have filed its report with the State Treasurer with respect to a project, or, if the board has divided the project into units of construction pursuant to Section 42225, at any time before the board has transmitted to the State Treasurer its resolution determining upon the construction of a unit pursuant to Section 42226, the board may by resolution determine that it is likely that such project or unit will benefit only a portion of the district. If the board so determines, the board shall provide for a hearing on the questions whether the project or unit will benefit only a portion of the district and whether an improvement district consisting of that portion should be established.

SEC. 130. The heading of Article 1 (commencing with Section 42300) of Chapter 2 of Part 5 of Division 14 of the Water Code is amended to read:

Article 1. Investigation by State Treasurer

SEC. 131. Section 42300 of the Water Code is amended to read:

42300. The State Treasurer shall transmit a copy of the board's report to the department. If the board recommends in its report that the project be abandoned, the State Treasurer shall make such further investigation of the project as is in his judgment desirable. Upon request of the State Treasurer, the engineering feasibility of the project shall be investigated by the department, which shall report on such investigation to the State Treasurer.

SEC. 132. Section 42301 of the Water Code is amended to read:

42301. The State Treasurer shall, within 60 days after the filing of the report, enter upon his records an order either:

(a) Approving and confirming the report and recommendation and declaring the project abandoned. The order shall be without prejudice to the presentation of another petition covering the same matter.

(b) Approving and adopting the report but taking no action with respect to the recommendation, and requesting the board to call a special election to be held in the district for the purpose of determining whether the recommendation of the board shall be adopted or rejected. Within 45 days from the receipt of such request, the board shall call such election.

SEC. 133. Section 42355 of the Water Code is amended to read:

42355. If the canvass of the votes cast at the special election shows more than one-half of all votes cast are "Completion of project—Yes" and also shows that more than one-half of the qualified voters who voted at the election voted "Completion of project—Yes" the State Treasurer shall appoint the commissioners provided for in Article 1 (commencing with Section 46150) of Chapter 2 of Part 9 of this division and thereafter such proceedings shall be taken and followed as are provided in this division for assessments and completion of projects.

SEC. 134. Section 42356 of the Water Code is amended to read:

42356. If completion of the project is not approved at the election, the board may modify the project or propose a new project, and may submit a revised report to the State Treasurer. If a revised report is not so submitted within six months of such election, or within such extension of time as the State Treasurer may allow, the State Treasurer may enter in his records an order declaring the project abandoned.

SEC. 135. Section 42357 of the Water Code is amended to read:

42357. The order of abandonment shall require all persons having claims against the district or proposed district, except the holders of warrants issued pursuant to the provisions of this division and presented for payment, to file them with the necessary vouchers in the office of the State Treasurer within three months from the date of the order.

SEC. 136. Section 42358 of the Water Code is amended to read:

42358. Notice of the order requiring presentation of claims stating the time and place shall be published in the county in which the office of the district is located by the State Treasurer once a week for four successive weeks, commencing within 10 days after the making of the order.

SEC. 137. Section 42359 of the Water Code is amended to read:

42359. After all warrants issued under the provisions of this division which have been presented for payment and all claims that have been presented and have been allowed and

approved by the State Treasurer or the board have been paid, the State Treasurer shall cause a certified copy of the order declaring the project abandoned to be filed for record in the office of the recorder of each affected county.

SEC. 138. The heading of Article 1 (commencing with Section 42500) of Chapter 3 of Part 5 of Division 14 of the Water Code is amended to read:

Article 1. Investigation by State Treasurer

SEC. 139. Section 42500 of the Water Code is amended to read:

42500. If the board recommends that the project be carried out in accordance with the plans and specifications in its report, the State Treasurer shall make such further investigation of the project as he desires and shall, as soon as possible after the expiration of 60 days after the filing of the report, enter upon his records an order either approving and confirming or disapproving the report and recommendation and transmit a copy of the order to the board. Upon request of the State Treasurer, the engineering feasibility of the project shall be investigated by the department, which shall report on such investigation to the State Treasurer.

SEC. 140. Section 42501 of the Water Code is amended to read:

42501. Pending final approval or disapproval by the State Treasurer, the board may amend, modify, or supplement its report and the plans, specifications, estimates, and other matters accompanying it, either on its initiative or in response to suggestions by the State Treasurer.

SEC. 141. Section 42526 of the Water Code is amended to read:

42526. The election shall be noticed, held, and conducted and the result determined and declared in all respects as nearly as possible as provided in Article 2 (commencing with Section 42325) of Chapter 2 of this part. The notice of election shall state whether the report and recommendation is approved or disapproved by the State Treasurer.

SEC. 142. Section 42700 of the Water Code is amended to read:

42700. If any project, whether original, modified, substituted or other, already adopted under this part, remains uncompleted, whether in whole or in part, and any assessment levied under Part 9 (commencing with Section 46000) of this division on the basis of such project remains uncalled, either in whole or in part, and if the board finds, through resolution adopted by a two-thirds vote of its entire membership, that, for reasons explicitly stated in such resolution, such project should be materially modified or should be completely abandoned and another project be substituted in its place, then the board shall proceed under Chapter 1 (commencing with Section 42200) of this part to prepare and file with the State

Treasurer a new report which shall be complete in itself and which shall set up the existing project as materially modified or a new project to be substituted in its place.

SEC. 143. Section 42725 of the Water Code is amended to read:

42725. If the vote at either of the elections prescribed in this part is adverse to the report, the State Treasurer shall enter in his records an order declaring that the proposed project is abandoned. Thereafter the district shall continue, and the original project shall be and remain in the same full force and effect, as though no proceedings had been taken under this chapter.

SEC. 144. Section 42726 of the Water Code is amended to read:

42726. If the vote at either of the elections is favorable to the new report, the State Treasurer shall proceed as required by this part and nothing further shall be done toward completion of the former project so modified or eliminated. If there is any uncalled portion of principal or interest of any outstanding assessment already levied and in effect to carry out such former project, the board shall, by resolution, cancel so much thereof as is not required for a refund to landowners who have already paid all or a part of their pro rata share of the portion to be canceled. The board shall specify in this resolution the portion of the assessment levied against each tract which is to be canceled, describing each tract as described in the assessment roll or by the number of the tract as used in the assessment roll. These and subsequent proceedings under this section shall be governed by Sections 47806, 47807, 47808, 47809, and 47810.

SEC. 145. Section 42750 of the Water Code is amended to read:

42750. If the board shall find, by a two-thirds vote of its entire membership, that some project, other than any project (whether original, modified, substituted, or other) already adopted, should be adopted then the board shall proceed under Chapter 1 (commencing with Section 42200) of this part to prepare and file with the State Treasurer an additional report which shall be complete in itself and shall set up the project as an additional project for the district. The additional report shall not modify, rescind, or terminate any other project which has already been adopted.

SEC. 146. Section 43503 of the Water Code is amended to read:

43503. Before any purchase of property located in the district at a price exceeding five hundred thousand dollars (\$500,000), the price shall be approved by the State Treasurer. He shall give his approval if he finds the price not excessive.

SEC. 147. Section 44032 of the Water Code is amended to read:

44032. If a contract with the state, the department, any other district, or the United States requires the establishment of a reserve fund for the payment by the district under the

contract of periodic service charges or capital charges, or both, or if the board finds it to be necessary or desirable in the interest of the district, the board may, with the approval of the State Treasurer, determine to levy an assessment to provide such a reserve fund. In that event the board, with the approval of the State Treasurer, shall also determine the amount of the initial deposit or deposits to be made in the reserve fund and the amount of the balance, if any, to be maintained therein. The total amount of the initial deposit or deposits to be made in the reserve fund may be levied at one time, or in a series of installments from time to time, in the same manner as periodic service charges, as provided in Section 44030. Any later deposits necessary in order to maintain a required balance in the reserve fund shall be levied in the same manner. The reserve fund shall be used solely for the payment of the charges for which it is established, until all such charges have been paid. Any balance then remaining in the reserve fund shall be transferred to the general fund of the district.

SEC. 148. Section 44427 of the Water Code is amended to read:

44427. During the construction of any works in carrying out the project of any district, the board shall, within one week after each regular meeting, forward to the State Treasurer a report of the progress of the construction together with a statement of the amount paid for the doing of the work.

SEC. 149. Section 44429 of the Water Code is amended to read:

44429. Immediately after the publication of the statement of financial condition, the board shall file a copy with the State Treasurer, accompanied by a report stating the progress of the work under construction, the general condition of the project, whether or not the same is being successfully and satisfactorily carried out, and any other matter which the board may deem proper.

SEC. 150. Section 44430 of the Water Code is amended to read:

44430. The State Treasurer shall examine the statement and report and may make recommendations and comments to the board. The State Treasurer may publish the recommendations and comments in the manner it deems advisable.

SEC. 151. Section 44431 of the Water Code is amended to read:

44431. The State Treasurer may at any time make or cause to be made an examination of the affairs of any district or call upon the board for such information as he may desire, and may make and publish such report thereon as it deems advisable.

SEC. 152. Section 44432 of the Water Code is amended to read:

44432. The State Treasurer may prescribe the form of all reports and accounts provided for in this article and may require such methods of accounting and itemization as shall in

his judgment tend to the uniformity of reports and accounting. The requirements of the State Treasurer may from time to time be changed by it.

SEC. 153. Section 44433 of the Water Code is amended to read:

44433. The records of the board, including copies of the project, copies of assessment rolls, and reports to the State Treasurer, are public records and shall be kept in the office of the board and open to inspection during office hours.

SEC. 154. Section 44911 of the Water Code is amended to read:

44911. All warrants issued pursuant to vote of the electors may be certified as legal investments in accordance with the provisions of Division 10 (commencing with Section 20000) of this code. The proceeds of such warrants may, with the approval of the State Treasurer, be used and applied to the purchase or redemption of any outstanding warrants of the district.

SEC. 155. Section 44956 of the Water Code is amended to read:

44956. No revenue warrants shall be issued or sold until their issuance has been authorized by resolution of the board and approved by the State Treasurer. The board also may, but need not, request the State Treasurer to investigate and certify such warrants as legal investments in accordance with the provisions of Division 10 (commencing with Section 20000) of this code.

SEC. 156. Section 45100 of the Water Code is amended to read:

45100. Whenever in any district any assessment has been levied and assessed upon land and remains unpaid in whole or in part, and in the judgment and opinion of the board it is for the best interest of the district or the landowners therein to issue bonds for the purpose of obtaining money to pay the costs of the proposed project, the indebtedness of the district, or any other lawful charge, or when a petition signed by the holders of title to more than one-fourth in assessed value of the land requesting it is filed with the secretary, the board shall by order entered upon its records call a special election to be held in the district and shall file a certified copy of a resolution of the board with the State Treasurer requesting the certification of the proposed bonds pursuant to the California Districts Securities Law (Chapter 1 (commencing with Section 20000), Division 10, of this code). No bond or bonds of the district may be sold, exchanged, delivered, or otherwise issued by the board unless and until the bond or bonds shall have been investigated and certified pursuant to such law. At the special election the question shall be submitted to the holders of title to assessed land whether or not bonds of the district shall be issued in an amount equal to the amount of the assessment, or the part of the assessment remaining unpaid. The

amount shall be entered by the board in its records and stated in the order calling the special election.

SEC. 157. Section 45102 of the Water Code is amended to read:

45102. Notwithstanding the provisions of Section 45100, whenever in any district (1) a report and recommendation as to a project, or a report as to a contract with the United States, has been adopted by the voters at an election held pursuant to Part 5 (commencing with Section 42200) of this division or Chapter 6 (commencing with Section 44000) of Part 6 of this division, (2) an assessment to finance the project or the contract has been levied and assessed and remains unpaid in whole or in part, and (3) in the judgment of the board it is for the best interest of the district or the landowners therein to issue bonds for the purpose of obtaining money to pay the costs of the project, all or any part of the outstanding principal of direct assessment warrants heretofore or hereafter issued pursuant to Section 46381 for said project, or charges pursuant to the contract, the board may, by a resolution adopted by a two-thirds vote of its members, authorize the issuance of bonds in an amount not exceeding the amount of the assessment remaining unpaid, without calling or holding any special election pursuant to Section 45100 or Chapter 2 (commencing with Section 45250) of this part. The resolution shall be submitted to the State Treasurer and shall become effective if and when it is approved by the State Treasurer. When any such resolution has been approved by the State Treasurer, a copy thereof shall be filed with the county treasurer of each affected county.

The provisions of this section shall apply to all districts, including any district in which a report and recommendation as to a project, or a report as to a contract with the United States, has been adopted at an election held at any time heretofore, and shall apply in the case of any assessment at any time heretofore or hereafter levied and assessed, if the assessment remains unpaid in whole or in part at the time of adoption of the resolution of the board authorizing the issuance of bonds.

SEC. 158. Section 45900 of the Water Code is amended to read:

45900. For the purpose of financing a district project or government contract which has been approved by the voters of the district, the board of directors may, by a two-thirds ($\frac{2}{3}$) vote of its members, with the approval of the State Treasurer, issue written obligations which may be denominated notes, certificates of indebtedness or warrants. The term "direct assessment warrants," as used in this chapter, means such obligations, howsoever denominated.

SEC. 159. Section 46000 of the Water Code is amended to read:

46000. A preliminary assessment is an assessment levied by the board of an equal amount upon each acre of land in the

district sufficient to pay all warrants issued by the department and State Treasurer in accordance with the provisions of this division, and to defray all other expenses as estimated by the board incurred and to be incurred for the general benefit of the district up to the time of the levy of assessments provided for in Chapter 2 (commencing with Section 46150) of this part, including expenses incurred prior to the organization of the district but in the judgment of the board properly incurred for the general benefit of the district.

SEC. 160. Section 46002 of the Water Code is amended to read:

46002. The amounts required to be raised to pay warrants of the department and State Treasurer and to pay expenses shall be separately stated in the resolution levying the preliminary assessment.

SEC. 161. Section 46004 of the Water Code is amended to read:

46004. Except as otherwise provided in this chapter, the total of all preliminary assessments, exclusive of the amount assessed for the purpose of paying warrants of the department and State Treasurer, shall not exceed fifty cents (\$0.50) per acre.

SEC. 162. Section 46008 of the Water Code is amended to read:

46008. At the time appointed for the open meeting by the board, it shall consider the matter of levying the additional preliminary assessment and hear any objection. At or after the meeting, the board may, upon approval of the State Treasurer, levy the additional assessment, if in its judgment the levy is in the best interests of the district.

SEC. 163. Section 46150 of the Water Code is amended to read:

46150. If a district project is adopted as provided in Chapter 3 (commencing with Section 42500) of Part 5 of this division, the State Treasurer, upon request of the board, shall appoint three commissioners, one of whom shall be a civil engineer and one shall have a practical knowledge of irrigation.

SEC. 164. Section 46153 of the Water Code is amended to read:

46153. The commissioners shall be paid as compensation for the services rendered by them such sum, or sums, as the State Treasurer fixes, which is a part of the cost of the project.

SEC. 165. Section 46154 of the Water Code is amended to read:

46154. The State Treasurer may issue warrants as compensation to the commissioners, payable out of the funds of the district, which may be included in any bond issue authorized for the purposes of the district.

SEC. 166. Section 46200 of the Water Code is amended to read:

46200. The commissioners shall prepare and certify to the State Treasurer in triplicate assessment rolls which shall contain:

(a) A description of each tract held in separate ownership by legal subdivisions, governmental surveys, or other boundaries sufficient to identify it. If any area composed of more than one tract held in separate ownership is not assessed because the land therein will not be benefited by the expenditure of the funds to be raised by the assessment, a description of the area as a whole without a description of each tract shall be sufficient.

(b) The number of acres in each tract.

(c) The name and address of the owner of each tract, if known, and if unknown, that fact. No mistake or error in the name of the owner or supposed owner of the property assessed, and no mistake in any other particular, shall render the assessment invalid.

(d) The rate per acre of the assessment upon each tract assessed, or if no assessment is made upon any tract or area composed of more than one tract, a statement of that fact.

(e) The rate per acre of the assessment upon each tract assessed for the costs of the properties which are necessary to be used in connection with the generating of electric power, or if no assessment of such costs is made upon any tract or area composed of more than one tract, a statement of that fact.

(f) The total amount of the assessment as computed.

(g) Any other statement which may be required by the State Treasurer and as to which notice is given in writing to the commissioners at the time of transmitting the plans and specifications and costs of the work for the district.

SEC. 167. Section 46204 of the Water Code is amended to read:

46204. When completed, the rolls shall be certified by the commissioners and filed by them in the office of the State Treasurer.

SEC. 168. Section 46205 of the Water Code is amended to read:

46205. The State Treasurer shall transmit two copies of the rolls to the board. The board shall file one copy in its records and transmit to the county treasurer of each affected county that portion of the roll relating to land within such county.

SEC. 169. Section 46209 of the Water Code is amended to read:

46209. If no objections are filed with respect to a particular assessment roll, as provided in Sections 46206 and 46207, then upon the expiration of the time fixed by the board for the filing of such objections the secretary of the board shall execute certificates in which he shall certify to the fact that no objections were so filed. The secretary of the board shall file one copy of such certificates with the State Treasurer and one copy with the county treasurer of each county in which lands appear on the assessment roll.

SEC. 170. Section 46225 of the Water Code is amended to read:

46225. In the event objections are filed with respect to a particular assessment roll, as provided in Sections 46206 and 46207, the State Treasurer shall appoint two disinterested persons, who together with the president of the board constitute a board in the nature of a board of equalization which shall be known and designated as the "adjustment board" and whose functions shall be to consider and act upon objections presented as provided in this article to the assessment made by the commissioners. Each of the two appointed members of the board shall be paid as compensation for the services rendered by them such sum, or sums, as the State Treasurer fixes. The president of the board shall be paid as compensation for his services rendered such sum, or sums, as the board may fix which shall not exceed the compensation fixed by the State Treasurer. The compensation and expenses are a part of the cost of the project of the district for which the duties are performed.

SEC 171. Section 46255 of the Water Code is amended to read:

46255. After hearing of objections, the adjustment board shall make an order approving the assessment as finally fixed or modified. The order shall be filed with and entered in the records of the State Treasurer, and the apportionment and determination of the adjustment board shall be final and conclusive, and no action or defense shall ever be maintained attacking them in any respect.

SEC 172. Section 46256 of the Water Code is amended to read:

46256. Three copies of the assessment roll as finally fixed and approved by the adjustment board shall be certified by the secretary of the adjustment board and transmitted to the board of directors. The board of directors shall file one copy in its records and immediately transmit one copy to the State Treasurer, together with a copy of the order of approval of the assessment roll by the adjustment board, and shall immediately transmit to the county treasurer of each affected county that portion of the roll relating to land in such county, together with a copy of the order of approval of the assessment roll by the adjustment board.

SEC. 173. Section 46305 of the Water Code is amended to read:

46305. Upon receipt by the State Treasurer of a resolution to construct additional units pursuant to Article 2 (commencing with Section 42225), Chapter 1, Part 5 of this division, the same proceedings for levying, approving, and collecting an assessment to meet the cost of the unit or units to be constructed shall be had as provided in this chapter for an assessment to meet the cost of the unit or units first constructed.

SEC 174. Section 46327 of the Water Code is amended to read:

46327. The board shall file copies of the supplementary assessment roles with the State Treasurer.

SEC. 175. Section 46355 of the Water Code is amended to read:

46355. At any time after the commissioners have assessed the cost of the project upon the benefited land within the district and the costs of the portion of the project used for the generation of electric energy, the State Treasurer, upon the request of the board, shall appoint three commissioners to reassess the costs of the project upon the benefited land. At the expiration of five years after the commissioners have originally assessed the cost of the project upon the benefited land within the district and the costs of the portion of the project used for the generation of electric energy, and thereafter at any time not less than five years after the next previous reassessment, the State Treasurer, upon petition of holders of title to 10 percent of the land, shall appoint three commissioners to reassess the costs of the project upon the benefited land.

SEC. 176. Section 46377 of the Water Code is amended to read:

46377. Upon approval of the State Treasurer, the board may by resolution levy an interim project assessment, if in its judgment the levy is in the best interests of the district.

SEC. 177. Section 47551 of the Water Code is amended to read:

47551. The State Treasurer shall appoint commissioners to make the assessment in the number and manner provided by Article 1 (commencing with Section 46150) of Chapter 2 of this part.

SEC. 178. Section 47806 of the Water Code is amended to read:

47806. When a resolution to cancel is adopted, a copy thereof, certified by the secretary, shall be filed with the State Treasurer, and another copy thereof, certified by the secretary, shall be attached to the assessment roll by the county treasurer of each county in which the assessment roll is filed.

SEC. 179. Section 52702 of the Water Code is amended to read:

52702. The board of a district proposing to issue refunding bonds pursuant to this chapter shall cause to be prepared a plan for the refunding of any or all of its outstanding bonds and shall submit the plan for the approval of the State Treasurer.

SEC. 180. Section 52703 of the Water Code is amended to read:

52703. When the plan is approved by the State Treasurer, the board shall call and conduct an election of the landowners in the manner provided in Chapter 3 (commencing with Section 50800) of Part 4 of this division for the purpose of authorizing the issuance of the refunding bonds.

SEC. 181. Section 52704 of the Water Code is amended to read:

52704. Prior to the issuance of any refunding bonds pursuant to this chapter the board shall file with the county treasurer a copy of the refunding plan, certified copy of the order of the board providing for the issuance of the refunding bonds, and a certified copy of the order of the State Treasurer approving the refunding plan and the issuance of refunding bonds.

SEC. 182. Section 52709 of the Water Code is amended to read:

52709. Refunding bonds issued pursuant to this chapter may be sold from time to time in the same manner as other bonds of the district, or may be exchanged for other bonds of the district upon terms and conditions approved by the State Treasurer.

SEC. 183. Section 52713 of the Water Code is amended to read:

52713. The board may, with the approval of the State Treasurer, make expenditures, or incur indebtedness, and issue warrants therefor to pay the cost and expenses incident to any refunding plan or in connection with the refunding of its bonds.

SEC. 184. Section 52730 of the Water Code is amended to read:

52730. The board, prior to, or at the time of, issuance of the refunding bonds under the provisions of this chapter, shall provide for the creation of an annual sinking fund for the payment of the refunding bonds in amounts determined by the board with the approval of the State Treasurer.

SEC. 185. Section 52732 of the Water Code is amended to read:

52732. Ninety days, or more, before the first day of January in any year the board may, with the approval of the State Treasurer, modify the amount of the sinking fund payment.

SEC. 186. Section 52733 of the Water Code is amended to read:

52733. If the State Treasurer approves a modification of the sinking fund payment, he shall forthwith mail the county treasurer a copy of his order approving the modification.

SEC. 187. Section 74880 of the Water Code is amended to read:

74880. The board may at any time apply to the State Treasurer for certification of the bonds of the district pursuant to Division 10 (commencing with Section 20000). When such certification has been given, the bonds of the district shall be acceptable for investment and surety purposes to the same extent as are county or municipal bonds.

SEC 188. Section 18 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is amended to read:

Sec. 18. All revenue bonds issued by the agency may be certified as legal investments pursuant to the Districts Securi-

ties Law (Chapter 1 (commencing with Section 20000) of Division 10 of the Water Code).

SEC. 189. Section 55 of the El Dorado County Water Agency Act (Chapter 2139 of the Statutes of 1959) is amended to read:

Sec. 55. If the board by resolution determines that a bonded indebtedness to pay the acquisition or construction of any works for any purposes of the agency or for refunding any outstanding bonds should be incurred and can be repaid and liquidated as to both principal and interest from revenues designated by the board, other than taxes levied in the agency or any member unit, the board may incur such indebtedness upon approval by the State Treasurer and in the manner, for the purposes, and to the extent authorized and provided in Sections 50, 51, 52, 53 and 54 hereof for the issuance of general obligation bonds except that such revenue bonds may be issued when a majority vote of the qualified electors voting on the proposition at an election, favor the issuance of the bonds.

SEC. 190. Section 16 of the Palo Verde Irrigation District Act (Chapter 452 of the Statutes of 1923) is amended to read:

Sec. 16. Determining Amount of Bonds to Be Issued. For the purpose of ascertaining the amount of money necessary to be raised for such purposes, or any of them, the board of trustees shall cause such inventories, appraisals, surveys, examinations, drawings and plans to be made as shall furnish the proper basis for such estimates. Such appraisals, surveys, examinations, drawings and plans, and the estimates based thereon, may provide that the works necessary for a completed project shall be acquired and constructed progressively during a period of years. In the estimate of the amount of money to be raised by the first issue of bonds for any project or purpose, the board of trustees may include a sum sufficient to pay the interest on all such bonds as may be issued by this district, and also all such bonds or other obligations of the Palo Verde Joint Levee District of Riverside and Imperial Counties, California, or the Palo Verde Drainage District, or the Palo Verde Mutual Water Company as may be assumed by this district, for a period of three years, or less, in advance of the time such interest obligations shall accrue. All such surveys, appraisals, examinations, drawings and plans shall be made under the direction of a competent engineer, and shall be certified by him. The board of trustees may divide the plans for the completed project of acquisition and construction of a unified protection, irrigation and reclamation system into various items, recommending those that are most urgent for first acquisition or construction, and the estimated amount thereof, and those that might be deferred for carrying out at subsequent times, so that the bonded indebtedness necessary for the entire plan may be imposed upon the district in such installments over a period of years as the district is built up and improved, and as a favorable market exists for

the bonds. But the board of trustees may, in its discretion, provide for the issuance of the amount of bonds necessary to carry out the completed enterprise contemplated by this act, and arrange for the disposition of the bonds in installments at different times so as to accomplish the same purpose; or, if it is deemed practicable and expedient to do so, the board may provide for the issuance of all the bonds estimated to be necessary to carry out the completed project.

When a determination has been made by the board of the properties to be acquired and the construction work to be performed, and the estimated amount thereof for which the board proposes to issue bonds, the board shall thereupon submit a copy of said estimate and report to the State Treasurer for certification as legal investments for savings banks, and for other purposes specified in Division 10 (commencing with Section 20000) of the Water Code. The State Treasurer shall forthwith examine said report and any data in his possession or in the possession of the district, and shall make such additional surveys and examinations at the expense of the district as he may deem proper or practicable, and as soon as practicable thereafter shall make to the board of trustees of said district a report which shall contain such matters as in his judgment may be desirable, provided, that he may state generally his conclusions regarding the general characteristics of the property and the project, the cost of the proposed work, water rights and other property necessary for a complete and satisfactory project, the proper dates of maturity for the bonds proposed to be issued, and whether in his opinion it is advisable to proceed with the proposed bond issue. If the estimate of the amount of said bond issue shall have included any amount for the payment of interest on said bonds for such issue, as provided in Section 15 of this act, and such estimate for the payment of interest or any part thereof is approved by the State Treasurer in said report, it shall be lawful for the board of trustees, to use for the payment of interest on any bonds of such issue, so much of the proceeds of the sale of said bonds as may have been approved for that purpose in said report of the State Treasurer.

And likewise, whatever amount may be included in the estimate for upkeep and maintenance expense, if approved by the State Treasurer, may be lawfully used by the trustees and applied in the upkeep and maintenance of its levees, water system and reclamation works.

SEC. 191. Section 16a of the Palo Verde Irrigation District Act (Chapter 452 of the Statutes of 1923) is amended to read:

Sec. 16a. If after such examination and investigation the State Treasurer shall deem it advisable that the said plans be modified, or that the amount of the bonds proposed to be issued be changed, or that certain conditions should be prescribed to

insure the success of the project, or that in his opinion it is not advisable to proceed with the proposed bond issue, he shall so state in his report to the board of trustees. After receiving said report, or if no report is received within 30 days after the submission of said estimate and engineer's report to the State Treasurer, said board of trustees, if it shall determine and shall declare by resolution that the proposed plan of works or some modified plan recommended by the State Treasurer is satisfactory and that the said project or said modified plan is feasible, shall make an order determining the amount of bonds that should be issued in order to raise the money necessary therefor; and provided, further, that if this district shall issue bonds to carry out any plans approved by the State Treasurer as herein provided it shall be unlawful for said district to make any material change in said plans thereafter without the consent of the State Treasurer.

SEC. 192. Section 17 of the Palo Verde Irrigation District Act (Chapter 452 of the Statutes of 1923) is amended to read:

Sec. 17. Provisions for Making Bonds Legal Investments for Trust Funds, Etc. Whenever the board of trustees shall by resolution declare that it deems it desirable that any contemplated or outstanding bonds of said district, including any bonds authorized but not sold, shall be made available for the purposes provided for in section seven of an act of the Legislature of the State of California entitled, "An act relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies, and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized," approved June 13, 1913, as amended, the said board of trustees shall thereupon file a certified copy of such resolution with the State Treasurer, and he, and the State Controller in connection therewith are hereby given the same power and authority in respect of the investigation and certification of bonds issued under this act as is given to them in respect of the investigation and certification of irrigation district bonds by said act, as amended, except as the same may be limited by, or inconsistent with, any provision of this act, and bonds of said district which have been so investigated and certified and declared to be legal investments for the purposes stated in said act approved June 13, 1913, as amended, may be lawfully purchased or received in pledge for loans by savings banks, trust companies, insurance companies, guardians, executors, administrators, and special administrators, or by any public officer or officers of this state or of any county, city, or city and county, or other municipal or corporate body within this state having or holding funds which they are allowed by law to invest or loan; provided, however, that where the State

Treasurer has passed upon one issue of bonds of said district, all subsequent issues of said district shall be submitted to the State Treasurer as in the said act provided.

SEC. 193. Section 21.1 of the Palo Verde Irrigation District Act (Chapter 452 of the Statutes of 1923) is amended to read:

Sec. 21.1. The board of trustees may by resolution allocate any proceeds of any existing or proposed contract or contracts or source or sources of payment, or any portion thereof, other than taxes or assessments, designated by the board, to the payment of the principal, or interest, or both, of any bonds or issue or issues of bonds of the district, original or refunding, outstanding or to be issued, or any portion of such principal, or interest, or both, designated by the board. After such allocation and until the payment or retirement of the bonds for the benefit of which such allocation was made, such proceeds so allocated shall be applied solely to the payment of the obligation specified in the resolution. Any such allocation shall be irrevocable until all of the designated principal, or interest, or both, has been paid or retired. Any such proceeds of the district may by resolution of said board be irrevocably allocated to any reserve fund established to pay the interest or principal, or both, of any bonds. If the board, with the approval of the State Treasurer, provides that the principal, or interest, or both, of any bonds, or any portion thereof, hereafter issued shall be payable solely from such designated proceeds other than taxes or assessments, then the district shall not be held for payment otherwise. Any bonds of the district, original or refunding, may be made payable as to both principal and interest, in whole or in part, from any such proceeds designated by the board or said bonds may be made payable from taxes or assessments as in this act provided and such proceeds may be allocated to the payment of such principal and interest, or portion thereof, as additional security therefor. The board may also, with the approval of the State Treasurer, designate any bank or trust company as its agent for the purpose of making payment of principal, or interest, or both, of any bonds of the district, or for receiving any such proceeds, other than taxes or assessments, so allocated for payment of bonds and applying such revenue to such payment, as designated and may from time to time with the consent of the State Treasurer, substitute another bank or trust company as such agent in place of a bank or trust company so designated or substituted.

SEC. 194. Section 21.2 of the Palo Verde Irrigation District Act (Chapter 452 of the Statutes of 1923) is amended to read:

Sec. 21.2 If any such proceeds other than taxes or assessments shall be allocated to the payment of bonds and the board of trustees, with the approval of the State Treasurer, shall provide that such bonds shall be payable solely from such allocated

proceeds, then no provision of law relative to estimate for, or levy of, taxes or assessments for payment of such bonds shall apply and no taxes or assessments shall be levied therefor. In such event a brief statement of the proceeds allocated and the purpose of the allocation, and that no taxes or assessments shall be levied to pay such bonds, shall be set forth in such bonds, and if applicable to interest, in the coupons therefor.

Sec. 195. Section 21.3 of the Palo Verde Irrigation District Act (Chapter 452 of the Statutes of 1923) is amended to read:

Sec. 21.3. The board of trustees may, with the approval of the State Treasurer, provide for the call and redemption of any bonds in numerical order, or by lot, on any interest payment date prior to their fixed maturity, at not exceeding the par value thereof and accrued interest, in which event a statement to that effect shall be set forth on the face of the bonds. Notice of such redemption shall be published once a week for three successive weeks in a newspaper of general circulation printed and published within the county in which the office of the district is located, the first publication of which shall be at least 30 days and not more than 90 days prior to the date fixed for such redemption. After the date fixed for such redemption, if the district shall have provided funds available for the payment of the principal and interest of the bonds so called, interest on such bonds shall thereafter cease.

Sec. 196. Section 17 of the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957) is amended to read:

Sec. 17. All revenue bonds issued by the agency may be certified as legal investments, pursuant to the District Securities Law, Division 10 (commencing with Section 20000) of the Water Code, in the manner and to the extent provided in Sections 54433 and 54434 of the Government Code.

Sec. 197. Section 24 of the Plumas County Flood Control and Water Conservation District Act (Chapter 2114 of the Statutes of 1959) is amended to read:

Sec. 24. Subject to the provisions of this act, the board shall prescribe by resolution the form of the bonds and of the interest coupons attached thereto and shall fix the rate of interest said bonds shall bear, not to exceed 5 percent per annum. The bonds shall mature serially in amounts to be fixed by the board, payment of the bonds commencing not later than five years from the date thereof and being completed in not more than 50 years from said date. The board shall fix the place or places (which may be within or without the State of California and which shall be designated in the bonds) where the bonds, together with the interest thereon, shall be payable. The principal amount of general obligation bonds issued shall not exceed in the aggregate that amount allowed by the State Treasurer but in no event to exceed 15 percent of the assessed value of all the real and personal property of the zone or zones involved.

SEC. 198. Section 24 of the Sierra County Flood Control and Water Conservation District Act (Chapter 2123 of the Statutes of 1959) is amended to read:

Sec. 24. Subject to the provisions of this act, the board shall prescribe by resolution the form of the bonds and of the interest coupons attached thereto and shall fix the rate of interest said bonds shall bear, not to exceed 5 percent per annum. The bonds shall mature serially in amounts to be fixed by the board, payment of the bonds commencing not later than five years from the date thereof and being completed in not more than 50 years from said date. The board shall fix the place or places (which may be within or without the State of California and which shall be designated in the bonds) where the bonds, together with the interest thereon, shall be payable. The principal amount of general obligation bonds issued shall not exceed in the aggregate that amount allowed by the State Treasurer but in no event to exceed 15 percent of the assessed value of all the real and personal property of the zone or zones involved.

SEC. 199. Section 24 of the Siskiyou County Flood Control and Water Conservation District Act (Chapter 2121 of the Statutes of 1959) is amended to read:

Sec. 24. Subject to the provisions of this act, the board shall prescribe by resolution the form of the bonds and of the interest coupons attached thereto and shall fix the rate of interest said bonds shall bear, not to exceed 5 percent per annum. The bonds shall mature serially in amounts to be fixed by the board, payment of the bonds commencing not later than five years from the date thereof and being completed in not more than 50 years from said date. The board shall fix the place or places (which may be within or without the State of California and which shall be designated in the bonds) where the bonds, together with the interest thereon, shall be payable. The principal amount of general obligation bonds issued shall not exceed in the aggregate that amount allowed by the State Treasurer but in no event to exceed 15 percent of the assessed value of all the real and personal property of the zone or zones involved.

SEC. 200. Section 17 of the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959) is amended to read:

Sec. 17. All revenue bonds issued by the agency may be certified as legal investments pursuant to the Districts Securities Law, (Chapter 1 (commencing with Section 20000 of Division 10 of the Water Code).

SEC. 201. Section 23 of the Tehama County Flood Control and Water Conservation District Act (Chapter 1280 of the Statutes of 1957) is amended to read:

Sec. 23. Subject to the provisions of this act, the board shall prescribe by resolution the form of the bonds and of the interest coupons attached thereto and shall fix the rate of interest said bonds shall bear, not to exceed 5 percent per

annum. The bonds shall mature serially in amounts to be fixed by the board, payment of the bonds commencing not later than five years from the date thereof and being completed in not more than 50 years from said date. The board shall fix the place or places (which may be within or without the State of California and which shall be designated in the bonds) where the bonds, together with the interest thereon, shall be payable. The district or the board of directors thereof are not by this act authorized to issue general obligation bonds for the purpose of conserving or distributing water to be used for agricultural irrigation purposes. The principal amount of general obligation bonds issued shall not exceed in the aggregate that amount allowed by the State Treasurer but in no event to exceed 15 percent of the assessed value of all the real and personal property of the zone or zones involved.

SEC. 202. Section 48 of the Yuba-Bear River Basin Authority Act (Chapter 2131 of the Statutes of 1959) is amended to read:

Sec. 48. All revenue bonds issued by the authority may be certified as legal investments, pursuant to the Districts Securities Law, (Chapter 1 (commencing with Section 20000) of Division 10 of the Water Code), in the manner and to the extent provided in Sections 54433 and 54434 of the Government Code.

SEC. 203. Section 17 of The Yuba County Water Agency Act (Chapter 788 of the Statutes of 1959) is amended to read:

Sec. 17. All revenue bonds issued by the agency may be certified as legal investments pursuant to the Districts Securities Law (Chapter 1 (commencing with Section 20000) of Division 10 of the Water Code), in the manner and to the extent provided in Sections 54433 and 54434 of the Government Code; provided, however, that Sections 20003 and 20004 of the Water Code shall not be applicable to the agency.

SEC. 204. Chapter 1396 of the Statutes of 1969 is repealed.

CHAPTER 215

An act to amend Section 1673 of the Insurance Code, relating to disability insurance.

[Approved by Governor June 24, 1971 Filed with
Secretary of State June 25, 1971]

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

SECTION 1. Section 1673 of the Insurance Code is amended to read:

1673. A person licensed as an insurance agent, a life and disability agent, or a disability only agent, may be authorized to transact disability insurance on behalf of any insurer which is authorized to transact disability insurance by the filing of a notice of appointment for that purpose. The commissioner shall prescribe the forms of such notice of appointment.

CHAPTER 216

An act to amend Sections 1689, 1690, 1704, and 1713 of the Insurance Code, relating to insurance.

[Approved by Governor June 24, 1971 Filed with
Secretary of State June 25, 1971]

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

SECTION 1. Section 1689 of the Insurance Code is amended to read:

1689. A natural person who is an applicant for a license as an insurance agent or solicitor is not eligible for a certificate of convenience pending examination if he has ever before been licensed or named on a license to act as an insurance agent, broker, or solicitor, nor unless at least one appointing insurer, or in the case of a solicitor the appointing agent or broker, certifies to the commissioner that such person is enrolled in and will pursue a course of study and instruction previously approved by the commissioner and given by or on behalf of the appointing insurer, agent or broker.

In the event such applicant is appointed by more than one insurer or employer, as the case may be, the initial appointing entity shall be the party responsible for making certain that the applicant is enrolled in, and pursues, such training course. Each entity subsequently appointing the applicant shall be equally responsible for the continuation of such study and instruction in the event that the initial appointing entity terminates his or its appointment during the time such applicant is the holder of a certificate of convenience pending examination. This section shall in no way affect the provisions of any other section in this chapter, except that the provisions of Section 1689.5 shall apply only to the initial appointing entity.

Before approving any such course the commissioner shall be satisfied that it meets all the following requirements:

(a) That it covers the fundamentals of insurance, and instruction in those classes of insurance in which the applicant is going to be engaged.

(b) That it contains a system of progress checks whereby it can be determined whether the person is taking the course in good faith and obtaining information and training. Such progress checks shall be in writing, be taken by the person himself, and kept on file in the state for a period of two years.

SEC. 2. Section 1690 of the Insurance Code is amended to read:

1690 An applicant for a license to act as any type of life licensee is not eligible for a certificate of convenience pending examination if he has ever before been licensed to act as any type of life licensee, nor unless at least one appointing insurer certifies to the commissioner that such applicant is enrolled in and will pursue a course of study and instruction

previously approved by the commissioner and given by or on behalf of such insurer.

In the event that such applicant is appointed by more than one insurer, the insurer making the certification upon which a certificate of convenience pending examination is issued to such applicant shall be the party responsible for making certain that the applicant is enrolled in, and pursues, such training course. Each other appointing insurer shall be equally responsible for the continuation of such study and instruction in the event that the insurer making such certification terminates its appointment of the applicant as its agent during the time such applicant is the holder of such certificate of convenience. This section shall in no way affect the provisions of any other section in this chapter, except that the provisions of Section 1692.1 shall apply only to the appointing insurer making the certification referred to herein.

Before approving such course of study and instruction, the commissioner shall be satisfied that it meets all of the following requirements:

(a) That it covers the fundamentals of the life and disability business, life business or disability business, as the case may be, and gives instruction designed to protect the insuring public.

(b) That it includes further instruction commensurate with the type of business in which the applicant is to engage.

(c) That it contains a system of written progress checks whereby it can be determined whether the applicant is taking the course and obtaining information or training. A record of such progress checks must be kept on file for a period of two years in this state.

SEC. 3. Section 1704 of the Insurance Code is amended to read:

1704. (a) Every applicant for a license to act as a life agent, an insurance agent, or a travel insurance agent shall have filed on his behalf with the commissioner a notice of appointment executed by an insurer, or its authorized representative, admitted to transact one or more classes of insurance included within the scope of the license sought, appointing the applicant, upon licensing, its agent within this state. Additional notices of appointment may be filed by other insurers before such license is issued and thereafter as long as such license remains in force. Each such appointment shall by its terms continue in force until:

(1) The cancellation or expiration of the license applied for or held at the time such appointment was filed.

(2) The filing of a notice of termination by the insurer or by such life agent, insurance agent or travel insurance agent.

(b) Upon the termination of all appointments, a permanent license shall not be canceled, but shall become inactive. It may be renewed pursuant to Section 1718. It may be reactivated at any time prior to its expiration by the filing of one

or more new appointments by insurers pursuant to this section, Section 1707, and Section 1751.3. An inactive license shall not permit its holder to transact any insurance for which a valid, active license is required.

(c) Upon the termination of all appointments of a person licensed under a certificate of convenience, such certificate shall be canceled and shall be returned by its lawful custodian to the commissioner.

SEC. 4. Section 1713 of the Insurance Code is amended to read:

1713. (a) Upon the termination of the employment of a permanently licensed insurance solicitor by an insurance agent or insurance broker, his license shall become inactive and shall be returned by its lawful custodian to the commissioner. Such license may be renewed pursuant to Section 1718. It may be reactivated at any time prior to its expiration at the request, in writing, of any person named therein as solicitor upon the filing of the statement of an employing agent or broker agreeing to employ such person as a solicitor and upon the payment of the filing fee presented in Section 1751.3.

(b) Upon the termination of the employment by an insurance agent or insurance broker of a person licensed under a certificate of convenience to act as an insurance solicitor, such certificate of convenience shall be canceled and shall be returned by its lawful custodian to the commissioner.

CHAPTER 217

An act to amend Section 12 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session), relating to the Ventura County Flood Control District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1971 Filed with
Secretary of State June 25, 1971.]

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

SECTION 1. Section 12 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session) is amended to read:

Sec. 12. The board of supervisors of said district shall have power, in any year:

1. To levy an ad valorem tax or assessment upon all taxable property in the district to pay the costs and expenses of said Ventura County Flood Control District and to carry out any of the objects or purposes of this act of common benefit to the district as a whole, and

2. To levy an ad valorem tax or assessment upon all taxable property in each or any of said zones, according to the benefits

derived or to be derived by said respective zones, to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to said respective zones, including the constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements within said respective zones. It is declared that all property within a given zone is equally benefited under this act.

Said taxes or assessments shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury to the credit of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of subdivision 2 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone except as provided in Section 14 hereof; and provided further, however, that the aggregate taxes or assessments levied under this act for any one fiscal year shall not exceed forty-three cents (\$.43) on each one hundred dollars (\$100) of the assessed valuation of the taxable property in zone 1 until July 1, 1973, and thereafter shall not exceed twenty cents (\$.20) on each one hundred dollars (\$100) of the assessed valuation on the taxable property in zone 1, shall not exceed forty cents (\$.40) on each one hundred dollars (\$100) of the assessed valuation of the taxable property in zones 2 and 4, shall not exceed twenty-seven cents (\$.27) on each one hundred dollars (\$100) of the assessed valuation of the taxable property in zone 3, and shall not exceed one dollar (\$1) on each one hundred dollars (\$100) of the assessed valuation of the taxable property in any special zone in addition to the aggregate taxes or assessments levied for zone 1, 2, 3 or 4 and exclusive of any tax or assessment levied to pay the cost and expenses of any project or facility for importing water into the district or to meet any bonded indebtedness of said zones or district and the interest thereon.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

As a consequence of extensive storm damage in zone 1 of the Ventura County Flood Control District over the past two years, the present permanent ad valorem tax assessment rate within zone 1 will be insufficient to permit the district to pay the cost and expense of carrying out the objects and purposes of the Ventura County Flood Control Act of special benefit to said zone 1, including the constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements within said zone 1. Because the present tem-

porary zone 1 assessment rate of forty-three cents (\$0.43) per one hundred dollars (\$100) assessed value of property within the zone will expire on July 1, 1971, it is imperative that the new permanent ad valorem tax rate, as provided by this act, take effect prior to that date to provide adequate funds for the activities specified above.

CHAPTER 218

An act to amend Section 10291.5 of the Insurance Code, relating to disability insurance.

[Approved by Governor June 24, 1971 Filed with
Secretary of State June 25, 1971.]

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

SECTION 1. Section 10291.5 of the Insurance Code is amended to read:

10291.5. (a) The purpose of this section is to prevent, in respect to disability insurance, fraud, unfair trade practices, and insurance economically unsound to the insured.

(b) The commissioner shall not approve any disability policy for issuance or delivery in this state:

(1) If he finds that it contains any provision, or has any label, description of its contents, title, heading, backing, or other indication of its provisions which is unintelligible, uncertain, ambiguous, or abstruse, or likely to mislead a person to whom the policy is offered, delivered, or issued.

(2) If it contains any provision for payment at a rate, or in an amount (other than the product of rate times the periods for which payments are promised) for loss caused by particular event or events (as distinguished from character of physical injury or illness of the insured) more than triple the lowest rate, or amount, promised in the policy for the same loss caused by any other event or events (loss caused by sickness, loss caused by accident, and different degrees of disability each being considered, for the purpose of this paragraph, a different loss); or if it contains any provision for payment for any confining loss of time at a rate more than six (6) times the least rate payable for any partial loss of time or more than twice the least rate payable for any nonconfining total loss of time; or if it contains any provision for payment for any nonconfining total loss of time at a rate more than three (3) times the least rate payable for any partial loss of time.

(3) If it contains any provision for payment for disability caused by particular event or events (as distinguished from character of physical injury or illness of the insured) payable for a term more than twice the least term of payment provided by the policy for the same degree of disability caused by any other event or events; or if it contains any benefit for

total nonconfining disability payable for lifetime or for more than twelve (12) months and any benefit for partial disability, unless such benefit for partial disability is payable for at least three (3) months; or if it contains any benefit for total confining disability payable for lifetime or for more than twelve (12) months, unless it also contains benefit for total nonconfining disability caused by the same event or events payable for at least three (3) months, and, if it also contains any benefit for partial disability, unless such benefit for partial disability is payable for at least three (3) months. The provisions of this paragraph shall apply separately to accident benefits and to sickness benefits.

(4) If it contains provision or provisions which would have the effect, upon any termination of the policy, of reducing or ending such liability as the insurer would have, but for such termination, for loss of time resulting from accident occurring while the policy is in force or for loss of time commencing while the policy is in force and resulting from sickness contracted while the policy is in force or for other losses resulting from accident occurring or sickness contracted while the policy is in force, and also contains provision or provisions reserving to the insurer the right to cancel or refuse to renew the policy, unless it also contains other provision or provisions the effect of which is that termination of the policy as the result of the exercise by the insurer of any such right shall not reduce or end such liability in respect to the hereinafter specified losses as the insurer would have had under the policy, including its other limitations, conditions, reductions and restrictions, had the policy not been so terminated.

The specified losses referred to in the preceding paragraph are:

(i) Loss of time which commences while the policy is in force and results from sickness contracted while the policy is in force,

(ii) Loss of time which commences within twenty (20) days following and results from accident occurring while the policy is in force,

(iii) Losses which result from accident occurring or sickness contracted while the policy is in force and arise out of the care or treatment of illness or injury and which occur within ninety (90) days from such termination of the policy or during a period of continuous compensable loss or losses which period commences prior to the end of such ninety (90) days, and

(iv) Losses other than those specified in (i), (ii) or (iii) above which result from accident occurring or sickness contracted while the policy is in force and which losses occur within ninety (90) days following such accident or the contraction of such sickness.

(5) If by any caption, label, title or description of contents the policy states, implies, or infers without reasonable qualification that it provides loss of time indemnity for life-

time, or for any period of more than two years, if such loss of time indemnity is made payable only when house confined or only under special contingencies not applicable to other total loss of time indemnity.

(6) If it contains any benefit for total confining disability payable only upon condition that the confinement be of an abnormally restricted nature unless the caption of the part containing any such benefit is accurately descriptive of the nature of the confinement required and unless if the policy have a description of contents, label, or title at least one of them contain reference to such nature of the confinement required.

(7) If, irrespective of the premium charged therefor, any benefit of the policy is, or the benefits of the policy as a whole are, not sufficient to be of real economic value to the insured.

In determining whether benefits are of real economic value to the insured, the commissioner shall not differentiate between insureds of the same or similar economic or occupational classes and shall give due consideration to the following:

(i) The right of insurers to exercise sound underwriting judgment in the selection and amounts of risks.

(ii) Amount of benefit, length of time of benefit, nature or extent of benefit, or any combination of such factors.

(iii) The relative value in purchasing power of the benefit or benefits.

(iv) Differences in insurance issued on an industrial or other special basis.

To be of real economic value, it shall not be necessary that any benefit or benefits cover the full amount of any loss which might be suffered by reason of the occurrence of any hazard or event insured against.

(8) If it substitutes a specified indemnity upon the occurrence of accidental death for any benefit of the policy, other than a specified indemnity for dismemberment, which would accrue prior to the time of such death or if it contains provision which has the effect other than at the election of the insured exercisable within not less than twenty (20) days in the case of benefits specifically limited to the loss by removal of one or more fingers or one or more toes or within not less than ninety (90) days in all other cases:

(i) Of substituting, upon the occurrence of the loss of both hands, both feet, one hand and one foot, the sight of both eyes or the sight of one eye and the loss of one hand or one foot, some specified indemnity for any or all benefits under the policy unless the indemnity so specified is equal to or greater than the total of the benefit or benefits for which such specified indemnity is substituted and which, assuming in all cases that the insured would continue to live, could possibly accrue within four years from the date of such dismemberment under all other provisions of the policy applicable to the particular event or events (as distinguished from character of physical injury or illness) causing the dismemberment; or

(ii) Of substituting, upon the occurrence of any other dismemberment some specified indemnity for any or all benefits under the policy unless the indemnity so specified is equal to or greater than one-fourth of the total of the benefit or benefits for which such specified indemnity is substituted and which, assuming in all cases that the insured would continue to live, could possibly accrue within four years from the date of such dismemberment under all other provisions of the policy applicable to the particular event or events (as distinguished from character of physical injury or illness) causing the dismemberment; or

(iii) Of substituting a specified indemnity upon the occurrence of any dismemberment for any benefit of the policy which would accrue prior to the time of dismemberment.

As used in this section, loss of a hand shall be severance at or above the wrist joint, loss of a foot shall be severance at or above the ankle joint, loss of an eye shall be the irrecoverable loss of the entire sight thereof, loss of a finger shall mean at least one entire phalanx thereof and loss of a toe the entire toe.

(9) If it contains provision, other than as provided in Section 10370, reducing any original benefit more than fifty percent (50%) on account of age of the insured.

(10) If the insuring clause or clauses contain no reference to the exceptions, limitations and reductions (if any) or no specific reference to, or brief statement of, each abnormally restrictive exception, limitation or reduction.

(11) If it contains benefit or benefits for loss or losses from specified diseases only unless:

(i) All of the diseases so specified in each provision granting such benefits fall within some general classification based upon:

(A) The part or system of the human body principally subject to all such diseases,

(B) The similarity in nature or cause of such diseases,

(C) In case of diseases of an unusually serious nature and protracted course of treatment, the common characteristics of all such diseases with respect to severity of affliction and cost of treatment, and

(ii) The policy is entitled and each provision granting such benefits is separately captioned in clearly understandable words so as to accurately describe the classification of diseases covered and expressly point out, when such is the case, that not all diseases of such classification are covered.

(12) If it does not contain provision for a grace period of at least the number of days specified below for the payment of each premium falling due after the first premium, during which grace period the policy shall continue in force; provided, that the grace period to be included in the policy shall be not less than seven (7) days for policies providing for weekly payment of premium, not less than ten (10) days for policies providing

for monthly payment of premium and not less than thirty-one (31) days for all other policies.

(13) If it fails to conform in any respect with any law of this state.

(c) The commissioner may, from time to time as conditions warrant, after notice and hearing, promulgate such reasonable rules and regulations, and amendments and additions thereto, as are necessary or convenient, to establish, in advance of the submission of policies, the standard or standards conforming to the provisions of subdivision (b) of this section, by which he shall disapprove or withdraw approval of any disability policy.

In promulgating any such rule or regulation the commissioner shall give consideration to the criteria herein established and to the desirability of approving for use in policies in this state uniform provisions, nationwide or otherwise, and is hereby granted the authority to consult with insurance authorities of any other state and their representatives individually or by way of convention or committee, to seek agreement upon such provisions.

Any such rule or regulation shall be promulgated in accordance with the procedure provided in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

(d) The commissioner may withdraw approval of filing of any policy or other document or matter required to be approved by him, or filed with him, by the provisions of this chapter when he would be authorized to disapprove or refuse filing of the same if originally submitted at the time of such action of withdrawal.

Any such withdrawal shall be in writing and shall specify reasons. An insurer adversely affected by any such withdrawal may, within a period of thirty (30) days following mailing or delivery of the writing containing such withdrawal, by written request secure a hearing to determine whether such withdrawal should be annulled, modified or confirmed. Unless, at any time, it be mutually agreed to the contrary, hearing shall be granted and commenced within a period of thirty (30) days following filing of the request and shall proceed with reasonable dispatch to determination. Unless the commissioner in writing in such withdrawal, or subsequent thereto, grants an extension, any such withdrawal shall, in the absence of any such request, be effective, prospectively and not retroactively, on the ninety-first (91st) day following the mailing or delivery of such withdrawal, and, if request for such hearing be filed, on the ninety-first (91st) day following mailing or delivery of written notice of the commissioner's determination.

(e) No proceeding under this section shall be subject to the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

(f) Except as provided in subdivision (i) of this section, any action taken by the commissioner under this section shall

be subject to review by the courts of this state and proceedings on review shall be in accordance with the provisions of the Code of Civil Procedure.

Notwithstanding any other provision of law to the contrary, petition for any such review may be filed at any time before the effective date of the action taken by the commissioner. No action of the commissioner shall become effective before the expiration of twenty (20) days after written notice and a copy thereof are mailed or delivered to the person adversely affected, and any action so submitted for review shall not become effective for a further period of fifteen (15) days after the filing of the petition in court. The court may stay the effectiveness thereof for a longer period.

(g) This section shall be liberally construed to effectuate the purpose and intentions herein stated; but shall not be construed to grant the commissioner power to fix or regulate rates for disability insurance or prescribe a standard form of disability policy.

(h) This section shall be effective on and after July 1, 1950, as to all policies thereafter submitted and on and after January 1, 1951, the commissioner may withdraw approval pursuant to subdivision (d) of any policy thereafter issued or delivered in this state irrespective of when its form may have been submitted or approved, and prior to such dates the provisions of law in effect on January 1, 1949, shall apply to such policies.

(i) Any such policy issued by an insurer to an insured on a form approved by the commissioner, and in accordance with the conditions, if any, contained in the approval, at a time when such approval is outstanding shall, as between the insurer and the insured, or any person claiming under the policy, be conclusively presumed to comply with and conform to the provisions of this section.

(j) The provisions of this section do not apply to accident policies including those providing hospitalization benefits on account of sickness, which are issued through newspapers or other publications of general circulation to their subscribers, readers, carrier boys, newspaper vendors or district men.

CHAPTER 219

An act to add Section 8183 to the Fish and Game Code, relating to commercial fishing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1971. Filed with Secretary of State June 25, 1971.]

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

SECTION 1. Section 8183 is added to the Fish and Game Code, to read:

8183. No anchovies may be taken for any purposes in Humboldt Bay.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to protect the anchovy population during the current fishing season, it is necessary that the provisions of this act become effective immediately.

CHAPTER 220

An act to amend Section 14790 of the Government Code, relating to state colleges.

[Approved by Governor June 28, 1971. Filed with Secretary of State June 28, 1971.]

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

SECTION 1. Section 14790 of the Government Code is amended to read:

14790. Purchases by the Regents of the University of California are not subject to this article. Notwithstanding any other provision of law, purchases by the Trustees of the California State Colleges not exceeding one thousand dollars (\$1,000) are exempt from this article.

CHAPTER 221

An act to amend Section 6871.2 of the Public Resources Code, relating to state lands.

[Approved by Governor June 28, 1971. Filed with Secretary of State June 28, 1971.]

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

SECTION 1. Section 6871.2 of the Public Resources Code is amended to read:

6871.2. Except as provided in Sections 6872 and 6872.1 of this code, the commission shall not enter into any lease for the extraction of oil and gas from state-owned tide and submerged lands within the areas to which this section is applicable.

The provisions of this section shall be applicable only to the lands within the following described areas, but shall not be construed so as to prohibit operations or activities under any state oil and gas leases of any portion or portions of the tide and submerged lands to which this section is applicable and which

leases are in effect on January 1, 1955, nor to prohibit renewals or extensions of any such leases in accordance with the provisions thereof.

(a) All those tide or submerged lands situated in the areas of the County of Los Angeles described as follows:

Area No. 1: Beginning at the point of intersection of the ordinary high-water mark of the Pacific Ocean with the southerly point of Point Fermin; thence in a generally northerly and westerly direction along said ordinary high-water mark to the Ventura county line; thence due south three nautical miles to a point in the Pacific Ocean; thence in a generally easterly and southerly direction parallel to said ordinary high-water mark to a point in the Pacific Ocean three nautical miles due south from the point of beginning; thence due north to the point of beginning.

Area No. 2: The tide and submerged lands surrounding the Islands of San Clemente and Santa Catalina waterward of the ordinary high-water mark of the Pacific Ocean on such islands to a distance three nautical miles therefrom.

(b) All those tide and submerged lands being in the County of Santa Barbara and lying within an area beginning at the point of intersection of the ordinary high water mark of the Pacific Ocean with the westerly line of that certain 408.60 acres, more or less, tract of land shown as belonging to the University of California, Santa Barbara College, upon that certain map thereof, recorded in Book 29 at page 143 Record of Surveys, in the Office of the Santa Barbara County Recorder; thence in a general easterly direction along said ordinary high water mark of the Pacific Ocean to a point distant 500 feet westerly from, measured at right angles thereto, the southerly prolongation of the easterly line of that certain tract of land deeded to Nino Brambilla, et ux., by that certain deed, recorded April 2, 1947, in Book 724 at page 353 of Official Records, in said county recorder's office; thence due south to a point in the Pacific Ocean three nautical miles from said ordinary high water mark; thence in a general westerly direction, parallel with the ordinary high water mark of the Pacific Ocean to a point due south from the point of beginning; thence due north to the point of beginning.

(c) All those tide and submerged lands being in the County of San Luis Obispo and lying within an area beginning at the intersection of the ordinary high water mark of the Pacific Ocean and the common boundary line between the Counties of San Luis Obispo and Santa Barbara; thence northerly and westerly along the ordinary high water mark of the Pacific Ocean and San Luis Obispo Bay to a point at the intersection of the ordinary high water mark of the Pacific Ocean and the common boundary line between the Counties of San Luis Obispo and Monterey; thence northwest along the prolongation of said common boundary line to a point in the Pacific Ocean, said point being the most westerly boundary

line of the County of San Luis Obispo; thence in a southerly and easterly direction along the westerly boundary of the County of San Luis Obispo to a point in the Pacific Ocean where said westerly boundary of the County of San Luis Obispo intersects with the common boundary between the Counties of San Luis Obispo and Santa Barbara; thence due east to the point of beginning.

(d) All those tide and submerged lands being in the Counties of Monterey and Santa Cruz and lying within an area beginning at the intersection of the ordinary high water mark of the Pacific Ocean and the common boundary line between the Counties of Monterey and San Luis Obispo; thence northerly and westerly along the ordinary high water mark of the Pacific Ocean and the bay of Monterey to a point at the intersection of the ordinary high water mark of the Pacific Ocean and the common boundary line between the Counties of Santa Cruz and San Mateo; thence southwest along the prolongation of said common boundary line to a point in the Pacific Ocean, said point being the most westerly boundary line of the County of Santa Cruz; thence in a southerly and easterly direction along the westerly boundary of the Counties of Santa Cruz and Monterey to a point in the Pacific Ocean where said westerly boundary of the County of Monterey intersects with the common boundary between the Counties of Monterey and San Luis Obispo; thence due east to the point of beginning.

(e) All those tide and submerged lands being in the Counties of Humboldt and Mendocino and lying within an area beginning at the intersection of the ordinary high water mark of the Pacific Ocean and the south line of Township 5 South, Humboldt Base Line; thence northerly and westerly along the ordinary high water mark of the Pacific Ocean to the intersection of said high water mark and the north line of Township 1 North, Humboldt Base Line; thence due west to a point in the Pacific Ocean, said point being three nautical miles from the ordinary high water mark; thence in a southerly and easterly direction, parallel to and three nautical miles distant from said high water mark to a point due west from the point of beginning; thence due east to the point of beginning.

(f) Until March 1, 1975, all those tide or submerged lands situated in San Mateo, San Francisco, Marin, Sonoma, Napa, Alameda, Santa Clara, and Del Norte Counties, and all those tide and submerged lands situated in Solano and Contra Costa Counties except those situated east of the parallel Carquinez Bridges (Interstate 80).

(g) All those tide and submerged lands surrounding the Islands of Anacapa, Santa Cruz, Santa Rosa, and San Miguel waterward of the ordinary high-water mark of the Pacific Ocean on such islands to a distance three nautical miles therefrom.

CHAPTER 222

An act to amend Section 14214 of, and to add Section 14214.1 to, the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor June 28, 1971. Filed with Secretary of State June 28, 1971.]

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

SECTION 1. Section 14214 of the Education Code is amended to read:

14214. Any member who is qualified for retirement for disability and who is physically or mentally incapacitated for further service may be retired for disability by the board upon his application, or upon the application of his guardian or conservator, or upon the application of his employer, if the board determines, on the basis of competent medical opinion secured by it, that the incapacity is of a permanent or of an extended and uncertain duration, and such application is made:

(a) While the member is employed in a position requiring membership in this system and is receiving compensation because of such employment, or

(b) While he is serving in the active military service of the United States, or in any other service stated in Section 13994 provided that time in such service will qualify for credit as service under this system, or

(c) While he is physically or mentally incapacitated for performance of his duty and such incapacity has been continuous from the last day for which compensation was paid to him, or

(d) While he is on a leave of absence without compensation, granted for reason other than serving in services included in subdivision (b) of this section, or mental or physical incapacity for performance of his duty, and within 18 months after the last day of employment for which compensation was paid, or

(e) When he is retired concurrently under the Public Employees' Retirement System as a state member thereof, or under a retirement system of the University of California, or

(f) Within four months after the termination of the member's employment in a position requiring membership in this system provided, first, that such application was not made under the provisions of subdivision (b) or (c), and, second, that such application was not made more than 18 months after the last day for which compensation was paid to him.

SEC. 2. Section 14214.1 is added to the Education Code, to read:

14214.1. Any member for whom the employer makes application for disability retirement and whom the board finds not to be disabled under the provisions of this article shall be

reinstated to his former position upon receipt by the employer of notification from the board of the denial of the disability retirement.

CHAPTER 223

An act to amend Sections 16522 and 53651 of, and to add Part 5 (commencing with Section 17300) to Division 4 of Title 2 of, the Government Code, relating to State of California notes and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 23, 1971. Filed with Secretary of State June 28, 1971.]

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

SECTION 1. Section 16522 of the Government Code is amended to read:

16522. The following securities may be received as security for demand and time deposits:

(a) Treasury notes or bonds of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) Notes or bonds or any obligations of a local public agency (as defined in the United States Housing Act of 1949) or any obligations of a public housing agency (as defined in the United States Housing Act of 1937) for which the faith and credit of the United States are pledged for the payment of principal and interest.

(c) Bonds of this state or of any county, city, town, metropolitan water district, municipal utility district, municipal water district, bridge and highway district, flood control district, school district, water district, water conservation district or irrigation district within this state.

(d) Registered warrants of this state.

(e) Bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, bonds, debentures and other obligations of the Federal National Mortgage Association established under the National Housing Act as amended, and bonds of any federal home loan bank established under said act.

(f) State of California notes.

Sec. 2. Part 5 (commencing with Section 17300) is added to Division 4 of Title 2 of the Government Code, to read:

PART 5. STATE OF CALIFORNIA NOTES

17300. Whenever the State Controller determines that moneys in the General Fund, after allowing for internal borrowing from other funds, are, or are expected to be, insufficient for the payment of all appropriations made by the Legislature which are to be paid in the then current fiscal year out of the moneys in the General Fund, the State Controller may, based upon his estimate of the probable income to the General Fund during the then current fiscal year and the probable dates of receipt thereof, draw a demand or demands against appropriations made from the General Fund to be paid in the then current fiscal year prior to the receipt of such income and deliver the same to the State Treasurer. The State Treasurer shall register the same for nonpayment and notify the State Controller. The State Controller may then authorize the State Treasurer to issue and sell notes of the State of California representing said registered demand or demands. Such notes shall be issued only to provide cash in an amount sufficient to satisfy said registered State Controller's demand or demands.

17301. Notes authorized to be issued may be sold by the State Treasurer from time to time as directed by the State Controller. The notes may be sold at public sale upon such notice as the State Treasurer shall deem advisable, or, if no bids are then received or if such bids are not satisfactory to the State Treasurer, then at private sale, from time to time as provided by the State Treasurer. The State Treasurer shall authorize the issuance of such notes on a fixed maturity basis. Upon the maturity date of the notes, the State Treasurer shall pay the notes from moneys then in the General Fund.

17301.5. Notwithstanding the provisions of Section 17301, no notes may be issued under this chapter after December 31, 1971.

17302. Any note issued pursuant to this part shall be issued pursuant to a resolution authorizing the issuance thereof adopted by the State Treasurer with the approval of the State Controller and (a) may be negotiable, (b) may be payable to order or to bearer, (c) may be in any denomination, (d) shall be payable not later than the last day of the fiscal year in which such note has been issued and shall not be renewable beyond that date, and (e) may bear interest up to a maximum rate to be determined by the State Treasurer.

17302.5. Notwithstanding the provisions of Section 17302, all notes issued under this chapter shall be redeemed and paid by March 31, 1972.

17303. Upon receipt of the purchase price of the notes, the State Treasurer shall notify the State Controller that funds for the payment of such registered demand or demands are in the State Treasury and available for the payment of claims represented by said registered demand or demands. The State Controller may thereupon proceed to draw warrants against

appropriations lawfully made by the Legislature to be paid in said fiscal year and represented by said registered demand or demands. Upon the payment in full of the notes representing said registered demand or demands, said registered demand or demands shall be canceled.

17304. Any revenues in the General Fund during the current fiscal year are available for the payment of all notes and the interest thereon until the same shall be fully paid and discharged. The notes, together with the interest thereon, shall be payable exclusively from moneys in the General Fund in the fiscal year of issuance, but not excepting recourse to internal borrowing from other funds in the event insufficient moneys are available from the General Fund.

17305. The aggregate amount of notes, as determined from their principal amount, issued pursuant to this part and outstanding at any one time, shall not exceed 15 percent of the General Fund revenues as set forth in the annual report by the State Controller to the Governor required by Government Code Section 12460. The annual report referred to in this section shall be the most recent report submitted by the State Controller to the Governor as of the commencement of the fiscal year in which such notes may be issued. Notes may be issued in excess of such 15-percent limitation pursuant to a statute adopted by two-thirds of the membership of each house of the Legislature.

17306. All notes issued pursuant to this part by the state are legal investments for all:

- (a) Trust funds.
- (b) Funds of insurers.
- (c) Funds of saving and loan associations.
- (d) Funds of banks.
- (e) Funds of state agencies, cities, counties, cities and counties or other public agencies or corporations.

17307. Notes issued under this part are acceptable and may be used as security for the faithful performance of any public or private trust or obligation or for the performance of any act, including the use of such notes by banks as security for deposits of funds of the state and its agencies, or of any city, county, city and county, or other public agency or corporation.

17308. Any state or local agency that is authorized to invest funds in its treasury in securities which are legal investments for savings banks may invest the funds in notes of the state issued under this part.

17309. Whenever the Treasurer deems that it will increase the salability of the notes to obtain, prior to or after sale, a legal opinion as to the validity of the notes from attorneys other than the Attorney General, the Treasurer may obtain such a legal opinion.

17310. There is hereby appropriated out of any unapplied money (as defined in Section 17220) in the General Fund in the State Treasury such sum as will be necessary to pay the

interest on and the principal of any notes issued and sold during the current fiscal year pursuant to the provisions of this part, as they become due and payable.

In addition, the sum of thirty thousand dollars (\$30,000) is hereby appropriated without regard to fiscal year, from the General Fund, to be set aside in a special account entitled State Notes Expense Account, to be used to pay expenses incurred by the State Treasurer in providing for the preparation, sale, issuance, advertising, legal services or any other act which, in the discretion of the State Treasurer, is necessary to carry out the purposes of this part. Such account shall operate as a revolving fund and whenever notes are sold, out of the first money realized from their sale, there shall be redeposited in the account such sums as have been expended for the above purposes, which may be used for the same purposes and repaid in the same manner whenever additional sales are made.

SEC. 3. Section 53651 of the Government Code is amended to read:

53651. Eligible securities are any of the following:

(a) United States Treasury notes, bonds, bills or certificates of indebtedness.

(b) Notes or bonds or any obligations of a local public agency (as defined in the United States Housing Act of 1949) or any obligations of a public housing agency (as defined in the United States Housing Act of 1937) for which the faith and credit of the United States are pledged for the payment of principal and interest.

(c) Bonds of this state or of any local agency or district of the State of California having the power, without limit as to rate or amount, to levy taxes to pay the principal and interest of such bonds upon all property within its boundaries subject to taxation by such local agency or district, and in addition, sales tax revenue bonds, and revenue bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by such state, local agency or district or by a department, board, agency or authority thereof.

(d) Bonds of any public housing agency (as defined in the United States Housing Act of 1937, as amended) as are secured by a pledge of annual contributions under an annual contribution contract between such public housing agency and the Public Housing Administration if such contract shall contain the covenant by the Public Housing Administration which is authorized by subsection (b) of Section 22 of the United States Housing Act of 1937, as amended, and if the maximum sum and the maximum period specified in such contract pursuant to said subsection 22(b) shall not be less than the annual amount and the period for payment which are requisite to provide for the payment when due of all installments of principal and interest on such obligations.

(e) Registered warrants of this state.

(f) Bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by federal

land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, bonds, or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, bonds, debentures and other obligations of the Federal National Mortgage Association or of the Government National Mortgage Association established under the National Housing Act, as amended, and bonds of any federal home loan bank established under said act.

(g) Notes, tax anticipation warrants or other evidence of indebtedness issued pursuant to Article 7 (commencing with Section 53820), Article 7.5 (commencing with Section 53840) or Article 7.6 (commencing with Section 53850) of this Chapter 4.

(h) State of California notes.

SEC. 4. This act shall remain in effect until July 1, 1972, and shall have no force or effect after that date.

SEC. 5. It is the intention of the Legislature that this act shall, in all respects, fall within the procedures validated by, and meet the requirements for constitutionality set forth in the California Supreme Court cases of *Riley v. Johnson* (1933), 219 Cal. 513, 27 P. 2d 760 and *Riley v. Johnson* (1936), 6 Cal. 2d 529, 58 P. 2d 631.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to provide an additional means of temporary borrowing to meet cash flow needs, and avoid more costly registered warrants, it is necessary that this act go into immediate effect.

CHAPTER 224

An act to add Section 31453.5 to, and to amend Sections 31581 and 31582 of, the Government Code, relating to county employees' retirement, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1971 Filled with
Secretary of State June 28, 1971]

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

SECTION 1. Section 31453.5 is added to the Government Code, to read:

31453.5. Notwithstanding Section 31587, and in accordance with Section 31453, the board of retirement may determine

county or district contributions on the basis of a normal contribution rate which shall be computed as a level percentage of compensation which, when applied to the future compensation of the average new member entering the system, together with the required member contributions, will be sufficient to provide for the payment of all prospective benefits of such member. The portion of liability not provided by the normal contribution rate shall be amortized over a period of 30 years.

SEC. 2. Section 31581 of the Government Code is amended to read:

31581. After the date a system becomes operative the board of supervisors shall, in the preparation and adoption of the county budget, add to the appropriation for salaries and wages and include therein an appropriation determined pursuant to Sections 31453, 31453.5 and 31454. Until such determination the additional appropriations shall equal 23.77 percent of the total compensation provided for all safety members covered by Article 7.5 (commencing with Section 31662) and 8.85 percent of the total compensation provided for all other employees who are members of the retirement association.

SEC. 3. Section 31582 of the Government Code is amended to read:

31582. The county auditor shall certify to the board of supervisors at the end of each month the total amount of compensation paid safety members of the retirement system covered by Article 7.5 (commencing with Section 31662), and the total amount of compensation paid all other members of the retirement system, and the board of supervisors shall thereupon transfer from the appropriation to the retirement fund the percentage of this amount determined pursuant to Sections 31453, 31453.5 and 31454. Until such determination, the amount of the transfer shall be 23.77 percent of the total compensation of all safety members covered by Article 7.5 (commencing with Section 31662) and 8.85 percent of the total amount of compensation of all other members.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for counties which have established retirement systems pursuant to the County Employees Retirement Law of 1937 to make necessary adjustments to reflect the changes provided by this act during the 1971-1972 fiscal year, this act must take effect immediately.

CHAPTER 225

An act to amend Section 36303 of the Agricultural Code, relating to manufacturing milk and cream.

[Approved by Governor June 28, 1971 Filed with
Secretary of State June 28, 1971]

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

SECTION 1. Section 36303 of the Agricultural Code is amended to read:

36303. Manufacturing milk or manufacturing cream shall not be sold in quantities of less than three gallons nor in containers of less than three gallons capacity. Pasteurized manufacturing cream shall not be sold in quantities of less than one-half gallon nor in containers of less than one-half-gallon capacity.

CHAPTER 226

An act to amend Section 18104.2 of the Education Code, and to amend Sections 13990.2 and 34200 of the Government Code, relating to legislative appointees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1971 Filed with
Secretary of State June 28, 1971]

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

SECTION 1. Section 18104.2 of the Education Code is amended to read:

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

SEC. 2. Section 13990.2 of the Government Code is amended to read:

13990.2. There is in the Business and Transportation Agency a State Transportation Board. The board consists of seven members, appointed by the Governor with consent of the State Senate. The members shall serve at the pleasure of the Governor. One Member of the Senate appointed by the Senate Rules Committee and one Member of the Assembly appointed by the Speaker thereof shall be ex officio members without vote and together shall constitute a Joint Legislative

Committee on Transportation, and shall participate in the activities of the board to the extent that such participation is not incompatible with their positions as Members of the Legislature.

SEC. 3. Section 34200 of the Government Code is amended to read:

34200. There is in the state government an advisory body, the Council on Intergovernmental Relations, composed of three members representing the cities and who shall be city officers, three members representing the counties and who shall be county officers, two members representing the school districts and who shall be school district officers, six members representing the state and who shall be state officers, and four public members with an interest in state and regional affairs. All members shall be appointed by the Governor. The Governor shall appoint the city members from a list of six names submitted by the League of California Cities, the county members from a list of six names submitted by the County Supervisors Association of California, and the school district members from a list of four names submitted by the State Board of Education. The Governor shall designate the chairman from among the four public members.

In addition to the other members of the council provided for by this section, the Chairmen of the Senate Committee on Local Government and the Assembly Committee on Local Government, one Member of the Senate, appointed by the Senate Rules Committee, and one Member of the Assembly, appointed by the Speaker thereof, shall be nonvoting ex officio members of the council, who shall meet with the council and participate in its activities to the extent that such participation is not incompatible with their positions as Members of the Legislature. The legislative members of the council may each designate a representative to attend and participate in meetings of the council in their absence. The legislative members of the council or their designees shall be entitled to receive their actual and necessary expenses incurred in the performance of their duties from whatever sums may be made available from the Contingent Funds of the Assembly and Senate for that purpose.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Article IV, Section 7, of the Constitution provides that each house adopt rules for its proceedings. To the extent that Section 13990.2 of the Government Code establishes a joint committee of the Legislature, it is a rule of proceeding for the houses. In order that this rule may be changed to meet current needs of the Legislature, it is necessary that this act take immediate effect.

CHAPTER 227

An act to amend Sections 34200 and 53060.5 of the Government Code, relating to local agencies.

[Approved by Governor June 28, 1971 Filed with
Secretary of State June 28, 1971.]

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

SECTION 1. Section 34200 of the Government Code is amended to read:

34200. There is in the state government an advisory body, the Council on Intergovernmental Relations, composed of three members representing the cities and who shall be city officers, three members representing the counties and who shall be county officers, three members representing special districts, two members representing the school districts and who shall be school district officers, six members representing the state and who shall be state officers, one member representing a regional organization, and four public members with an interest in state and regional affairs. All members shall be appointed by the Governor. The Governor shall appoint the city members from a list of six names submitted by the League of California Cities, the county members from a list of six names submitted by the County Supervisors Association of California, the district members from a list of six names submitted by the California Special District Association, and the school district members from a list of four names submitted by the State Board of Education. The Governor shall designate the chairman from among the four public members.

In addition to the other members of the council provided for by this section, the Chairmen of the Senate Committee on Local Government and the Assembly Committee on Local Government, respectively, shall be nonvoting ex officio members of the council, who shall meet with the council and participate in its activities to the extent that such participation is not incompatible with their positions as Members of the Legislature. The legislative members of the council may each designate a representative to attend and participate in meetings of the council in their absence. The legislative members of the council or their designees shall be entitled to receive their actual and necessary expenses incurred in the performance of their duties from whatever sums may be made available from the Contingent Funds of the Assembly and Senate for that purpose.

SEC. 2. Section 53060.5 of the Government Code is amended to read:

53060.5. The term "district." as used in this section, means a district, public authority, public agency, and any other political subdivision or public corporation in the state, but does not include the state or a county, city and county, or city.

Any district, directly or through a representative, may attend the Legislature or any other legislative body, including Congress, and any committees thereof and present information to aid the passage of legislation which the district deems beneficial to the district or to prevent the passage of legislation which the governing board of the district deems detrimental to the district. The cost and expense incident thereto are proper charges against the district. Such districts may enter into and provide for participation in the business of associations and through a representative of the associations attend the Legislature, or any other legislative body, including Congress, and any committees thereof, and present information to aid the passage of legislation which the association deems beneficial to the districts in the association, or to prevent the passage of legislation which the association deems detrimental to the districts in the association. The cost and expense incident thereto are proper charges against the districts comprising the association.

Each member of the district board engaging in such activities on behalf of the district shall be allowed eleven cents (\$.11) per mile, without any constructive mileage, for his expenses of traveling necessarily done by automobile, and his actual traveling expenses when he travels by public conveyance.

CHAPTER 228

An act relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1971. Filed with Secretary of State June 29, 1971.]

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

SECTION 1. Section 401 of the Revenue and Taxation Code requires for the first time that all county assessors shall assess property subject to general property taxation at a ratio of 25 percent of its full cash value. The Legislature finds that some counties have been assessing in the past at a ratio less than 25 percent, and an increase in such ratio for the 1971-1972 fiscal year combined with other factors, without a corresponding decrease in property tax rates, will result in a substantial tax increase for many property owners.

At the first regularly scheduled meeting after the county assessor delivers the 1971-1972 fiscal year local roll to the county auditor, the board of supervisors of each county in which the assessment ratio is changed for such year by reason of the operation of Section 401 of the Revenue and Taxation Code shall publicly announce information on the approximate amount of revenue increase for each taxing agency within the county as provided herein.

There shall be calculated, for the 1970-1971 and 1971-1972 fiscal years, the total assessed value on the secured roll, as prepared pursuant to Section 601 of the Revenue and Taxation Code, for each taxing agency in the county. The difference, above normal growth of assessed value, between the 1971-1972 and 1970-1971 fiscal years shall then be multiplied by the 1970-1971 fiscal year tax rate for each taxing agency to give the approximate revenue increase for each such taxing agency.

SEC. 2. The provisions of this act shall become inoperative on January 1, 1972.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for this act to become a part of the law before boards of supervisors fix their tax rates for the 1971-1972 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 229

An act to amend Section 20111 of the Health and Safety Code, relating to police protection districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1971. Filed with
Secretary of State June 30, 1971.]

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

SECTION 1. Section 20111 of the Health and Safety Code is amended to read:

20111. Any amount of money raised for the maintenance of a police department in a district by an annual tax levied pursuant to this article shall not exceed in the fiscal year commencing July 1, 1971, 1 percent of the assessed value of the taxable property in the district, and in fiscal years thereafter shall not exceed three-fourths of 1 percent of such assessed value.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The present limitation on the annual taxation rate which may be imposed to support police protection districts to three-fourths of 1 percent of the assessed valuation of real property in such districts will make it impossible for such districts to raise sufficient funds to support the existing level of services in the coming fiscal year. In order that this statute, which will

temporarily raise the present limitation to 1 percent of such assessed value during the 1971-1972 fiscal year, may become effective before the start of the 1971-1972 fiscal year, it is imperative that it take effect immediately.

CHAPTER 230

An act to add Section 5140 to the Revenue and Taxation Code, relating to providing property tax remedies and assisting the Meadows Union School District in Imperial County, making an apportionment therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1971. Filed with Secretary of State June 30, 1971.]

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

SECTION 1. Section 5140 is added to the Revenue and Taxation Code, to read:

5140. When taxes are paid under protest, the amount of tax computed on the portion of the assessment not in dispute shall not be impounded.

SEC. 2. The Meadows Union School District in Imperial County is in imminent danger of not having sufficient funds to meet its legal obligations. This financial crisis arises because the district's largest taxpayer, an industrial firm, has not to date paid 1970-1971 fiscal year taxes on property constituting over 50 percent of the district's secured property valuation.

The firm's first tax installment totaling one hundred eighty-eight thousand three hundred fifty dollars and seventy-two cents (\$188,350.72), due on December 10, 1970, remains delinquent. A second tax installment, also in the amount of one hundred eighty-eight thousand three hundred fifty dollars and seventy-two cents (\$188,350.72), became due and owing on April 10, 1971. The Meadows Union School District share of each such installment is fifty thousand four hundred fifty-two dollars and forty-eight cents (\$50,452.48), or a total of approximately one hundred thousand nine hundred four dollars (\$100,904).

There are indications that any payment or payments will be made under protest, causing any such tax payments to be impounded for the 1970-1971 school year. Should the taxes due and owing from the firm, allocable to Meadows Union School District, not be paid, Meadows Union School District will need an additional ninety-five thousand dollars (\$95,000) to meet the actual costs of education for the remainder of the 1970-1971 school year. Should such tax be paid under protest, the district will only need some additional amount less than ninety-five thousand dollars (\$95,000) to meet such costs, in view of the provisions of Section 1 of this act.

SEC. 3. Although Section 1 of this act is directed primarily to the immediate problem confronting Meadows Union School District in Imperial County, such section shall have general application as a general law. However, with respect to the other provisions of this act, the Legislature finds that the unique circumstances facing Meadows Union School District in Imperial County require immediate and special legislation and that a general statute cannot be made applicable to these circumstances within the meaning of Section 16 of Article IV of the California Constitution. The apportionment made pursuant to Section 4 of this act is made in view of the unique circumstances facing Meadows Union School District and is made for the purpose of meeting the financial crisis brought on by those circumstances only. It is not the intention of the Legislature to establish a precedent with respect to the apportionment made by this act, but rather to assist in a situation involving unique circumstances when appropriate justification for such assistance has been found.

SEC. 4. At the earliest possible time and, in any event, not later than June 30, 1971, the Superintendent of Public Instruction shall apportion to the Meadows Union School District, from amounts appropriated to the State School Fund, the sum required by the district in order to meet the actual costs of education for the remainder of the 1970-1971 school year, which amount shall be in addition to the advance apportionment computed for the district pursuant to Section 17401 of the Education Code for the 1971-1972 fiscal year. In no event shall the amount apportioned under this section exceed ninety-five thousand dollars (\$95,000), less any taxes made available under Section 1 of this act. He shall certify the amount of such apportionment to the State Controller, who shall transfer the amount certified to the Meadows Union School District.

SEC. 5. The Superintendent of Public Instruction shall, during the 1971-1972 fiscal year, withhold from the apportionments to be made to the Meadows Union School District from the State School Fund an amount equal to the amount actually disbursed to the district pursuant to Section 4 of this act, together with amounts representing interest at a rate based on the most current investment rate of the Pooled Money Investment Act as of the date of disbursement of funds to the district pursuant to Section 4 of this act.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Meadows Union School District in Imperial County must, at the earliest possible time, receive the apportionment called for in this act to avert a financial crisis, which directly

involves the entire area of the district, and which is caused by the nonpayment of 1970-1971 fiscal year taxes by the district's largest taxpayer. Therefore, it is necessary that this act take immediate effect.

CHAPTER 231

An act to amend Sections 6871 and 6873 of the Education Code, relating to special education facilities and services.

[Approved by Governor June 30, 1971. Filed with
Secretary of State June 30, 1971.]

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

SECTION 1. Section 6871 of the Education Code is amended to read:

6871. With the approval of the county superintendent of schools, any school district having a physically handicapped minor, mentally retarded minor, severely mentally retarded minor, or multiply handicapped minor for whom special education facilities and services as prescribed by Section 6870 are not available or cannot be reasonably provided, and for whom the State of California has no appropriate special education facilities and services, shall, and any school district having an educationally handicapped minor for whom special education facilities and services as prescribed by Section 6870 are not available or cannot be reasonably provided, and for whom the State of California has no appropriate special education facilities and services, may, in lieu of establishing and maintaining the needed special education facilities and services at an unreasonable cost to the district, pay to the parent or guardian of such minor toward the tuition for such minor, enrolled in a public or private nonsectarian school, institution, or agency within or outside of California offering the special education facilities and services made necessary by the minor's disabilities, an amount not to exceed the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question, the amount allowable per unit of average daily attendance for the particular category under Section 18102, 18102.2, 18102.4, or 18102.6, the amount allowable per unit of average daily attendance for the particular category under Section 18060, and the amount per unit of average daily attendance provided from revenue derived from district taxation for the current expense of education of a normal child in the schools of the district. For purposes of computing the amount per unit of average daily attendance provided from revenue derived from district taxation, there shall be excluded amounts produced by rates levied for special or restricted purposes, such as the rates levied pursuant to Sections 1822.2, 1825, 16633, 16635, 16645.9, 19443, 19619, 20801 to 20802.8, inclusive, 20806, and 20807,

and there shall be included amounts produced by rates levied for general districtwide current support purposes, including the rates levied pursuant to Sections 20808 and 20808.5. As used in this article "tuition" includes the cost to the parent or guardian of transporting a minor enrolled in a public or private nonsectarian school, institution, or agency under this section to and from school.

The provisions of this section shall be applicable as well to situations where the special educational facilities and services are available but are an unreasonable distance away from the home of the minor. The Superintendent of Public Instruction shall adopt rules and regulations to implement the determination of the unreasonableness of such cost and distance, and any other rules and regulations deemed necessary by him for the effective administration of this chapter. The county superintendent of schools shall make a finding as to the unreasonableness of such cost or distance for the school districts within his jurisdiction and shall report such findings to the Superintendent of Public Instruction, who, if he approves such findings, shall authorize payments pursuant to this section and Sections 6872 and 6873.

The provisions of this section shall be applicable as well to situations where the public special educational facilities and services are available but the attending physician of the physically handicapped, mentally retarded, severely mentally retarded, multiply handicapped, or educationally handicapped minor or the attending optometrist of the physically handicapped minor who is blind, partially seeing, or visually handicapped has recommended that it is in the best interests of the health and welfare of such minor that the minor be enrolled in a private nonsectarian school, institution or agency offering the special education facilities and services made necessary by the minor's disabilities, and such recommendation has been approved by the county health officer and the county superintendent of schools on forms specified by the Superintendent of Public Instruction.

Priority in providing special education facilities and services shall be given to public school, or state-operated, programs. State and school district support for an exceptional child's education at a private nonsectarian school, institution, or agency shall be approved pursuant to this chapter only if no publicly operated programs are available to the minor within a reasonable distance from his residence, or if such programs do not meet the specialized needs of the minor, as determined under the procedures established by this chapter. Priority in approving private nonsectarian schools, institutions, or agencies shall be given to the nearest such school, institution, or agency from where the parent or guardian of the exceptional child resides and which provides training and education as defined in Section 6870,

In instances where public funds are paid to the parent or guardian of a minor pursuant to this section, toward the tuition of such minor enrolled in a private nonsectarian school, institution, or agency, the school, institution, or agency enrolling such minor shall at the end of each school year submit a written progress report on each such minor on forms provided by the Superintendent of Public Instruction, and shall forward such forms to the county superintendent of schools of the county authorizing placement. Such reports shall be used by the county superintendents of schools to determine continued eligibility for placement and reimbursement under this chapter.

In no event shall the total of any allowances or apportionments of state funds be made to a school district in behalf of a pupil receiving an allowance pursuant to this section in excess of the total of such amounts which would have been allowed or apportioned to the district if the pupil were in attendance at a school in the district.

SEC. 2. Section 6873 of the Education Code is amended to read:

6873. Upon verification of the attendance reported and the claim submitted, the Superintendent of Public Instruction shall apportion to the school district submitting the report and the claim of the parent or guardian of such minor for the tuition in question an amount sufficient to satisfy the claim but not in excess of the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question, the amount allowable per unit of average daily attendance for the particular category under Section 18102, 18102.2, 18102.4, or 18102.6, and the amount allowable per unit of average daily attendance for the particular category under Section 18060. In the case of a multiply handicapped minor the amount apportioned shall not exceed the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question, the amount allowable per unit of average daily attendance under Section 18102, and the amount allowable per unit of average daily attendance for the particular category under Section 18060.

The apportionments for physically handicapped, mentally retarded, and multiply handicapped minors shall be made from the funds reserved under the provisions of subdivision (c) of Section 17303.5. The apportionments for educationally handicapped minors shall be made from the funds reserved under the provisions of subdivision (g) of Section 17303.5. The apportionments shall be made for each fiscal year immediately following the fiscal year in which the attendance occurs.

CHAPTER 232

An act to add Section 6054 to the Penal Code, and to add Section 4009.5 to the Welfare and Institutions Code, relating to tax-sheltered annuities.

[Approved by Governor June 30, 1971. Filed with Secretary of State June 30, 1971.]

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

SECTION 1. Section 6054 is added to the Penal Code, to read:

6054. The director may purchase annuity contracts for permanent employees of the department provided all of the following conditions are met:

(a) The annuity contract is under an annuity plan which meets the requirements of subdivision (b) of Section 403 of the Internal Revenue Code of 1954 of the United States and Section 17512 of the Revenue and Taxation Code;

(b) The purchase of such annuities meets the requirements of the Insurance Code and the Government Code applicable to such purchase;

(c) The salary of an employee for whom such contract is purchased is reduced by the amount of the cost of such contract; and

(d) The employee makes an application to the director for such purchase and reduction of salary.

SEC. 2. Section 4009.5 is added to the Welfare and Institutions Code, to read:

4009.5. The department may purchase annuity contracts for permanent employees of the department provided all of the following conditions are met:

(a) The annuity contract is under an annuity plan which meets the requirements of subdivision (b) of Section 403 of the Internal Revenue Code of 1954 of the United States and Section 17512 of the Revenue and Taxation Code;

(b) The purchase of such annuities meets the requirements of the Insurance Code and the Government Code applicable to such purchase;

(c) The salary of an employee for whom such contract is purchased is reduced by the amount of the cost of such contract; and

(d) The employee makes an application to the director for such purchase and reduction of salary.

CHAPTER 233

An act to amend Sections 1 and 4 of Chapter 1336 of the Statutes of 1959, relating to tide and submerged lands.

[Approved by Governor June 30, 1971 Filed with
Secretary of State June 30, 1971.]

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

SECTION 1. Section 1 of Chapter 1336 of the Statutes of 1959 is amended to read:

Section 1. There is hereby granted to the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, and to its successors, all of the right, title, and interest of the State of California, held by said state by virtue of its sovereignty in and to all of the tide and submerged lands, whether filled or unfilled, more particularly described as follows:

Parcel No. 1—Beginning at Station 344 on the boundary line of San Pablo Rancho, as said boundary line is delineated on that certain map entitled "Map of the San Pablo Rancho, Accompanying and Forming a Part of the Final Report of the Referees in Partition", etc., filed in the office of the Recorder of Contra Costa County, California, March 1, 1894, said station being the point of intersection of courses numbers 6 and 258 of the Meanders of the Water Front, as shown on that certain map entitled "Map No. 1 of Salt Marsh and Tide Lands situate in the County of Contra Costa, State of California 1872", etc., as prepared by order of the Board of Tide Land Commissioners and surveyed under the direction of G. F. Allardt, Chief Engineer of the Tide Land Survey; thence South 60° 22' East along said course No. 6 to Station No. 38 on the boundary line of Brooks Island as shown on said "Map No. 1 of Salt Marsh and Tide Lands", etc.; thence continuing along said meander line in a general easterly direction, being also the southerly boundary line of said Brooks Island to Station No. 3 of said meander line; thence South 75° 30' East continuing along said meander line to its intersection with the southerly boundary line of the City of Richmond and County of Contra Costa as determined by the "Map of Joint Survey of Boundary between the Counties of Alameda and Contra Costa", dated August 1932, on file in the office of the County Surveyor, Contra Costa County, California; thence South 74° 09' 23.3" West along said City and County boundary line 10,498.61 feet, more or less, to the common boundary corner between Contra Costa, Alameda and San Francisco Counties; thence North 44° 59' West along said City and County boundary line as determined by said Joint Survey to its intersection with the U.S. Pierhead line established by the Secretary of the Army in accordance with the provisions of Section 11 of the River and Harbor Act approved March 3,

1899; thence northwesterly along said pierhead line North 21° 17' 02" West to Station No. 35 of San Francisco Bay Harbor Lines and Department of the Army, Corps of Engineers Harbor Lines—Richmond-Albany—Drawing No. 1-4-19, filed in the Office of the Chief of Engineers, Washington, D.C.; thence North 9° 54' 56" East continuing along said pierhead line 1,737.00 feet to Station No. 33 of said Harbor Lines; thence northeasterly in a direct line to the point of beginning.

Containing an area of 1,417 acres, more or less.

Parcel No. 2—Lots 17½ and 32, Section 25, Township 1 North, Range 5 West, Mount Diablo Base and Meridian.

Parcel No. 3—Lots 28, 29, 30, and 31 of Section 30, Township 1 North, Range 4 West, Mount Diablo Base, State Tide Lands in the City of Richmond, Contra Costa County.

Parcel No. 4—Those portions of Lots 3, 4, and 5 of Section 32, and that portion of Lot 31 of Section 29, lying within the city limits of the City of Richmond, County of Contra Costa, all in Township 1, Range 4 West, Mount Diablo Base, State Tide Lands.

To be forever held by said city, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said city, and its successors for purposes in which there is a general statewide interest as follows:

(1) For the establishment, improvement and conduct of a harbor, including an airport or aviation facilities, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation by air as well as by water and for public recreation purposes, and for the establishment, improvement and conduct of utilities, facilities, structures, buildings, works and appliances necessary or convenient for the promotion and accommodation of public recreation.

(2) For the protection or enhancement of unique environmental values of said lands, including scenic, historic, natural, recreational, and aesthetic values, preservation and maintenance of open space in furtherance of the protection and enhancement of such values, the establishment, preservation, restoration, improvement, or maintenance of biological reserves and wildlife sanctuaries, and the development of nature study trails and areas, exhibits, and research projects.

(b) That said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said city, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for

purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases. Nothing contained in the provisions of this subdivision shall be deemed to affect the validity or term of any franchise granted by said city pursuant to the Franchise Act of 1937 (Chapter 2 (commencing with Section 6201) of Division 3 of the Public Utilities Code) and any such franchise shall be effective with respect to said lands.

(c) That said lands shall be improved, restored, preserved, or maintained by said city without expense to the state, and shall always remain available for public use for all purposes of commerce and navigation, and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other water or aircraft, railroad, owned or operated by the State of California. The city shall submit any plan which includes a proposal for the restoration, preservation, or maintenance of the lands to the State Lands Commission for its approval, and no action may be taken to implement any such plan until the plan has been so approved.

(d) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

(e) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes.

(f) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

(g) The lands herein described are granted subject to the express reservation and condition that the state may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the state for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

(h) The lands herein granted are held upon the express condition that on or before January 1, 1973, said lands shall be substantially improved, restored, preserved, or maintained by the city without expense to the state, and if the State Lands Commission determines that the city has failed to improve,

restore, preserve, or maintain said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease and said lands shall revert and rest in the state.

(i) The lands herein granted are held upon the express condition that the general plan which the city is required to submit to the State Lands Commission by January 1, 1973, pursuant to Section 6374 of the Public Resources Code, is approved by the State Lands Commission. In the event that the city's general plan is disapproved by the State Lands Commission at a public hearing, all right, title, and interest of the city in and to all lands granted by this act shall cease and said lands shall revert and rest in the state.

SEC. 2. Section 4 of Chapter 1336 of the Statutes of 1959 is amended to read:

Sec. 4. Nothing contained in this act shall preclude the city from accepting and retaining any grant of funds from the state made available for the purpose of aiding in the development, restoration, preservation, or maintenance of said lands for any public purpose not inconsistent with the promotion and accommodation of commerce and navigation.

SEC. 3. The Legislature finds that certain of the tide and submerged lands granted to the City of Richmond pursuant to Chapter 1336 of the Statutes of 1959 possess unique environmental values of statewide interest, including scenic, historic, natural, recreational, and aesthetic values, and it is the intent of the Legislature by this act to expressly authorize the City of Richmond to protect and enhance such values.

CHAPTER 234

An act to amend Section 53240 of the Government Code, relating to employees of local governments.

[Approved by Governor June 30, 1971 Filed with
Secretary of State June 30, 1971.]

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

SECTION 1. Section 53240 of the Government Code is amended to read:

53240. The legislative body of a county, city, municipal corporation, political subdivision, public district, or other public agency may provide for the payment of the costs of replacing or repairing property or prostheses of an employee, such as eyeglasses, hearing aids, dentures, watches, or articles of clothing necessarily worn or carried by the employee when any such items are lost or damaged in the line of duty without fault of employee. If the items are damaged beyond repair, the actual value of such items may be paid. The value of such items shall be determined as of the time of the loss thereof or damage thereto.

CHAPTER 235

*An act to amend Section 5017 of the Vehicle Code,
relating to identification plates.*

[Approved by Governor June 30, 1971. Filed with
Secretary of State June 30, 1971.]

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

SECTION 1. Section 5017 of the Vehicle Code is amended to read:

5017. (a) Each identification plate issued under Section 5016 shall bear a distinctive number to identify the equipment for which it is issued. The owner, upon being issued a plate, shall attach it to the equipment for which it is issued and shall carry the identification card issued by the department as provided by Section 4454. It shall be unlawful for any person to attach or use the plate upon any other equipment or vehicle. If the equipment is destroyed or the ownership thereof transferred to another person, the person to whom the plate was issued shall first remove the plate and, within 10 days after removing the plate, return it to the department, together with a notice, on a form approved by the department, that the equipment has been destroyed or the ownership thereof transferred to another person.

(b) In addition to the requirements of subdivision (a), the owner of a snowmobile, upon being issued a plate or device, shall attach it to, and maintain it in a clear, legible manner on the front of the vehicle by any bracket, method, or device securing the plate to the cowl or body member.

CHAPTER 236

*An act to add Sections 74755 and 74756 to the Water
Code, relating to water conservation districts.*

[Approved by Governor June 30, 1971. Filed with
Secretary of State June 30, 1971.]

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

SECTION 1. Section 74755 is added to the Water Code, to read:

74755. As an alternative to the functions of the county treasurer and the county auditor provided in this chapter, the board may elect to disburse funds of the district. Such election shall be made by resolution of the board and the filing of a certified copy thereof with the county treasurer. The county treasurer shall thereupon deliver to the district all funds of the district. Such funds shall be deposited by the board in a bank or banks approved for deposit of public funds and shall be

withdrawn only by written order of the board, signed by the president and secretary. The order shall specify the name of the payee, the fund from which it is to be paid and state generally the purpose for which payment is to be made. Such order shall be entered in the minutes of the board. The board shall appoint a treasurer who shall be responsible for the deposit and withdrawal of funds of the district. The treasurer shall deposit with the district, prior to October 1 of each year, a surety bond in an amount annually fixed by the board. The deposit and withdrawal of funds of the district shall thereafter be subject to the provisions of Article 2 (commencing with Section 53630), Chapter 4, Part 1, Division 2, Title 5, of the Government Code. Any district electing to disburse funds pursuant to this section shall file with the board of supervisors an annual audit of such disbursements which meets the approval of the board of supervisors.

SEC. 2. Section 74756 is added to the Water Code, to read:

74756. The election made pursuant to Section 74755 may be rescinded by resolution of the board. No later than 30 days following any such rescission, the treasurer appointed pursuant to Section 74755 shall deliver all district funds to the county treasurer together with a certified copy of the resolution of rescission, whereupon the county treasurer and county auditor shall commence to act as provided in this chapter.

CHAPTER 237

An act to amend Sections 41102 and 41103 of the Vehicle Code, relating to unattended vehicles.

[Approved by Governor June 30, 1971 Filed with
Secretary of State June 30, 1971.]

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

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

41102. (a) In any prosecution against the registered owner of a motor vehicle charging a violation of any regulation governing the standing or parking of a vehicle under this code or any ordinance enacted by local authorities, proof by the people of the State of California that the particular vehicle described in the complaint was parked in violation of any provision of this code or such ordinance, together with proof that the defendant named in the complaint was at the time of parking the registered owner of the vehicle, shall constitute prima facie evidence that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred, but for the purposes of this subdivision proof that a person is the registered owner of a vehicle is not

prima facie evidence that the registered owner has violated any other provision of law. Proof of a written lease of, or rental agreement for, a particular vehicle described in the complaint, on the date and time of such violation, which lease or rental agreement includes the name and address of the person to whom the vehicle is leased or rented, a copy of which was delivered to the court giving the notice required in paragraph 2 of Section 41103 within 30 days after date of giving of such notice, shall rebut the prima facie evidence that the registered owner was the person who parked or placed the vehicle at the time and place where the violation occurred. The above provisions shall apply only when the procedure required by Section 41103 is complied with.

(b) In any prosecution against the lessee or renter of a motor vehicle charging a violation of any regulation governing the standing or parking of a vehicle under this code or any ordinance enacted by local authorities, proof by the people of the State of California that the particular vehicle described in the complaint was parked in violation of any provision of this code or such ordinance, together with proof that the defendant named in the complaint was at the time of parking the lessee or renter of the vehicle, shall constitute prima facie evidence that the lessee or renter of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred, but for the purposes of this subdivision, proof that a person is the lessee or renter of a vehicle is not prima facie evidence that the lessee or renter has violated any other provision of law.

(c) In any prosecution charging a violation of any provision of this code requiring the display of any evidence of registration, with respect to an unattended vehicle, proof by the people of the State of California that the particular vehicle described in the complaint failed to properly display such evidence of registration, together with proof that the defendant named in the complaint was at the time the registered owner of the vehicle, shall constitute prima facie evidence that the registered owner of the vehicle was responsible for the vehicle at the time the violation occurred. No other prima facie evidence shall be created by this subdivision. The above provisions shall apply only when the procedure required by Section 41103 is complied with.

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

SEC. 2. Section 41103 of the Vehicle Code is amended to read:

41103. The method of giving notice for the purposes of the provisions of Section 41102 is as follows:

(1) During the time of the violation a notice thereof shall be securely attached to the vehicle setting forth the violation including reference to the section of this code or of such ordinance so violated, the approximate time thereof and the location where such violation occurred and fixing a time and place for appearance by the registered owner or the lessee or renter in answer to said notice.

Such notice shall be attached to said vehicle either on the steering post or front door handle thereof or in such other conspicuous place upon the vehicle as to be easily observed by the person in charge of such vehicle upon his return thereto.

(2) Before any warrant of arrest shall issue following the filing of a complaint charging such a violation, a notice of the violation must be given to the person so charged. Such notice shall contain the information required in paragraph (1) above and shall also inform such registered owner or the lessee or renter that unless he appears in the court to be designated in said notice within five days after service of such notice and answers said charge, a warrant or citation to appear will be issued against him.

Such notice shall be given, either by personal delivery thereof to such owner, lessee or renter, or by deposit in the United States mail of an envelope with postage prepaid which said envelope shall contain such notice and shall be addressed to such owner, lessee or renter at his address as shown by the records of the department or the leasing or renting agency. The giving of notice by personal delivery is complete upon delivery of a copy of said notice to said person. The giving of notice by mail is complete upon the expiration of 10 days after said deposit of such notice.

Proof of giving such notice may be made by the certificate of any traffic or police officer or affidavit of any person over 18 years of age naming the person to whom such notice was given and specifying the time, place and manner of the giving thereof.

SEC. 3. Section 41103 of the Vehicle Code is amended to read:

41103. The method of giving notice for the purposes of the provisions of Section 41102 is as follows:

(1) During the time of the violation a notice thereof shall be securely attached to the vehicle setting forth the violation including reference to the section of this code or of such ordinance so violated, the approximate time thereof and the location where such violation occurred and fixing a time and place for appearance by the registered owner or the lessee or renter in answer to said notice.

Such notice shall be attached to said vehicle either on the steering post or front door handle thereof or in such other conspicuous place upon the vehicle as to be easily observed by the person in charge of such vehicle upon his return thereto.

(2) Before any warrant of arrest shall issue following the filing of a complaint charging such a violation, a notice of

the violation must be given to the person so charged. Such notice shall contain the information required in paragraph (1) above and shall also inform such registered owner or the lessee or renter that unless he appears in the court to be designated in said notice within 10 days after service of such notice and answers said charge, a warrant or citation to appear will be issued against him.

Such notice shall be given, either by personal delivery thereof to such owner, lessee or renter, or by deposit in the United States mail of an envelope with postage prepaid which said envelope shall contain such notice and shall be addressed to such owner, lessee or renter at his address as shown by the records of the department or the leasing or renting agency. The giving of notice by personal delivery is complete upon delivery of a copy of said notice to said person. The giving of notice by mail is complete upon the expiration of 10 days after said deposit of such notice.

Proof of giving such notice may be made by the certificate of any traffic or police officer or affidavit of any person over 18 years of age naming the person to whom such notice was given and specifying the time, place and manner of the giving thereof.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 1415 are both chaptered and amend Section 41103 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 1415, that the amendments to Section 41103 proposed by both bills be given effect and incorporated in Section 41103 in the form set forth in Section 3 of this act. Therefore, if Assembly Bill No. 1415 is chaptered before this bill and amends Section 41103, Section 2 of this act shall not become operative.

CHAPTER 238

An act to amend Section 8304 of the Fish and Game Code, relating to abalones.

[Approved by Governor June 30, 1971 Filed with
Secretary of State June 30, 1971]

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

SECTION 1. Section 8304 of the Fish and Game Code is amended to read:

8304. It is unlawful to take any abalone, the shell of which, measured in greatest diameter, is less than the following specifications: red abalone, 7 $\frac{3}{4}$ inches; green abalone, 7 inches; pink abalone and white abalone, 6 $\frac{1}{2}$ inches; black abalone, 5 inches; pinto abalone, threaded abalone, and flat abalone, 4 inches.

CHAPTER 239

An act to amend Section 660 of the Harbors and Navigation Code, relating to vessels.

[Approved by Governor June 30, 1971. Filed with Secretary of State June 30, 1971.]

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

SECTION 1. Section 660 of the Harbors and Navigation Code is amended to read:

660. (a) The provisions of this chapter, and of other applicable laws of this state, shall govern the operation, equipment, and all other matters relating thereto whenever any motorboat or vessel shall be operated on the waters of this state, or when any activity regulated by this chapter shall take place thereon. Nothing in this chapter shall be construed to prevent the adoption of any ordinance, law, regulation or rule relating to vessels by any entity otherwise authorized by law to adopt such measures, including but not limited to any city, county, city and county, port authority, district or state agency; provided, however, that such measures relating to undocumented vessels shall pertain only to time-of-day restrictions, speed zones, special-use areas, and sanitation and pollution control, the provisions of which are not in conflict with the provisions of this chapter or the regulations adopted by the department. Such measures shall be submitted to the department prior to adoption and at least 30 days prior to the effective date thereof.

(b) The department is authorized to make special rules and regulations with reference to the operation of any motorboats or vessels on any body of water within the territorial limits of two or more cities, counties, cities and counties or other political subdivisions where no special rules or regulations exist or when required to establish uniformity in such special rules or regulations as the department may determine (1) are not uniform under local laws and (2) as to which uniformity is practicable and necessary.

(c) Any entity, including but not limited to any city, county, city and county, port authority, district or state agency, otherwise authorized by law to adopt measures governing the operation and equipment, and matters relating thereto, of motorboats or vessels, may adopt emergency rules and regulations which are not in conflict with the general laws of the state relating to motorboats and vessels using any waters within the jurisdiction of the entity if such rules and regulations are required to insure the safety of persons and property, because of disaster or other public calamity. Such emergency rules and regulations shall become effective immediately upon adoption and may remain in effect for not to exceed 60 days thereafter. Upon submission of such emergency rules and regu-

lations to the department, the department may authorize the entity to make the emergency rules and regulations effective for such period of time greater than 60 days as is necessary in view of the disaster or circumstances.

CHAPTER 240

An act to amend Section 11891.5 of the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor June 30, 1971. Filed with Secretary of State June 30, 1971.]

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

SECTION 1. Section 11891.5 of the Public Utilities Code is amended to read:

11891.5. The board of any district which has owned and operated an electric or water distribution system for at least 10 years and which maintains a system of accounting substantially in accordance with the Uniform System of Accounts for Electrical Corporations, or the Uniform System of Accounts for Water Utilities, as applicable, prescribed by the Public Utilities Commission of the State of California may provide by resolution, under such terms and conditions as it sees fit, for the payment, without prior specific approval by the board, of demands against the district which relate to obligations incurred for purposes and within the amounts specified for such purposes in a projection of the district's operations for a period of not longer than one year, if the demands are approved by the general manager. Such projection shall be expressed in terms of the major groups of accounts in such uniform system of accounts and shall be incorporated in the aforesaid resolution.

CHAPTER 241

An act to amend Section 8352 of the Revenue and Taxation Code, relating to vehicle fuel license tax, and making an appropriation, to take effect immediately.

[Approved by Governor June 30, 1971. Filed with Secretary of State June 30, 1971.]

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

SECTION 1. Section 8352 of the Revenue and Taxation Code is amended to read:

8352. The money in the Motor Vehicle Fuel Fund is hereby appropriated, subject to the provisions of any budget bill heretofore or hereafter enacted and Section 11006 of the Government Code, as follows:

(a) To pay the refunds authorized in this part, including refunds due on account of judgments for the return of license taxes illegally collected.

(b) To the Controller, to carry out any duties imposed upon him by this part.

(c) To the board, to carry out any duties imposed upon it by this part.

(d) To the Highway Users Tax Fund, as provided in this chapter.

(e) To pay the pro rata share of the overhead and general administrative expense of the Controller and the board attributable to duties imposed by this part. The pro rata share is payable upon presentation of a claim against any appropriation from the Motor Vehicle Fuel Fund for the support of the Controller or the board, as the case may be.

(f) For transfer to the Aeronautics Fund, which fund is hereby created, all moneys in the Motor Vehicle Fuel Fund attributable to the distribution of motor vehicle fuel for use or used in propelling an aircraft in the state, for allocation as follows:

(1) To pay the refunds authorized by Section 8101.5.

(2) To pay the pro rata cost of the Controller and board under subdivisions (b), (c) and (e).

(3) To pay for the support of the Department of Aeronautics.

(4) For transfer of the balance remaining to the Airport Assistance Revolving Fund.

No part of the moneys in the Motor Vehicle Fuel Fund attributable to the distribution of motor vehicle fuel for use or used for propelling an aircraft in the state shall be appropriated, subject to the provisions of any subdivision heretofore or hereafter enacted and Section 11006 of the Government Code, or allocated, except in accordance with the provisions of this subdivision.

(g) To the Harbors and Watercraft Revolving Fund for expenditure in accordance with the provisions of Division 1 (commencing with Section 30) of the Harbors and Navigation Code, the sum of five million two hundred thousand dollars (\$5,200,000) in the 1970-1971 fiscal year, five million six hundred thousand dollars (\$5,600,000) in the 1971-1972 fiscal year, and six million dollars (\$6,000,000) per annum commencing with the 1972-1973 fiscal year, these sums representing the amount of money in the Motor Vehicle Fuel Fund attributable to taxes imposed on distributions of motor vehicle fuel used or usable in propelling vessels. If the amount so transferred during each of such fiscal years is in excess of ten dollars and two cents (\$10.02) multiplied by the estimated number of boats in existence as of December 31st of each year, the excess shall be retransferred from the Harbors and Watercraft Revolving Fund to the Motor Vehicle Fuel Fund. If the amount transferred is less than the amount so calculated, the difference

shall be transferred from the Motor Vehicle Fuel Fund to the Harbors and Watercraft Revolving Fund; provided no such adjustment shall be made if the computed difference is less than fifty thousand dollars (\$50,000); and further provided that such amount shall be adjusted to reflect any temporary or permanent increase or decrease that may be made in the rate under the Motor Vehicle Fuel License Tax Law. Payments pursuant to this subdivision shall be made prior to payments pursuant to subdivision (d). The Department of Public Works, after consultation with the Department of Navigation and Ocean Development, shall prepare or cause to be prepared a report setting forth the current estimate of the amount of money in the Motor Vehicle Fuel Fund attributable to taxes imposed on distributions of motor vehicle fuel used or usable in propelling vessels; and the Department of Public Works shall submit such report to the Legislature on or before the fifth legislative day of the 1973 Regular Session and each four (4) years thereafter.

(h) For transfer to the Department of Agriculture Fund during the second quarter of the 1970-1971 fiscal year the sum of one million seven hundred fifty thousand dollars (\$1,750,000). For transfer to the Department of Agriculture Fund during the fourth quarter of the 1970-1971 fiscal year the amount of the estimate contained in the report to be prepared pursuant to this subdivision, that is in excess of any amount previously transferred pursuant to this subdivision during the 1970-1971 fiscal year. For transfer to the Department of Agriculture Fund during the second quarter of the 1971-1972 fiscal year and the second quarter of each fiscal year thereafter an amount equal to the estimate contained in the most recent report prepared pursuant to this subdivision. Such amounts shall not be subject to the provisions of Section 6357 with respect to the collection of sales and use taxes thereon, and represent the portion of receipts in the Motor Vehicle Fuel Fund during a calendar year that were attributable to agricultural off-highway use of motor vehicle fuel which is subject to refund pursuant to Section 8101, less gross refunds allowed by the Controller during the fiscal year ending June 30th following such calendar year to persons entitled to such refunds for agricultural off-highway use pursuant to Section 8101. Payments pursuant to this subdivision shall be made prior to payments pursuant to subdivision (d).

On or before May 31, 1971, and on or before September 30, 1973, and every two years thereafter, the Secretary of the Business and Transportation Agency, and the Secretary of the Agriculture and Services Agency, shall jointly prepare or cause to be prepared a report setting forth the current estimate of the amount of money in the Motor Vehicle Fuel Fund attributable to agricultural off-highway use of motor vehicle fuel, which is subject to refund pursuant to Section 8101 less gross refunds allowed by the Controller to persons entitled to such refunds

for agricultural off-highway use pursuant to Section 8101; and they shall submit a copy of such report to the Legislature.

SEC. 2. This act makes an appropriation for the usual current expenditures of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 242

An act to amend Section 5366 of the Welfare and Institutions Code, relating to Lanterman-Petris-Short Act, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1971. Filed with
Secretary of State June 30, 1971.]

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

SECTION 1. Section 5366 of the Welfare and Institutions Code is amended to read:

5366. On or before June 30, 1970, the medical director of each state hospital for the mentally disordered shall compile a roster of those mentally disordered or chronic alcoholic patients within the institution who are gravely disabled. The roster shall indicate the county from which each such patient was admitted to the hospital or, if the hospital records indicate that the county of residence of the patient is a different county, the county of residence. The officer providing conservatorship investigation for each county shall be given a copy of the names and pertinent records of the patients from that county and shall investigate the need for conservatorship for such patients as provided in this chapter. After his investigation and on or before July 1, 1972, the county officer providing conservatorship shall file a petition of conservatorship for such patients that he determines may need conservatorship. Court commitments under the provisions of law in effect prior to July 1, 1969, of such patients for whom a petition of conservatorship is not filed shall terminate and the patient shall be released unless he agrees to accept treatment on a voluntary basis.

Each state hospital and the Department of Mental Hygiene shall make their records concerning such patients available to the officer providing conservatorship investigation.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Under the provisions of Section 5366 of the Welfare and Institutions Code court commitments under the provisions of law in effect prior to July 1, 1969, will terminate on July 1, 1971. This date is rapidly approaching and due to the com-

prehensive investigation required in each case and the number of such cases, the county officers providing conservatorship investigation will be unable to complete their investigations. Unless the date is extended many patients who need further treatment will be automatically released.

CHAPTER 243

An act to amend Section 597t of the Penal Code, relating to animals.

[Approved by Governor July 1, 1971. Filed with
Secretary of State July 1 1971.]

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

SECTION 1. Section 597t of the Penal Code is amended to read:

597t. Every person who keeps an animal confined in an enclosed area shall provide it with an adequate exercise area. If the animal is restricted by a leash, rope, or chain, the leash, rope, or chain shall be affixed in such a manner that it will prevent the animal from becoming entangled or injured and permit the animal's access to adequate shelter, food, and water. Violation of this section constitutes a misdemeanor.

This section shall not apply to an animal which is in transit, in a vehicle, or in the immediate control of a person.

CHAPTER 244

An act to amend Section 1692 of the Civil Code, to amend Sections 117h, 117r, 378, 379, 382, 389, 396, 435, 437c, 581, 583, 626, 631.8, 666, 871.2, 871.3, 871.5, and 1048 of, to add Sections 379.5, 422.10, 422.20, 422.30, 422.40, and 471.5 to, to add Chapter 2 (commencing with Section 425.10) and Chapter 3 (commencing with Section 430.10) to Title 6 of Part 2 of, to add a new chapter heading immediately preceding Section 435 of, to add a new chapter heading immediately preceding Section 437c of, and to repeal Sections 379a, 379b, 379c, 380, 381, 383, 384, 422, 430, 431, 431.5, 432, 433, 434, 437, 437a, 437b, 437d, 438, 439, 440, 441, 442, 462, and 463 of, to repeal Chapter 2 (commencing with Section 425) of Title 6 of Part 2 of, to repeal the heading for Chapter 3 (commencing with Section 430) of Title 6 of Part 2 of, to repeal the heading for Chapter 4 (commencing with Section 437) of Title 6 of Part 2 of, and to repeal Chapter 5 (commencing with Section 443) of Title 6 of Part 2 of, the Code of Civil Procedure, to amend Sections 3522 and 3810 of the Revenue and Taxation Code, and to

amend Sections 26304, 26305, 37161, 37162, and 51696 of the Water Code, relating to civil actions and proceedings.

[Approved by Governor July 1, 1971. Filed with Secretary of State July 1, 1971.]

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

SECTION 1. Section 1692 of the Civil Code is amended to read:

1692. When a contract has been rescinded in whole or in part, any party to the contract may seek relief based upon such rescission by (a) bringing an action to recover any money or thing owing to him by any other party to the contract as a consequence of such rescission or for any other relief to which he may be entitled under the circumstances or (b) asserting such rescission by way of defense or cross-complaint.

If in an action or proceeding a party seeks relief based upon rescission and the court determines that the contract has not been rescinded, the court may grant any party to the action any other relief to which he may be entitled under the circumstances.

A claim for damages is not inconsistent with a claim for relief based upon rescission. The aggrieved party shall be awarded complete relief, including restitution of benefits, if any, conferred by him as a result of the transaction and any consequential damages to which he is entitled; but such relief shall not include duplicate or inconsistent items of recovery.

If in an action or proceeding a party seeks relief based upon rescission, the court may require the party to whom such relief is granted to make any compensation to the other which justice may require and may otherwise in its judgment adjust the equities between the parties.

SEC. 2. Section 117h of the Code of Civil Procedure is amended to read:

117h. No formal pleading, other than the said claim and notice, shall be necessary and the hearing and disposition of all such actions shall be informal, with the sole object of dispensing speedy justice between the parties. If the defendant in any such action has a claim against the plaintiff which is for an amount within the jurisdiction of the small claims court as set forth in Section 117, he may file an affidavit stating such claim; a copy of the affidavit shall be delivered to the plaintiff in person not later than 48 hours prior to the hour set for the appearance of said defendant in such action. Such affidavit shall be made on a blank substantially in the following form:

In the Small Claims Court of -----, County of -----,
State of California.

-----, Plaintiff, }
vs. }
-----, Defendant. }

Claim of Defendant.

State of California, }
 County of -----, } ss.

-----, being first duly sworn, deposes and says: That said plaintiff is indebted to said defendant in the sum of ----- (\$-----) for -----, which amount defendant prays be allowed to the defendant against the plaintiff herein.

Subscribed and sworn to before me this ----- day of -----, 19--.

 Judge (Clerk or Notary Public.)

SEC. 3. Section 117r of the Code of Civil Procedure is amended to read:

117r. If a defendant in a small claims action shall have a claim against the plaintiff in such action and such claim be for an amount over the jurisdiction of the small claims court as set forth in Section 117, but of a nature which would be the subject of a cross-complaint in such action under the rules of pleading and practice governing the superior court, the defendant may commence an action against said plaintiff in a court of competent jurisdiction and file with the justice of said small claims court wherein said plaintiff has commenced his action, at or before the time set for the trial of said small claims action, an affidavit setting forth the facts of the commencement of such action by such defendant. He shall attach to such affidavit a true copy of the complaint so filed by said defendant against plaintiff, and pay to said justice the sum of one dollar (\$1) for a transmittal fee, and shall deliver to said plaintiff in person a copy of said affidavit and complaint at or before the time above stated. Thereupon the justice of said small claims court shall order that said small claims court action shall be transferred to said court set forth in said affidavit, and he shall transmit all files and papers in his court in such action to such other court, and said actions shall then be tried together in such other court.

The plaintiff in the small claims action shall not be required to pay to the clerk of the court to which the action is so transferred any transmittal, appearance or filing fee in said action, but shall be required to pay the filing and any other fee required of a defendant, if he appears in the action filed against him.

SEC. 4. Section 378 of the Code of Civil Procedure is amended to read:

378. (a) All persons may join in one action as plaintiffs if:

(1) They assert any right to relief jointly, severally, or in the alternative, in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all these persons will arise in the action; or

(2) They have a claim, right, or interest adverse to the defendant in the property or controversy which is the subject of the action.

(b) It is not necessary that each plaintiff be interested as to every cause of action or as to all relief prayed for. Judgment may be given for one or more of the plaintiffs according to their respective right to relief.

SEC. 5. Section 379 of the Code of Civil Procedure is amended to read:

379. (a) All persons may be joined in one action as defendants if there is asserted against them:

(1) Any right to relief jointly, severally, or in the alternative, in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all these persons will arise in the action; or

(2) A claim, right, or interest adverse to them in the property or controversy which is the subject of the action.

(b) It is not necessary that each defendant be interested as to every cause of action or as to all relief prayed for. Judgment may be given against one or more defendants according to their respective liabilities.

SEC. 6. Section 379a of the Code of Civil Procedure is repealed.

SEC. 7. Section 379b of the Code of Civil Procedure is repealed.

SEC. 8. Section 379c of the Code of Civil Procedure is repealed.

SEC. 9. Section 379.5 is added to the Code of Civil Procedure, to read:

379.5. When parties have been joined under Section 378 or 379, the court may make such orders as may appear just to prevent any party from being embarrassed, delayed, or put to undue expense, and may order separate trials or make such other order as the interests of justice may require.

SEC. 10. Section 380 of the Code of Civil Procedure is repealed.

SEC. 11. Section 381 of the Code of Civil Procedure is repealed.

SEC. 12. Section 382 of the Code of Civil Procedure is amended to read:

382. If the consent of any one who should have been joined as plaintiff cannot be obtained, he may be made a defendant, the reason thereof being stated in the complaint; and when the question is one of a common or general interest, of many persons, or when the parties are numerous, and it is impracticable to bring them all before the court, one or more may sue or defend for the benefit of all.

SEC. 13. Section 383 of the Code of Civil Procedure is repealed.

SEC. 14. Section 384 of the Code of Civil Procedure is repealed.

SEC. 15. Section 389 of the Code of Civil Procedure is amended to read:

389. (a) A person who is subject to service of process and whose joinder will not deprive the court of jurisdiction over the subject matter of the action shall be joined as a party in the action if (1) in his absence complete relief cannot be accorded among those already parties or (2) he claims an interest relating to the subject of the action and is so situated that the disposition of the action in his absence may (i) as a practical matter impair or impede his ability to protect that interest or (ii) leave any of the persons already parties subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations by reason of his claimed interest. If he has not been so joined, the court shall order that he be made a party.

(b) If a person as described in paragraph (1) or (2) of subdivision (a) cannot be made a party, the court shall determine whether in equity and good conscience the action should proceed among the parties before it, or should be dismissed without prejudice, the absent person being thus regarded as indispensable. The factors to be considered by the court include: (1) to what extent a judgment rendered in the person's absence might be prejudicial to him or those already parties; (2) the extent to which, by protective provisions in the judgment, by the shaping of relief, or other measures, the prejudice can be lessened or avoided; (3) whether a judgment rendered in the person's absence will be adequate; (4) whether the plaintiff or cross-complainant will have an adequate remedy if the action is dismissed for nonjoinder.

(c) A complaint or cross-complaint shall state the names, if known to the pleader, of any persons as described in paragraph (1) or (2) of subdivision (a) who are not joined, and the reasons why they are not joined.

(d) Nothing in this section affects the law applicable to class actions.

SEC. 16. Section 396 of the Code of Civil Procedure is amended to read:

396. If an action or proceeding is commenced in a court which lacks jurisdiction of the subject matter thereof, as determined by the complaint or petition, if there is a court of this state which has such jurisdiction, the action or proceeding shall not be dismissed (except as provided in Section 581b, and as provided in subdivision 1 of Section 581 of this code) but shall, on the application of either party, or on the court's own motion, be transferred to a court having jurisdiction of the subject matter which may be agreed upon by the parties, or, if they do not agree, to a court having such jurisdiction which is designated by law as a proper court for the trial or determination thereof, and it shall thereupon be entered and prosecuted in the court to which it is transferred as if it had been commenced therein, all prior proceedings being saved.

In any such case, if summons is served prior to the filing of the action or proceeding in the court to which it is transferred, as to any defendant, so served, who has not appeared in the action or proceeding, the time to answer or otherwise plead shall date from service upon such defendant of written notice of the filing of such action or proceeding in the court to which it is transferred.

If an action or proceeding is commenced in or transferred to a court which has jurisdiction of the subject matter thereof as determined by the complaint or petition, and it thereafter appears from the verified pleadings, or at the trial, or hearing, that the determination of the action or proceeding, or of a cross-complaint, will necessarily involve the determination of questions not within the jurisdiction of the court, in which the action or proceeding is pending, the court, whenever such lack of jurisdiction appears, must suspend all further proceedings therein and transfer the action or proceeding and certify the pleadings (or if the pleadings be oral, a transcript of the same), and all papers and proceedings therein, to a court having jurisdiction thereof which may be agreed upon by the parties, or, if they do not agree, to a court having such jurisdiction which is designated by law as a proper court for the trial or determination thereof.

An action or proceeding which is transferred under the provisions of this section shall be deemed to have been commenced at the time the complaint or petition was filed in the court from which it was originally transferred.

Nothing herein shall be construed to preclude or affect the right to amend the pleadings as provided in this code.

Nothing herein shall be construed to require the superior court to transfer any action or proceeding because the judgment to be rendered, as determined at the trial or hearing, is one which might have been rendered by a municipal or justice court in the same county or city and county.

In any case where the lack of jurisdiction is due solely to an excess in the amount of the demand, the excess may be remitted and the action may continue in the court where it is pending.

Upon the making of an order for such transfer, proceedings shall be had as provided in Section 399 of this code, the costs and fees thereof, and of filing the case in the court to which transferred, to be paid by the plaintiff unless the court ordering the transfer shall otherwise direct. If the party obligated to pay such costs and fees shall fail to do so within the time specifically provided, or, if none, then within five (5) days after service of notice of the order for transfer or as to costs and fees, then any party may pay such costs and fees and, if other than a party originally obligated to do so, shall be entitled to credit therefor or recovery thereof, in the same manner as is provided in Section 399.

SEC. 17. Section 422 of the Code of Civil Procedure is repealed.

SEC. 18. Section 422.10 is added to the Code of Civil Procedure, to read:

422.10. The pleadings allowed in civil actions are complaints, demurrers, answers, and cross-complaints.

SEC. 19. Section 422.20 is added to the Code of Civil Procedure, to read:

422.20. (a) The rules stated in this section apply only to pleadings in justice courts.

(b) The pleadings are not required to be in any particular form but shall be such as to enable a person of common understanding to know what is intended.

(c) The complaint or a cross-complaint shall be in writing. Other pleadings may be oral or in writing. If the pleadings are in writing, they shall be filed with the judge. If oral, an entry of their substance shall be made in the docket.

(d) A copy of the account, note, bill, bond, or instrument upon which the cause of action is based is a sufficient complaint or cross-complaint.

(e) Except as otherwise provided in this title, the pleadings need not be verified.

SEC. 20. Section 422.30 is added to the Code of Civil Procedure, to read:

422.30. Every pleading shall contain a caption setting forth:

(a) The name of the court and county, and, in municipal and justice courts, the name of the judicial district, in which the action is brought; and

(b) The title of the action.

SEC. 21. Section 422.40 is added to the Code of Civil Procedure, to read:

422.40. In the complaint, the title of the action shall include the names of all the parties; but, except as otherwise provided by statute or rule of the Judicial Council, in other pleadings it is sufficient to state the name of the first party on each side with an appropriate indication of other parties.

SEC. 22. Chapter 2 (commencing with Section 425) of Title 6 of Part 2 of the Code of Civil Procedure is repealed.

SEC. 23. Chapter 2 (commencing with Section 425.10) is added to Title 6 of Part 2 of the Code of Civil Procedure, to read:

CHAPTER 2. PLEADINGS DEMANDING RELIEF

Article 1. General Provisions

425.10. A complaint or cross-complaint shall contain both of the following:

(a) A statement of the facts constituting the cause of action, in ordinary and concise language.

(b) A demand for judgment for the relief to which the pleader claims he is entitled. If the recovery of money or damages be demanded, the amount thereof shall be stated.

425.20. (a) Except as otherwise provided by law, causes of action shall be separately stated.

(b) In any action brought by the husband and wife, to recover damages caused by any injury to the wife, all consequential damages suffered or sustained by the husband alone, including loss of the services of his wife, money expended and indebtedness incurred by reason of such injury to his wife, may be alleged and recovered without separately stating such cause of action arising out of such consequential damages suffered or sustained by the husband.

(c) Causes of action for injuries to person and injuries to property, growing out of the same tort, need not be separately stated.

Article 2. Compulsory Cross-Complaints

426.10. As used in this article:

(a) "Complaint" means a complaint or cross-complaint.

(b) "Plaintiff" means a person who files a complaint or cross-complaint.

(c) "Related cause of action" means a cause of action which arises out of the same transaction, occurrence, or series of transactions or occurrences as the cause of action which the plaintiff alleges in his complaint.

426.30. (a) Except as otherwise provided by statute, if a party against whom a complaint has been filed and served fails to allege in a cross-complaint any related cause of action which (at the time of serving his answer to the complaint) he has against the plaintiff, such party may not thereafter in any other action assert against the plaintiff the related cause of action not pleaded.

(b) This section does not apply if either of the following are established:

(1) The court in which the action is pending does not have jurisdiction to render a personal judgment against the person who failed to plead the related cause of action.

(2) The person who failed to plead the related cause of action did not file an answer to the complaint against him.

426.40. This article does not apply if any of the following are established:

(a) The cause of action not pleaded requires for its adjudication the presence of additional parties over whom the court cannot acquire jurisdiction.

(b) Both the court in which the action is pending and any other court to which the action is transferrable pursuant to Section 396 are prohibited by the federal or state constitution or by a statute from entertaining the cause of action not pleaded.

(c) At the time the action was commenced, the cause of action not pleaded was the subject of another pending action.

426.50. A party who fails to plead a cause of action subject to the requirements of this article, whether through oversight,

inadvertence, mistake, neglect, or other cause, may apply to the court for leave to amend his pleading, or to file a cross-complaint, to assert such cause at any time during the course of the action. The court, after notice to the adverse party, shall grant, upon such terms as may be just to the parties, leave to amend the pleading, or to file the cross-complaint, to assert such cause if the party who failed to plead the cause acted in good faith. This subdivision shall be liberally construed to avoid forfeiture of causes of action.

426.60. (a) This article applies only to civil actions and does not apply to special proceedings.

(b) This article does not apply to actions in the small claims court.

(c) This article does not apply where the only relief sought is a declaration of the rights and duties of the respective parties in an action for declaratory relief under Chapter 8 (commencing with Section 1060) of Title 14 of this part.

Article 3. Permissive Joinder of Causes of Action

427.10. (a) A plaintiff who in a complaint, alone or with coplaintiffs, alleges a cause of action against one or more defendants may unite with such cause any other causes which he has either alone or with any coplaintiffs against any of such defendants.

(b) Causes of action may be joined in a cross-complaint in accordance with Sections 428.10 and 428.30.

Article 4. Cross-Complaints

428.10. A party against whom a cause of action has been asserted in a complaint or cross-complaint may file a cross-complaint setting forth either or both of the following:

(a) Any cause of action he has against any of the parties who filed the complaint or cross-complaint against him. Nothing in this subdivision authorizes the filing of a cross-complaint against the plaintiff in an action commenced under Title 7 (commencing with Section 1237) of Part 3.

(b) Any cause of action he has against a person alleged to be liable thereon, whether or not such person is already a party to the action, if the cause of action asserted in his cross-complaint (1) arises out of the same transaction, occurrence, or series of transactions or occurrences as the cause brought against him or (2) asserts a claim, right, or interest in the property or controversy which is the subject of the cause brought against him.

428.20. When a person files a cross-complaint as authorized by Section 428.10, he may join any person as a cross-complainant or cross-defendant, whether or not such person is already a party to the action, if, had the cross-complaint been

filed as an independent action, the joinder of that party would have been permitted by the statutes governing joinder of parties.

428.30. Where a person files a cross-complaint as authorized by Section 428.10, he may unite with the cause of action asserted in the cross-complaint any other causes of action he has against any of the cross-defendants, other than the plaintiff in an eminent domain proceeding, whether or not such cross-defendant is already a party to the action.

428.40. The cross-complaint shall be a separate document.

428.50. A party shall obtain leave of court to file any cross-complaint except one filed before or at the same time as his answer to the complaint or cross-complaint. Such leave may be granted in the interest of justice at any time during the course of the action.

428.60. (a) A cross-complaint shall be served on each of the parties affected thereby in the manner provided in this section.

(b) If any party affected by the cross-complaint has not appeared in the action, a summons upon the cross-complaint shall be issued and served upon him in the same manner as upon commencement of an original action.

(c) If any party affected by the cross-complaint has appeared in the action, the cross-complaint shall be served upon his attorney, or upon the party if he has appeared without an attorney, in the manner provided for service of summons or in the manner provided by Chapter 5 (commencing with Section 1010) of Title 14 of Part 2 of this code.

428.70. (a) As used in this section:

(1) "Third-party plaintiff" means a person against whom a cause of action has been asserted in a complaint or cross-complaint, who claims the right to recover all or part of any amounts for which he may be held liable on such cause of action from a third person, and who files a cross-complaint stating such claim as a cause of action against the third person.

(2) "Third-party defendant" means the person who is alleged in a cross-complaint filed by a third-party plaintiff to be liable to the third-party plaintiff if the third-party plaintiff is held liable on the claim against him.

(b) In addition to the other rights and duties a third-party defendant has under this article, he may, at the time he files his answer to the cross-complaint, file as a separate document a special answer alleging against the person who asserted the cause of action against the third-party plaintiff any defenses which the third-party plaintiff has to such cause of action. The special answer shall be served on the third-party plaintiff and on the person who asserted the cause of action against the third-party plaintiff.

428.80. The counterclaim is abolished. Any cause of action that formerly was asserted by a counterclaim shall be asserted

by a cross-complaint. Where any statute refers to asserting a cause of action as a counterclaim, such cause shall be asserted as a cross-complaint. The erroneous designation of a pleading as a counterclaim shall not affect its validity, but such pleading shall be deemed to be a cross-complaint.

**Article 5. Contents of Documents in Particular
Actions or Proceedings**

429.10. In a proceeding for dissolution of marriage, the petition shall set forth among other matters, as nearly as can be ascertained, the following facts:

- (a) The state or country in which the parties were married.
- (b) The date of marriage.
- (c) The date of separation.
- (d) The number of years from marriage to separation.
- (e) The number of children of the marriage, if any, and if none a statement of that fact.
- (f) The age and birth date of each minor child of the marriage.
- (g) The social security numbers of the husband and wife, if available and if not available, a statement to such effect.

429.20. (a) In a proceeding for dissolution of marriage, legal separation, or for a declaration of void or voidable marriage, there shall be furnished to the county clerk by the petitioner at the time of filing of the petition, or within 10 days thereafter and before the date of the first hearing, that information, required to be collected by the State Registrar of Vital Statistics, in the manner specified under Chapter 6.5 (commencing with Section 10360) of Division 9 of the Health and Safety Code. The clerk shall accept the petition for filing, whether or not the information is then furnished. At any time after the filing of the petition, the respondent may also furnish the information, whether or not it has been first furnished by the petitioner.

(b) The clerk shall take all ministerial steps required of him in the proceeding, whether or not the information required by this section has been furnished; but the clerk shall advise the court, at the time set for any hearing, if at such time no party has furnished the information. In such cases, the court may decline to hear any matter encompassed within the proceeding if good cause for such failure to furnish the information has not been shown. The court's inquiry in such cases shall be confined solely to the question of the existence of good cause for not furnishing the information; and such report and the contents thereof shall not be admissible in evidence and shall not be furnished to the court.

429.30. (a) As used in this section:

- (1) "Complaint" includes a cross-complaint.
 - (2) "Plaintiff" includes the person filing a cross-complaint.
- (b) If the complaint contains a demand for relief on account of the alleged infringement of the plaintiff's rights in

and to a literary, artistic, or intellectual production, there shall be attached to the complaint a copy of the production as to which the infringement is claimed and a copy of the alleged infringing production. If, by reason of bulk or the nature of the production, it is not practicable to attach a copy to the complaint, that fact and the reasons why it is impracticable to attach a copy of the production to the complaint shall be alleged; and the court, in connection with any demurrer, motion, or other proceedings in the cause in which a knowledge of the contents of such production may be necessary or desirable, shall make such order for a view of the production not attached as will suit the convenience of the court to the end that the contents of such production may be deemed to be a part of the complaint to the same extent and with the same force as though such production had been capable of being and had been attached to the complaint. The attachment of any such production in accordance with the provisions of this section shall not be deemed a making public of the production within the meaning of Section 983 of the Civil Code.

429.40. This title does not apply in a proceeding under Part 5 (commencing with Section 4000) of the Civil Code unless otherwise provided by rule of the Judicial Council under Section 4001 of the Civil Code.

SEC. 24. The heading of Chapter 3 (commencing with Section 430) of Title 6 of Part 2 of the Code of Civil Procedure is repealed.

SEC. 25. Section 430 of the Code of Civil Procedure is repealed.

SEC. 26. Section 431 of the Code of Civil Procedure is repealed.

SEC. 27. Section 431.5 of the Code of Civil Procedure is repealed.

SEC. 28. Section 432 of the Code of Civil Procedure is repealed.

SEC. 29. Chapter 3 (commencing with Section 430.10) is added to Title 6 of Part 2 of the Code of Civil Procedure, to read:

CHAPTER 3. OBJECTIONS TO PLEADINGS;
DENIALS AND DEFENSES

Article 1. Objections to Pleadings

430.10. The party against whom a complaint or cross-complaint has been filed may object, by demurrer or answer as provided in Section 430.30, to the pleading on any one or more of the following grounds:

(a) The court has no jurisdiction of the subject of the cause of action alleged in the pleading.

(b) The person who filed the pleading does not have the legal capacity to sue.

(c) There is another action pending between the same parties on the same cause of action.

(d) There is a defect or misjoinder of parties.

(e) Causes of action are not separately stated as required by Section 425.20.

(f) The pleading does not state facts sufficient to constitute a cause of action.

(g) The pleading is uncertain. As used in this subdivision, "uncertain" includes ambiguous and unintelligible.

(h) In an action founded upon a contract, it cannot be ascertained from the pleading whether the contract is written or oral.

430.20. A party against whom an answer has been filed may object, by demurrer as provided in Section 430.30, to the answer upon any one or more of the following grounds:

(a) The answer does not state facts sufficient to constitute a defense.

(b) The answer is uncertain. As used in this subdivision, "uncertain" includes ambiguous and unintelligible.

(c) Where the answer pleads a contract, it cannot be ascertained from the answer whether the contract is written or oral.

430.30. (a) When any ground for objection to a complaint, cross-complaint, or answer appears on the face thereof, or from any matter of which the court is required to or may take judicial notice, the objection on that ground may be taken by a demurrer to the pleading.

(b) When any ground for objection to a complaint or cross-complaint does not appear on the face of the pleading, the objection may be taken by answer.

(c) A party objecting to a complaint or cross-complaint may demur and answer at the same time.

430.40. (a) A person against whom a complaint or cross-complaint has been filed may, within 30 days after service of the complaint or cross-complaint, demur to the complaint or cross-complaint.

(b) A party who has filed a complaint or cross-complaint may, within 10 days after service of the answer to his pleading, demur to the answer.

430.50. (a) A demurrer to a complaint or cross-complaint may be taken to the whole complaint or cross-complaint or to any of the causes of action stated therein.

(b) A demurrer to an answer may be taken to the whole answer or to any one or more of the several defenses set up in the answer.

430.60. A demurrer shall distinctly specify the grounds upon which any of the objections to the complaint, cross-complaint, or answer are taken. Unless it does so, it may be disregarded.

430.70. When the ground of demurrer is based on a matter of which the court may take judicial notice pursuant to Section 452 or 453 of the Evidence Code, such matter shall be specified in the demurrer, or in the supporting points and

authorities for the purpose of invoking such notice, except as the court may otherwise permit.

430.80. If the party against whom a complaint or cross-complaint has been filed fails to object to the pleading, either by demurrer or answer, he is deemed to have waived the objection unless it is an objection that the court has no jurisdiction of the subject of the cause of action alleged in the pleading or an objection that the pleading does not state facts sufficient to constitute a cause of action.

Article 2. Denials and Defenses

431.10. A material allegation in a pleading is one essential to the claim or defense and which could not be stricken from the pleading without leaving it insufficient.

431.20. (a) Every material allegation of the complaint or cross-complaint, not controverted by the answer, shall, for the purposes of the action, be taken as true.

(b) The statement of any new matter in the answer, in avoidance or constituting a defense, shall, on the trial, be deemed controverted by the opposite party.

431.30. (a) As used in this section:

(1) "Complaint" includes a cross-complaint.

(2) "Defendant" includes a person filing an answer to a cross-complaint.

(b) The answer to a complaint shall contain:

(1) A general or specific denial of the material allegations of the complaint controverted by the defendant.

(2) A statement of any new matter constituting a defense.

(c) Affirmative relief may not be claimed in the answer.

(d) If the complaint is not verified, a general denial is sufficient but only puts in issue the material allegations of the complaint. Except in justice courts, if the complaint is verified, the denial of the allegations shall be made positively or according to the information and belief of the defendant.

(e) If the defendant has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial on that ground.

(f) The denials of the allegations controverted may be stated by reference to specific paragraphs or parts of the complaint; or by express admission of certain allegations of the complaint with a general denial of all of the allegations not so admitted; or by denial of certain allegations upon information and belief, or for lack of sufficient information or belief, with a general denial of all allegations not so denied or expressly admitted.

(g) The defenses shall be separately stated, and the several defenses shall refer to the causes of action which they are intended to answer, in a manner by which they may be intelligibly distinguished.

431.40. (a) In any action in which the demand, exclusive of interest, or the value of the property in controversy does not exceed five hundred dollars (\$500), the defendant at his option, in lieu of demurrer or other answer, may file a general written denial verified by his own oath and a brief statement, similarly verified, of any new matter constituting a defense.

(b) Nothing in this section excuses the defendant from complying with the provisions of law applicable to a cross-complaint, and any cross-complaint of the defendant shall be subject to the requirements applicable in any other action.

431.50. In an action to recover upon a contract of insurance wherein the defendant claims exemption from liability upon the ground that, although the proximate cause of the loss was a peril insured against, the loss was remotely caused by or would not have occurred but for a peril excepted in the contract of insurance, the defendant shall in his answer set forth and specify the peril which was the proximate cause of the loss, in what manner the peril excepted contributed to the loss or itself caused the peril insured against, and if he claims that the peril excepted caused the peril insured against, he shall in his answer set forth and specify upon what premises or at what place the peril excepted caused the peril insured against.

431.60. When, in an action to recover the possession of personal property, the person making any affidavit did not truly state the value of the property, and the officer taking the property, or the sureties on any bond or undertaking is sued for taking the same, the officer or sureties may in their answer set up the true value of the property, and that the person in whose behalf such affidavit was made was entitled to the possession of the same when such affidavit was made, or that the value in the affidavit stated was inserted by mistake, the court shall disregard the value as stated in the affidavit and give judgment according to the right of possession of such property at the time the affidavit was made.

431.70. Where cross-demands for money have existed between persons at any point in time when neither demand was barred by the statute of limitations, and an action is thereafter commenced by one such person, the other person may assert in his answer the defense of payment in that the two demands are compensated so far as they equal each other, notwithstanding that an independent action asserting his claim would at the time of filing his answer be barred by the statute of limitations. If the cross-demand would otherwise be barred by the statute of limitations, the relief accorded under this section shall not exceed the value of the relief granted to the other party. The defense provided by this section is not available if the cross-demand is barred for failure to assert it in a prior action under Section 426.30. Neither person can be deprived of the benefits of this section by the assignment or death of the other.

Article 3. Time to Respond to Cross-Complaint

432.10. A party served with a cross-complaint may within 30 days after service move, demur, or otherwise plead to the cross-complaint in the same manner as to an original complaint.

SEC. 30. Section 433 of the Code of Civil Procedure is repealed.

SEC. 31. Section 434 of the Code of Civil Procedure is repealed.

SEC. 32. A new chapter heading is added immediately preceding Section 435 of the Code of Civil Procedure, to read:

CHAPTER 4. MOTION TO STRIKE

SEC. 33. Section 435 of the Code of Civil Procedure is amended to read:

435. (a) As used in this section, "complaint" includes a cross-complaint.

(b) Any party, within the time he is allowed to answer a complaint, either at the time he demurs to the complaint, or without demurring, may serve and file a notice of motion to strike the whole or any part of the complaint. The notice of motion to strike shall specify a hearing date not more than 15 days from the filing of the notice, plus any additional time that the party, as moving party, is otherwise required to give the other party. If a party serves and files such a notice of motion without demurring, his time to answer the complaint is extended and no default may be entered against him, except as provided in Sections 585 and 586, but the filing of such a notice of motion shall not extend the time within which to demur.

SEC. 34. The heading of Chapter 4 (commencing with Section 437) of Title 6 of Part 2 of the Code of Civil Procedure is repealed.

SEC. 35. Section 437 of the Code of Civil Procedure is repealed.

SEC. 36. Section 437a of the Code of Civil Procedure is repealed.

SEC. 37. Section 437b of the Code of Civil Procedure is repealed.

SEC. 38. A new chapter heading is added immediately preceding Section 437c of the Code of Civil Procedure, to read:

CHAPTER 5. SUMMARY JUDGMENTS

SEC. 39. Section 437c of the Code of Civil Procedure is amended to read:

437c. In superior courts and municipal courts if it is claimed the action has no merit, or that there is no defense to the action, on motion of either party, after notice of the time and place thereof in writing served on the other party at least 10 days before such motion, supported by affidavit of

any person or persons having knowledge of the facts, the answer may be stricken out or the complaint may be dismissed and judgment may be entered, in the discretion of the court unless the other party, by affidavit or affidavits shall show such facts as may be deemed by the judge hearing the motion sufficient to present a triable issue of fact. A judgment so entered is an appealable judgment as in other cases. The word "action" as used in this section shall be construed to include all types of proceedings. The word "complaint" as used in this section shall be construed to include a cross-complaint. The phrase "plaintiff's claim" as used in this section includes a cause of action, asserted by any party, in a cross-complaint. The filing of a motion under this section shall not extend the time within which a party must otherwise file an answer, demurrer, cross-complaint, or motion to strike.

The affidavit or affidavits in support of the motion must contain facts sufficient to entitle plaintiff or defendant to a judgment in the action, and the facts stated therein shall be within the personal knowledge of the affiant, and shall be set forth with particularity, and each affidavit shall show affirmatively that affiant, if sworn as a witness, can testify competently thereto.

The affidavit or affidavits in opposition to said motion shall be made by the plaintiff or defendant, or by any other person having knowledge of the facts, and together shall set forth facts showing that the party has a good and substantial defense to the plaintiff's claim (or to a portion thereof) or that a good cause of action exists upon the merits. The facts stated in each affidavit shall be within the personal knowledge of the affiant, shall be set forth with particularity, and each affidavit shall show affirmatively that the affiant, if sworn as a witness, can testify competently thereto. When the party resisting the motion appears in a representative capacity, such as a trustee, guardian, executor, administrator, or receiver, then the affidavit in opposition by such representative may be made upon his information and belief.

If it appear that such defense applies only to a part of the plaintiff's claim, or that a good cause of action does not exist as to a part of the plaintiff's claim, or that any part of a claim is admitted or any part of a defense is conceded, the court shall, by order, so declare, and the claim or defense shall be deemed established as to so much thereof as is by such order declared and the cause of action may be severed accordingly, and the action may proceed as to the issues remaining between the parties. No judgment shall be entered prior to the termination of such action but the judgment in such action shall, in addition to any matters determined in such action, award judgment as established by the proceedings herein provided for. A judgment entered under this section is an appealable judgment as in other cases.

SEC. 40. Section 437d of the Code of Civil Procedure is repealed.

SEC. 41. Section 438 of the Code of Civil Procedure is repealed.

SEC. 42. Section 439 of the Code of Civil Procedure is repealed.

SEC. 43. Section 440 of the Code of Civil Procedure is repealed.

SEC. 44. Section 441 of the Code of Civil Procedure is repealed.

SEC. 45. Section 442 of the Code of Civil Procedure is repealed.

SEC. 46. Chapter 5 (commencing with Section 443) of Title 6 of Part 2 of the Code of Civil Procedure is repealed.

SEC. 47. Section 462 of the Code of Civil Procedure is repealed.

SEC. 48. Section 463 of the Code of Civil Procedure is repealed.

SEC. 49. Section 471.5 is added to the Code of Civil Procedure, to read:

471.5. If the complaint is amended, a copy of the amendments shall be filed, or the court may, in its discretion, require the complaint as amended to be filed, and a copy of the amendments or amended complaint must be served upon the defendants affected thereby. The defendant shall answer the amendments, or the complaint as amended, within 30 days after service thereof, or such other time as the court may direct, and judgment by default may be entered upon failure to answer, as in other cases.

SEC. 50. Section 581 of the Code of Civil Procedure is amended to read:

581. An action may be dismissed in the following cases:

1. By plaintiff, by written request to the clerk, filed with the papers in the case, or by oral or written request to the judge where there is no clerk, at any time before the actual commencement of trial, upon payment of the costs of the clerk or judge; provided, that affirmative relief has not been sought by the cross-complaint of the defendant. If a provisional remedy has been allowed, the undertaking shall upon such dismissal be delivered by the clerk or judge to the defendant who may have his action thereon. A trial shall be deemed to be actually commenced at the beginning of the opening statement of the plaintiff or his counsel, and if there shall be no opening statement, then at the time of the administering of the oath or affirmation to the first witness, or the introduction of any evidence.

2. By either party, upon the written consent of the other. No dismissal mentioned in subdivisions 1 and 2 of this section shall be granted unless upon the written consent of the attorney of record of the party or parties applying therefor, or if such consent is not obtained upon order of the court after notice to such attorney.

3. By the court, when either party fails to appear on the trial and the other party appears and asks for the dismissal,

or when a demurrer is sustained without leave to amend, or when, after a demurrer to the complaint has been sustained with leave to amend, the plaintiff fails to amend it within the time allowed by the court, and either party moves for such dismissal.

4. By the court, with prejudice to the cause, when upon the trial and before the final submission of the case, the plaintiff abandons it.

5. The provisions of subdivision 1, of this section, shall not prohibit a party from dismissing with prejudice, either by written request to the clerk or oral or written request to the judge, as the case may be, any cause of action at any time before decision rendered by the court. Provided, however, that no such dismissal with prejudice shall have the effect of dismissing a cross-complaint filed in said action. Dismissals without prejudice may be had in either of the manners provided for in subdivision 1 of this section, after actual commencement of the trial, either by consent of all of the parties to the trial or by order of court on showing of just cause therefor.

SEC. 51. Section 583 of the Code of Civil Procedure is amended to read:

583. (a) The court, in its discretion, may dismiss an action for want of prosecution pursuant to this subdivision if it is not brought to trial within two years after it was filed. The procedure for obtaining such dismissal shall be in accordance with rules adopted by the Judicial Council.

(b) Any action heretofore or hereafter commenced shall be dismissed by the court in which the same shall have been commenced or to which it may be transferred on motion of the defendant, after due notice to plaintiff or by the court upon its own motion, unless such action is brought to trial within five years after the plaintiff has filed his action, except where the parties have filed a stipulation in writing that the time may be extended. When, in any action after judgment, a motion for a new trial has been made and a new trial granted, such action shall be dismissed on motion of defendant after due notice to plaintiff, or by the court of its own motion, if no appeal has been taken, unless such action is brought to trial within three years after the entry of the order granting a new trial, except when the parties have filed a stipulation in writing that the time may be extended. When in an action after judgment, an appeal has been taken and judgment reversed with cause remanded for a new trial (or when an appeal has been taken from an order granting a new trial and such order is affirmed on appeal), the action must be dismissed by the trial court, on motion of defendant after due notice to plaintiff, or of its own motion, unless brought to trial within three years from the date upon which remittitur is filed by the clerk of the trial court.

(c) For the purposes of this section, "action" includes an action commenced by cross-complaint.

(d) The time during which the defendant was not amenable to the process of the court and the time during which the jurisdiction of the court to try the action is suspended shall not be included in computing the time period specified in this section.

SEC. 52. Section 626 of the Code of Civil Procedure is amended to read:

626. When a verdict is found for the plaintiff in an action for the recovery of money, or for the cross-complainant when a cross-complaint for the recovery of money is established, the jury must also find the amount of the recovery.

SEC. 53. Section 631.8 of the Code of Civil Procedure is amended to read:

631.8. After a party has completed his presentation of evidence in a trial by the court, the other party, without waiving his right to offer evidence in support of his defense or in rebuttal in the event the motion is not granted, may move for a judgment. The court as trier of the facts shall weigh the evidence and may render a judgment in favor of the moving party, in which case the court shall make findings as provided in Sections 632 and 634 of this code, or may decline to render any judgment until the close of all the evidence. Such motion may also be made and granted as to any cross-complaint.

If the motion is granted, unless the court in its order for judgment otherwise specifies, such judgment operates as an adjudication upon the merits.

SEC. 54. Section 666 of the Code of Civil Procedure is amended to read:

666. If a claim asserted in a cross-complaint is established at the trial and the amount so established exceeds the demand established by the party against whom the cross-complaint is asserted, judgment for the party asserting the cross-complaint must be given for the excess; or if it appears that the party asserting the cross-complaint is entitled to any other affirmative relief, judgment must be given accordingly.

When the amount found due to either party exceeds the sum for which the court is authorized to enter judgment, such party may remit the excess, and judgment may be rendered for the residue.

SEC. 55. Section 871.2 of the Code of Civil Procedure is amended to read:

871.2. As used in this chapter, "person" includes an unincorporated association.

SEC. 56. Section 871.3 of the Code of Civil Procedure is amended to read:

871.3. A good faith improver may bring an action in the superior court or, subject to Section 396, may file a cross-complaint in a pending action in the superior or municipal court for relief under this chapter. In every case, the burden is on the good faith improver to establish that he is entitled to relief under this chapter, and the degree of negligence of the good

faith improver should be taken into account by the court in determining whether the improver acted in good faith and in determining the relief, if any, that is consistent with substantial justice to the parties under the circumstances of the particular case.

SEC. 57. Section 871.5 of the Code of Civil Procedure is amended to read:

871.5. When an action or cross-complaint is brought pursuant to Section 871.3, the court may, subject to Section 871.4, effect such an adjustment of the rights, equities, and interests of the good faith improver, the owner of the land, and other interested parties (including, but not limited to, lessees, lienholders, and encumbrancers) as is consistent with substantial justice to the parties under the circumstances of the particular case. The relief granted shall protect the owner of the land upon which the improvement was constructed against any pecuniary loss but shall avoid, insofar as possible, enriching him unjustly at the expense of the good faith improver. In protecting the owner of the land against pecuniary loss, the court shall take into consideration the expenses the owner of the land has incurred in the action in which relief under this chapter is sought, including but not limited to reasonable attorney fees. In determining the appropriate form of relief under this section, the court shall take into consideration any plans the owner of the land may have for the use or development of the land upon which the improvement was made and his need for the land upon which the improvement was made in connection with the use or development of other property owned by him.

SEC. 58. Section 1048 of the Code of Civil Procedure is amended to read:

1048. (a) When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

(b) The court, in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy, may order a separate trial of any cause of action, including a cause of action asserted in a cross-complaint, or of any separate issue or of any number of causes of action or issues, preserving the right of trial by jury required by the Constitution or a statute of this state or of the United States.

SEC. 59. Section 3522 of the Revenue and Taxation Code is amended to read:

3522. A defense or cross-complaint based on an alleged invalidity or irregularity of any deed to the state for taxes or of any proceeding leading up to deed can only be maintained in a proceeding commenced within one year after the date of recording the deed to the state in the county recorder's office or within one year after October 1, 1949, whichever is later.

SEC. 60. Section 3810 of the Revenue and Taxation Code is amended to read:

3810. A defense or cross-complaint based on the alleged invalidity or irregularity of any agreement or deed executed under this article can only be maintained in a proceeding commenced within a year after the execution of the instrument.

SEC. 61. Section 26304 of the Water Code is amended to read:

26304. An action, proceeding, defense, answer, or cross-complaint based on the alleged invalidity or irregularity of any collector's deed executed to the district or based on the alleged ineffectiveness of the deed to convey the absolute title to the property described in it may be commenced or interposed only within one year after the recordation of the deed.

SEC. 62. Section 26305 of the Water Code is amended to read:

26305. An action, proceeding, defense, answer, or cross-complaint based on the alleged invalidity or irregularity of any agreement of sale, deed, lease, or option executed by a district in connection with property deeded to it by its collector or based on the alleged ineffectiveness of the instrument to convey or affect the title to the property described in it may be commenced or interposed only within one year after the execution by the district of the instrument.

SEC. 63. Section 37161 of the Water Code is amended to read:

37161. An action, proceeding, defense, answer, or cross-complaint based on the alleged invalidity or irregularity of any collector's deed executed to the district or based on the alleged ineffectiveness of the deed to convey the absolute title to the property described in it may be commenced or interposed only within one year after the recordation of the deed.

SEC. 64. Section 37162 of the Water Code is amended to read:

37162. An action, proceeding, defense, answer, or cross-complaint based on the alleged invalidity or irregularity of any agreement of sale, deed, lease, or option executed by a district in connection with property deeded to it by its collector or based on the alleged ineffectiveness of the instrument to convey or affect the title to the property described in it may be commenced or interposed only within one year after the execution by the district of the instrument.

SEC. 65. Section 51696 of the Water Code is amended to read:

51696. An action, proceeding, defense, or cross-complaint based on the alleged invalidity or irregularity of any sale by the county treasurer as trustee of a district of a parcel deeded to him as a result of the nonpayment of an assessment, or some portion thereof, may be commenced or interposed only within one year from the date of the sale.

SEC. 66. (a) This act becomes operative on July 1, 1972, and applies to actions commenced on or after July 1, 1972.

(b) Except as otherwise provided by rules adopted by the Judicial Council effective on or after July 1, 1972, this act does not apply to actions pending on July 1, 1972, and any action to which this act does not apply is governed by the law as it would exist had this act not been enacted.

CHAPTER 245

*An act to add Section 7153.5 to the Education Code,
relating to community college libraries.*

[Approved by Governor July 1, 1971. Filed with
Secretary of State July 1, 1971.]

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

SECTION 1. Section 7153.5 is added to the Education Code, to read:

7153.5. The governing board of a school district maintaining a community college may provide by appropriate rules and regulations that grades, transcripts, diplomas, and registration privileges, or any combination thereof, shall be withheld from any student or former student properly charged with the possession of library books or other library materials when such books or materials are not returned to the library when due.

Grades, transcripts, diplomas, and registration privileges shall be released from the prescribed restrictions when the student either:

(a) Returns the overdue library books or other library materials; or

(b) Pays the charge for the replacement of the library books or other library materials, if such books or materials were lost.

CHAPTER 246

An act to amend Section 118 of the Streets and Highways Code, relating to sales or exchange of surplus highway property.

[Approved by Governor July 1, 1971. Filed with
Secretary of State July 1, 1971.]

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

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

118. Whenever the department determines that any real property or interest therein, heretofore or hereafter acquired

by the state for highway purposes, is no longer necessary for such purposes, the department may sell, contract to sell, sell by trust deed, or exchange such real property or interest therein in the manner and upon terms, standards, and conditions established by the commission. The payment period in any such contract of sale or sale by trust deed shall not extend longer than 10 years from the time such contract of sale or trust deed is executed, and any such transaction involving a contract of sale or sale by trust deed to private parties shall require a downpayment of at least 30 percent of the purchase price. Any such conveyance shall be approved by the commission and shall be executed on behalf of the state by the director and the purchase price shall be paid into the State Treasury to the credit of any fund, available to the department for highway purposes, which the commission designates.

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

CHAPTER 247

An act to repeal Section 2 of Chapter 108, Statutes of 1969, relating to clinical laboratory technology.

[Approved by Governor July 1, 1971. Filed with
Secretary of State July 1, 1971.]

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

SECTION 1. Section 2 of Chapter 108, Statutes of 1969, is repealed.

CHAPTER 248

An act to amend Sections 1506 and 1507 of the Probate Code, relating to partition of guardianship estates.

[Approved by Governor July 1, 1971. Filed with
Secretary of State July 1, 1971.]

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

SECTION 1. Section 1506 of the Probate Code is amended to read:

1506. When a ward owns an undivided interest in real or personal property, the guardian of his estate (a) may commence and prosecute an action for the partition thereof after first obtaining authority from the court having jurisdiction of the estate on ex parte application or (b) may consent and agree to a partition thereof without action and to the

part to be set off to his ward, and may execute deeds or conveyances to the owners of the remaining shares of the parts to which they may be respectively entitled, but he must first obtain authority from the court having jurisdiction of the estate.

SEC. 2. Section 1507 of the Probate Code is amended to read:

1507. Except in cases within subdivision (a) of Section 1506, the order granting such authority shall be made only after a hearing in open court upon the petition of the guardian. Upon filing the petition, the clerk of the court shall set the same for hearing by the court and cause notice thereof to be mailed, at least 10 days before the hearing, to such relatives of the ward residing in the state as the court or judge deems proper.

CHAPTER 249

An act to amend Sections 21263, 21263.1, and 21264 of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor July 1, 1971 Filed with
Secretary of State July 1, 1971]

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

SECTION 1. Section 21263 of the Government Code is amended to read:

21263. Upon the death of a patrol member after the effective date of this section and after the effective date of his retirement for service or for disability, including such members heretofore and hereafter retired, one-half his retirement allowance as it was at his death, excluding any portion of said allowance which is based on service other than highway patrol service or which was derived from accumulated additional contributions of the member, shall be continued throughout life or until remarriage, to his surviving wife. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of 18 years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age; provided, that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving wife and no children under the age of 18 years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this

section to a surviving wife unless she was married to the member at least one year prior to his retirement. If at the effective date of said retirement, said member has no wife, children or dependent parents, who would so qualify and if said member elects as provided in Section 21330 to have the actuarial equivalent of his retirement allowance applied to a lesser retirement allowance, in accordance with an optional settlement, no allowance shall be paid under this Section 21263.

The amendments to this section at the 1971 Regular Session providing for continuation of one-half of the allowance of a person retired for ordinary disability shall not apply to allowances of persons whose effective date of retirement for ordinary disability was prior to the operative date of such amendments.

SEC. 2. Section 21263.1 of the Government Code is amended to read:

21263.1. Upon the death of a law enforcement member after the effective date of this section and after the effective date of his retirement for service or for disability, including such members heretofore and hereafter retired, one-half his retirement allowance as it was at his death, excluding any portion of said allowance which is based on service other than law enforcement service or which was derived from accumulated additional contributions of the member, shall be continued throughout life or until remarriage, to his surviving wife. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of 18 years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age; provided, that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving wife and no children under the age of 18 years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife unless she was married to the member at least one year prior to his retirement. If at the effective date of said retirement, said member has no wife, children or dependent parents, who would so qualify and if said member elects as provided in Section 21330 to have the actuarial equivalent of his retirement allowance applied to a lesser retirement allowance, in accordance with an optional settlement, no allowance shall be paid under this section.

The amendments to this section at the 1971 Regular Session providing for continuation of one-half of the allowance of a person retired for ordinary disability shall not apply to allowances of persons whose effective date of retirement for ordinary disability was prior to the operative date of such amendments.

SEC. 3. Section 21264 of the Government Code is amended to read:

21264. Upon the death of a local safety member after the effective date of this section and after the effective date of his retirement for service or for disability, including such members heretofore and hereafter retired, one-half his retirement allowance as it was at his death, excluding any portion of said allowance which is based on service other than service credited to him as a local safety member or any service rendered as an employee of the state or a contracting agency not subject to the provisions of this section or which was derived from accumulated additional contributions of the member, shall be continued throughout life or until remarriage, to his surviving spouse. If there be no surviving spouse entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age; provided, that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under the age of 18 years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving spouse unless she was married to the member at least one year prior to his retirement. If at the effective date of said retirement, said member has no spouse, children or dependent parents, who would so qualify and if said member elects as provided in Section 21330 to have the actuarial equivalent of his retirement allowance applied to a lesser retirement allowance, in accordance with an optional settlement, no allowance shall be paid under this Section 21264.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

This section applies to the surviving husband of a local safety member, but only if he was dependent upon her, as well as the surviving wife of a local safety member.

The amendments to this section at the 1971 Regular Session providing for continuation of one-half of the allowance of a person retired for ordinary disability shall not apply to allowances of persons whose effective date of retirement for ordinary disability was prior to the operative date of such amendments.

SEC. 4. This act shall become operative on the first of the month following the month in which statutes enacted at the 1971 Regular Session become effective.

CHAPTER 250

An act to amend Section 3 of Chapter 1534 of the 1970 Statutes, relating to State Environmental Goals and Policy Report.

[Approved by Governor July 1, 1971. Filed with
Secretary of State July 1, 1971.]

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

SECTION 1. Section 3 of Chapter 1534 of the 1970 Statutes is amended to read:

SEC. 3. The first report provided in Section 65041 of the Government Code shall be transmitted by the Governor to the Legislature no later than March 1, 1972. A report describing steps to be taken and progress in developing basic studies, concepts, and other major aspects of the report shall be transmitted by the Governor to the Legislature no later than June 1, 1971.

CHAPTER 251

An act to amend Sections 23014 and 25210.9c of the Government Code, relating to revolving funds.

[Approved by Governor July 1, 1971. Filed with
Secretary of State July 1, 1971.]

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

SECTION 1. Section 23014 of the Government Code is amended to read:

23014. Pursuant to a resolution adopted by its board of supervisors by a four-fifths vote of all of the members of the board of supervisors, a county may appropriate any of its available moneys to a revolving fund not to exceed five hundred thousand dollars (\$500,000) to be used by any county sanitation district, county flood control district, or county maintenance district, located wholly within the county for the acquisition of real or personal property, engineering services, or the construction of structures or improvements needed in whole or in part for district purposes. The revolving fund shall be reimbursed from service fees, connection charges, tax revenues or other moneys available to the district, and no sums shall be disbursed from the fund until an agreement with a term not exceeding five years has been made between the board of supervisors and the governing board of the district encompassing the method by, and the

time within, which the district is to reimburse the fund. Such reimbursement from tax revenue shall not exceed in any one fiscal year an amount equal to one cent (\$0.01) on the tax rate or twenty-five thousand dollars (\$25,000), whichever is less. The district shall reimburse the fund for any amount disbursed to the district within five years after such disbursement, together with interest at the current rate per annum received on similar types of investments by the county as determined by the county treasurer.

SEC. 2. Section 25210.9c of the Government Code is amended to read:

25210.9c. Pursuant to a resolution adopted by a four-fifths vote of all the members of its board of supervisors, a county may appropriate any of its available moneys to a revolving fund not to exceed three hundred fifty thousand dollars (\$350,000) to be used for the acquisition of real or personal property, engineering services, salaries, wages, services, supplies, or the construction of structures or improvements needed in whole or in part to provide one or more extended services to a county service area located wholly within the county. The revolving fund shall be reimbursed from service fees, connection charges, tax revenues or other moneys available from the service area, and no sums shall be disbursed from the fund until the board has, by resolution, established the method by and term, not exceeding five years, within which the county service area is to reimburse the fund. The service area shall reimburse the fund for any amount disbursed to the service area within five years after such disbursement, together with interest at the current rate per annum received on similar types of investments by the county as determined by the county treasurer.

CHAPTER 252

An act to amend Section 36637 of the Agricultural Code, relating to definitions, standards and permits.

[Approved by Governor July 1, 1971 Filed with
Secretary of State July 1, 1971.]

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

SECTION 1. Section 36637 of the Agricultural Code is amended to read:

36637. Except as to Sections 407 to 407.6, inclusive, 407.9 and 407.10, and 407.12 to 407.14, inclusive, of Title 3 of the California Administrative Code, which shall remain in effect until the 61st day after the final adjournment of the 1972 Regular Session of the Legislature and which may be amended by the director, every definition, standard, and permit which is established or issued pursuant to this article expires on the 61st day after the final adjournment of the second regular session of the Legislature commencing after the establishment or issuance of such definition, standard or permit.

CHAPTER 253

An act to amend Section 21372 of, and to repeal Section 21367 of, the Vehicle Code, relating to school crossing protection devices.

[Approved by Governor July 1, 1971. Filed with Secretary of State July 1, 1971.]

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

SECTION 1. Section 21367 of the Vehicle Code is repealed.

SEC. 2. Section 21372 of the Vehicle Code is amended to read:

21372. The Department of Public Works and local authorities shall, with respect to highways under their respective jurisdictions, establish and promulgate warrants to be used as guidelines for the placement of traffic control devices near schools for the purpose of protecting students going to and from school. Such devices may include flashing signals. Such warrants shall be based upon, but need not be limited to, the following items: pedestrian volumes, vehicle volumes, width of the roadway, physical terrain, speed of vehicle traffic, horizontal and vertical alignment of the roadway, the distance to existing traffic control devices, proximity to the school, and the degree of urban or rural environment of the area.

CHAPTER 254

An act to amend the heading of Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of, and Sections 3501 and 3507 of, to amend and renumber Section 3511 of, to add Chapter 10.5 (commencing with Section 3525) to Division 4 of Title 1 of, and to repeal Section 3510 of, the Government Code, relating to public employees.

[Approved by Governor July 1, 1971. Filed with Secretary of State July 1, 1971.]

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

SECTION 1. The heading of Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code is amended to read:

**CHAPTER 10. LOCAL PUBLIC EMPLOYEE
ORGANIZATIONS**

SEC. 2. Section 3501 of the Government Code is amended to read:

3501. As used in this chapter:

(a) "Employee organization" means any organization which includes employees of a public agency and which has

as one of its primary purposes representing such employees in their relations with that public agency.

(b) "Recognized employee organization" means an employee organization which has been formally acknowledged by the public agency as an employee organization that represents employees of the public agency.

(c) Except as otherwise provided in this subdivision, "public agency" means every governmental subdivision, every district, every public and quasi-public corporation, every public agency and public service corporation and every town, city, county, city and county and municipal corporation, whether incorporated or not and whether chartered or not. As used in this chapter, "public agency" does not mean a school district or a county board of education or a county superintendent of schools or a personnel commission in a school district having a merit system as provided in Chapter 3 (commencing with Section 13580) of Division 10 of the Education Code or the State of California.

(d) "Public employee" means any person employed by any public agency, including employees of the fire departments and fire services of counties, cities, cities and counties, districts, and other political subdivisions of the state, excepting those persons elected by popular vote or appointed to office by the Governor of this state.

(e) "Mediation" means effort by an impartial third party to assist in reconciling a dispute regarding wages, hours and other terms and conditions of employment between representatives of the public agency and the recognized employee organization or recognized employee organizations through interpretation, suggestion and advice.

SEC. 3. Section 3507 of the Government Code is amended to read:

3507. A public agency may adopt reasonable rules and regulations after consultation in good faith with representatives of an employee organization or organizations for the administration of employer-employee relations under this chapter (commencing with Section 3500).

Such rules and regulations may include provisions for (a) verifying that an organization does in fact represent employees of the public agency (b) verifying the official status of employee organization officers and representatives (c) recognition of employee organizations (d) additional procedures for the resolution of disputes involving wages, hours and other terms and conditions of employment (e) access of employee organization officers and representatives to work locations (f) use of official bulletin boards and other means of communication by employee organizations (g) furnishing nonconfidential information pertaining to employment relations to employee organizations (h) such other matters as are necessary to carry out the purposes of this chapter.

No public agency shall unreasonably withhold recognition of employee organizations.

SEC. 4. Section 3510 of the Government Code is repealed.

SEC. 5. Section 3511 of the Government Code is amended and renumbered to read:

3510. This chapter shall be known and may be cited as the "Meyers-Milias-Brown Act."

SEC. 6. Chapter 10.5 (commencing with Section 3525) is added to Division 4 of Title 1 of the Government Code, to read:

CHAPTER 10.5. STATE EMPLOYEE ORGANIZATIONS

3525. It is the purpose of this chapter to promote the improvement of personnel management and employer-employee relations between the State of California and its employees by providing a uniform basis for recognizing the right of public employees to join organizations of their own choice and be represented by such organizations in their employment relationships with the state. Nothing contained herein shall be deemed to supersede the provisions of existing state law which establish and regulate a merit or civil service system or which provide for other methods of administering employer-employee relations. This chapter is intended, instead, to strengthen merit, civil service and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communication between employees and the state.

3526. As used in this chapter:

(a) "Employee organization" means any organization which includes employees of the state and which has as one of its primary purposes representing its members in employer-employee relations.

(b) The provisions of this chapter apply only to the State of California. The "State of California" as used in this chapter means such state agencies, boards, commissions, administrative officers, or other representatives as may be designated by law.

(c) "Public employee" means any person employed by the state, including employees of fire departments or fire services of the state, excepting those persons elected by popular vote or appointed to office by the Governor of this state.

3527. Except as otherwise provided by the Legislature, state employees shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. State employees also shall have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the state.

3528. Employee organizations shall have the right to represent their members in their employment relations with the state. Employee organizations may establish reasonable restric-

tions regarding who may join and may make reasonable provisions for the dismissal of individuals from membership. Nothing in this section shall prohibit any employee from appearing in his own behalf in his employment relations with the state.

3529. The scope of representation shall include all matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment.

3530. The state by means of such boards, commissions, administrative officers or other representatives as may be properly designated by law, shall meet and confer with representatives of employee organizations upon request, and shall consider as fully as such representatives deem reasonable such presentations as are made by the employee organization on behalf of its members prior to arriving at a determination of policy or course of action.

3531. The state and employee organizations shall not interfere with, intimidate, restrain, coerce, or discriminate against state employees because of their exercise of their rights under Section 3527.

3532. The state may adopt reasonable rules and regulations for the administration of employer-employee relations under this chapter.

Such rules and regulations may include provisions for (a) verifying that an organization does in fact represent employees of the state (b) verifying the official status of employee organization officers and representatives (c) access of employee organization officers and representatives to work locations (d) use of official bulletin boards and other means of communication by employee organizations (e) furnishing nonconfidential information pertaining to employment relations to employee organizations (f) such other matters as are necessary to carry out the purposes of this chapter.

For employees in the state civil service, rules and regulations in accordance with this section may be adopted by the State Personnel Board.

3533. Professional employees shall not be denied the right to be represented separately from nonprofessional employees by a professional employee organization consisting of such professional employees.

“Professional employees,” for the purposes of this section, means employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including, but not limited to, attorneys, physicians, registered nurses, engineers, architects, teachers, and the various types of physical, chemical, and biological scientists.

3534. In addition to those rules and regulations the state may adopt pursuant to and in the same manner as in Section 3532, the state may adopt reasonable rules and regulations providing for designation of the management and confidential

employees of the state and restricting such employees from representing any employee organization, which represents other employees of the state, on matters within the scope of representation. Except as specifically provided otherwise in this chapter, this section does not otherwise limit the right of employees to be members of and to hold office in an employee organization.

3535. The state may, in accordance with reasonable standards, designate positions or classes of positions which have duties consisting primarily of the enforcement of state laws, and may by resolution adopted after a public hearing, limit or prohibit the right of employees in such positions or classes of positions to form, join or participate in employee organizations where it is in the public interest to do so; however, the state may not prohibit the right of its employees who are full-time "peace officers," as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, to join or participate in employee organizations which are composed solely of such peace officers, which concern themselves solely and exclusively with the wages, hours, working conditions, welfare programs, and advancement of the academic and vocational training in furtherance of the police profession, and which are not subordinate to any other organization.

The right of employees to form, join and participate in the activities of employee organizations shall not be restricted by the state on any grounds other than those set forth in this section.

3536. The enactment of this chapter shall not be construed as making the provisions of Section 923 of the Labor Code applicable to public employees.

SEC. 7. The provisions of this act do not constitute a change in, but are declaratory of, the preexisting law.

CHAPTER 255

An act to amend Section 1724 of the Business and Professions Code, relating to dentists.

[Approved by Governor July 1, 1971. Filed with Secretary of State July 1, 1971.]

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

SECTION 1. Section 1724 of the Business and Professions Code is amended to read:

1724. The amount of charges and fees for dentists prescribed by this chapter is that fixed by the following schedule.

(a) The fee for applicants for examination and for reexamination shall be that fixed by the board in an amount not more than fifty dollars (\$50). Applicants who are found to

be ineligible to take the examination shall be entitled to a refund in an amount fixed by the board.

(b) The renewal fee shall be fixed by the board at not more than twenty-four dollars (\$24) nor less than six dollars (\$6).

(c) The delinquency fee is ten dollars (\$10).

(d) The restoration fee for a license forfeited for nonregistration is twenty-five dollars (\$25).

(e) The penalty for late registration of change of place of practice is ten dollars (\$10).

(f) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued except that, if the license will expire less than one year after its issuance, then the initial license fee is 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

CHAPTER 256

An act to repeal Sections 61302 and 61303 of the Government Code, relating to conflicts of interest.

[Approved by Governor July 1, 1971. Filed with
Secretary of State July 1, 1971.]

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

SECTION 1. Section 61302 of the Government Code is repealed.

SEC. 2. Section 61303 of the Government Code is repealed.

CHAPTER 257

An act to add Section 54906 to the Government Code, relating to community services districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 1, 1971. Filed with
Secretary of State July 1, 1971.]

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

SECTION 1. Section 54906 is added to the Government Code, to read:

54906. Notwithstanding the provisions of Sections 54902 and 54903, any formation of a community services district, organized pursuant to the Community Services District Law (Division 3 (commencing with Section 61000) of Title 6 of

the Government Code), such formation being part of a plan of reorganization under the District Reorganization Act of 1965 (Division 1 (commencing with Section 56000) of Title 6 of the Government Code), which was completed prior to the effective date of this section, shall be effective for assessment and taxation purposes for the 1971-1972 fiscal year and thereafter if the statement and map or plat required by Section 54900 is filed on or before April 15, 1971.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to assure the uninterrupted provision of necessary public services and facilities, it is required that taxes be available for the fiscal year 1971-1972 to community services districts formed as part of a plan of reorganization, and therefore it is necessary that this act take effect immediately.

CHAPTER 258

An act to amend Sections 5072, 5611, 5652, 5700, 6005, 6202, 6457, 6702, 6704, 6705, 6719, 7174, 7179, 8751, 8753, 8755, 8801, 8802, 8805, 8806, 9001, and 9059 of, to add Sections 5076 and 6702.3 to, and to repeal Sections 6401, 9008, and Part 2 (commencing with Section 10000) of Division 2 of, the Financial Code, relating to savings and loan associations.

[Approved by Governor July 1, 1971. Filed with
Secretary of State July 1, 1971.]

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

SECTION 1. Section 5072 of the Financial Code is amended to read:

5072. For the purposes of this division:

(a) "Offsite improvements" means grading, installation of sewers, drains, gutters, curbs, sidewalks and public utilities, paving and other improvements to the land, not including buildings, fences or landscaping, and

(b) "Real property" shall be deemed to be "improved real property" from the date the foundation of a building thereon is completed.

SEC. 2. Section 5076 is added to the Financial Code, to read:

5076. "Statutory net worth" means any one, or the sum of any of the following:

- (a) Issued and outstanding guarantee stock.
- (b) Paid-in surplus.
- (c) Undivided profits.

(d) Pledged shares of a mutual association with the approval of the commissioner.

(e) General reserves and other amounts as the commissioner prescribes.

SEC. 3. Section 5611 of the Financial Code is amended to read:

5611. The commissioner shall prescribe the amount and form of the bond required by Section 5610 and the term during which it shall run. The sufficiency of the sureties on such bond is at all times subject to the approval of the commissioner. Each officer and employee shall renew his bond upon the expiration of its term. The commissioner may at any time require an additional bond or surety when in his opinion any bond then in force is insufficient. All bonds shall be retained at the association's principal office.

SEC. 4. Section 5652 of the Financial Code is amended to read:

5652. Upon the adoption of any amendment to the bylaws of an association, two copies of such amendment, certified by the secretary or assistant secretary of the association, and two complete copies of the association's bylaws as constituted after inclusion therein of said amendment, certified by the secretary or assistant secretary of the association, shall be delivered or mailed to the commissioner immediately.

SEC. 5. Section 5700 of the Financial Code is amended to read:

5700. An association shall not change the location, in whole or in part, of its principal office or of any branch office except with the approval of the commissioner. The commissioner may hold a hearing upon the proposed change. If any person requests a hearing under this section, the commissioner shall hold one. If a hearing is to be held, the commissioner shall mail notice of such hearing to each association in this state at least 20 days before such hearing, and the association requesting the commissioner's approval shall pay him a fee of three hundred seventy-five dollars (\$375) before such notices are mailed.

SEC. 6. Section 6005 of the Financial Code is amended to read:

6005. (a) Before issuing a branch license, the commissioner shall hold a hearing at the time and place specified in the notice required by Section 6004. Any person may appear at such hearing in person or by agent or attorney, and orally or in writing show cause why the branch license should not be issued upon any relevant ground.

(b) This section does not apply to a branch license issued for an existing facility acquired pursuant to a merger, consolidation, conversion or transfer of assets.

SEC. 7. Section 6202 of the Financial Code is amended to read:

6202. Each agent and each salesman shall be appointed in writing by the association for which such agent or salesman is to act and a copy or duplicate of the written appointment

shall be filed in the office of the commissioner. The filing of the copy shall be notice to all persons of its contents. A copy or duplicate of the appointment shall be retained in the principal office of the association.

SEC. 8. Section 6401 of the Financial Code is repealed.

SEC. 9. Section 6457 of the Financial Code is amended to read:

6457. No stock shall be issued for a consideration other than cash. Stock which has a par value shall not be issued for a consideration less than the par value. Stock which has no par value shall not be issued for a price less than that fixed by the commissioner. Notwithstanding the foregoing provisions of this section, an association with the consent of the commissioner may declare and distribute a stock dividend, and may issue stock for a consideration other than cash in connection with mergers, consolidations, conversions, or transfers pursuant to this part.

SEC. 10. Section 6702 of the Financial Code is amended to read:

6702. An association may invest in, hold, buy, and sell the following:

(a) Real property used or to be used primarily as the principal office or branch of the association, and real property used or to be used primarily as a service office or office of the service corporation of the association or an undivided interest in real property used or to be used primarily as a service office or office of the association or its service corporation and of other associations owning the other undivided interests in such real property. As used in this subdivision the term real property includes (1) real property in reasonably close proximity to a principal, branch, or service office used or to be used primarily as a parking lot in connection with the operations of such office and (2) structures or buildings located on land owned in fee or held under a lease or sublease by the association with an unexpired term of 25 years at the date of execution by the association of such lease or sublease. Except as provided in Section 6703 no association shall invest in such real property or in such structures or buildings more than one-half of the sum of its statutory net worth.

(b) Furniture, fixtures, furnishings, equipment and leasehold improvements necessary or proper for the business of the association, or for use in connection with properties owned by or securing loans of the association. Leasehold improvements as used herein shall not include structures or buildings referred to in subdivision (a) of this section. Except as provided in Section 6703 no association shall invest in furniture, fixtures, furnishings, equipment, and leasehold improvements as defined herein for its offices more than 30 percent of the sum of its statutory net worth.

(c) United States government bonds and treasury certificates, or any bonds, debentures, notes, or other obligations guaranteed by the United States of America.

(d) Bonds, debentures, notes, and other securities issued or guaranteed in whole or in part by any Federal Home Loan Bank, or the Federal Savings and Loan Insurance Corporation, or other similar federal agency.

(e) Consolidated Federal Home Loan Bank bonds, debentures, or notes.

(f) Bonds of this state or of any flood control and water conservation districts or any zone thereof having an assessed valuation on taxable real property of not less than one million dollars (\$1,000,000), county, city and county, city, metropolitan water district, municipal utility district, any special district established by and within any municipal utility district, transit district, rapid transit district, metropolitan transit authority, flood control district, or school district of the State of California.

(g) Bonds, other securities, and bankers' acceptances which are expressly authorized as legal investments for or purchase by savings banks in this state.

(h) Bonds issued by any railroad corporation or any public utility corporation substantially all of the properties of which are located in the United States of America. Railway corporations and public utility corporations, as used in this subdivision, do not include street railway corporations. The purchase of all bonds pursuant to the sole authority of this subdivision shall be first approved by the commissioner.

(i) Stock, shares, debentures and bonds of any International Home Loan Bank which may hereafter be incorporated by authority of an act of Congress.

(j) California street improvement bonds. The purchase of all bonds pursuant to the sole authority of this subdivision shall be first approved by the commissioner and no association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 2 percent of the then total assets of the association.

(k) Stock issued by any Federal Home Loan Bank or other similar federal agency of which the association is eligible to be a member.

(l) Bonds and other securities as provided in Division 11 of this code.

(m) Stocks, bonds, debentures, participations, and other obligations of or issued by the Federal National Mortgage Association and the Government National Mortgage Association. No association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 5 percent of the then total assets of the association.

(n) Loans and interests in loans on the security of real property located in foreign countries guaranteed by an agency of the federal or state government; and capital stock, obligations, notes, and other securities of any thrift institution organized under the laws of a foreign country and engaged in the business of making loans on the security of real estate in such country subject to regulations of the commissioner.

No association shall make any investment pursuant to this subdivision if its aggregate outstanding investment under this subdivision would thereupon exceed 1 percent of the then total assets of the association.

(o) Subject to the rules and regulations of the commissioner, securities guaranteed pursuant to Section 306(g) of the National Housing Act, as amended.

(p) Subject to the rules and regulations of the commissioner, stock issued by a corporation authorized to be created pursuant to Title IX of the Housing and Urban Development Act of 1968, and may make investments in a partnership, limited partnership, or joint venture formed pursuant to Section 907(a) or 907(c) of such act.

SEC. 11. Section 6702.3 is added to the Financial Code, to read:

6702.3. An association may lend an amount not to exceed 100 percent of the fair market value to finance the sale by it of real property held under subdivision (a) of Section 6702.

SEC. 12. Section 6704 of the Financial Code is amended to read:

6704. An association may enter into or assume leases covering real property used or to be used in connection with the business of such association. No association shall enter into or assume leases providing in the aggregate for rental payments in any one year in excess of 5 percent of the difference between its statutory net worth and any amount invested in real property under subdivision (a) of Section 6702.

SEC. 13. Section 6705 of the Financial Code is amended to read:

6705. An association may invest in real property and such investment may include subdividing and developing real property and building homes and other buildings on such property principally for residential use by veterans, housing for the elderly, or urban renewal or improvement. An association may own, rent, lease, manage, operate for income, or sell such property. Investments of an association under this section, and loans by the association under the authority of Sections 6705.1, 6705.2, 6705.4 and 6705.6 which loans except for the provisions thereof do not comply with the provisions of this part for original loans, shall not at any one time aggregate more than whichever of the following is the lesser:

(a) Five percent of its total assets.

(b) Its statutory net worth.

SEC. 14. Section 6719 of the Financial Code is amended to read:

6719. An association may borrow from a Federal Home Loan Bank, or other similar agency. The restrictions and limitations of this division do not apply to such borrowings or to the securing of such borrowings.

SEC. 15. Section 7174 of the Financial Code is amended to read:

7174. No association, without the consent of the commissioner, shall hold at one time loans to any one borrower, or under any one transaction, or applicable to any one project, or tract, if the loans are in excess of whichever of the following is the lesser:

(a) Ten percent of its total assets.

(b) Its statutory net worth.

SEC. 16. Section 7179 of the Financial Code is amended to read:

7179. An association may make loans to any corporation in which any director, officer, employee, or substantial stockholder of such association together with his immediate family owns or controls less than 10 percent of the stock of such corporation, on authorization of or confirmation within 30 days after making such loan by the affirmative vote of all the disinterested directors of such association present at the meeting authorizing or confirming such loan, when such affirmative vote constitutes a majority of all the directors. The interested director, officer, employee, or substantial stockholder or members of his immediate family shall not vote or participate in any manner in the approval of the loan. The authorization or confirmation shall be entered upon the records or minutes of the association. Such loan shall in all other particulars comply with the other provisions of this part.

SEC. 17. Section 8751 of the Financial Code is amended to read:

8751. Each association shall furnish the commissioner annually, promptly after the end of the period covered by the audit, two copies of the financial statements, which shall be accompanied by a report signed by the auditor, prepared and containing such information as prescribed in regulations of the commissioner. The financial statements shall be certified by the auditor.

SEC. 18. Section 8753 of the Financial Code is amended to read:

8753. A copy of each report furnished to the commissioner pursuant to this article shall be kept at each office of the commissioner, and shall be open to examination by any investor of the association, subject to such reasonable regulations as the commissioner prescribes.

SEC. 19. Section 8755 of the Financial Code is amended to read:

8755. The audit required by this article is additional to the examination of associations by the commissioner or his deputies or examiners required by Article 3 of this chapter.

SEC. 20. Section 8801 of the Financial Code is amended to read:

8801. During an examination the commissioner and his deputies or examiners shall have full access to all the books,

records, securities, and papers of the association. The examiner shall, so far as deemed necessary by the commissioner, examine and verify the books, accounts, and securities of such association, and the amount of its shares, stock, and investment certificates outstanding, and ascertain the value of all property and investments owned and of all property held as security for money loaned, and otherwise use reasonable diligence to ascertain the financial condition and solvency of such association.

SEC. 21. Section 8802 of the Financial Code is amended to read:

8802. Any deputy, examiner, or other appointee or employee of the commissioner shall produce written authority from the commissioner before he is entitled to make an examination.

SEC. 22. Section 8805 of the Financial Code is amended to read:

8805. For every such examination made outside this state, a reasonable fee and the actual traveling expenses incurred shall be paid by the association so examined. The result of any similar examination made and certified by the duly constituted authorities of any state having similar laws of supervision may be accepted by the commissioner in his discretion.

SEC. 23. Section 8806 of the Financial Code is amended to read:

8806. In lieu of making an examination, the commissioner may accept the examination of any association made by the Federal Home Loan Bank Board, a Federal Home Loan Bank, or the Federal Savings and Loan Insurance Corporation, or may examine any such institution in conjunction with the Federal Home Loan Bank Board, a Federal Home Loan Bank, or the Federal Savings and Loan Insurance Corporation.

SEC. 24. Section 9001 of the Financial Code is amended to read:

9001. The commissioner may demand and take possession of the property, business and assets of an association if any of the following occur:

(a) The association does not comply with the order given pursuant to Section 9000, within the time specified therein.

(b) It appears to the commissioner that the association is in an unsafe condition or is conducting its business in an unsafe or injurious manner such as to render its further proceeding hazardous to the public or to any or all of its investors.

(c) The commissioner finds that the association's assets are impaired to such an extent that, after deducting all liabilities other than to its investors they do not equal or exceed the sum of the value of its outstanding shares and investment certificates and the amount set aside as a fixed and permanent capital of the association pursuant to Section 6456.1 of the Financial Code.

(d) The association refuses to submit its books, papers, and accounts to the inspection of the commissioner or any of his examiners, deputies, or assistants.

(e) Any officer of the association refuses to be examined upon oath concerning the affairs of the association.

SEC. 25. Section 9008 of the Financial Code is repealed.

SEC. 26. Section 9059 of the Financial Code is amended to read:

9059. Notwithstanding any other law of this state, the judge of the superior court of the county in this state in which the principal office of an association is located, may whenever he deems it necessary or advisable, hold hearings relating to the sale, exchange, or other disposition of any real property or any personal property of the association regardless of the location of such property. The hearings shall be held at the county seat of any county in this state or at such places in the home county of such superior court at which sessions are held as provided in the Code of Civil Procedure.

SEC. 27. Part 2 (commencing with Section 10000) of Division 2 of the Financial Code is repealed.

CHAPTER 259

An act to amend Sections 40000 and 42030 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 2, 1971. Filed with Secretary of State July 2, 1971.]

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

SECTION 1. Section 40000 of the Vehicle Code is amended to read:

40000. It is unlawful and constitutes an infraction for any person to violate, or to fail to comply with, any provision of this code, or any local ordinance adopted pursuant to this code, except:

(a) A violation expressly declared to be a felony, or a public offense which is punishable either as a felony or misdemeanor.

(b) A violation of any of the following provisions, which shall constitute a misdemeanor:

Section 20, relating to false statements.

Section 27, relating to impersonating a member of the California Highway Patrol.

Section 31, relating to giving false information.

Section 2800, relating to failure to obey an officer's lawful order or submit to a lawful inspection.

Section 2801, relating to failure to obey a fireman's lawful order.

Section 2803, relating to unlawful vehicle or load.

Section 2815, relating to failure to obey a crossing guard's traffic signal or direction.

Section 5901, relating to dealers giving notice.

Section 10501, relating to false report of vehicle theft.

Sections 10750 and 10751, relating to altered or defaced vehicle identifying numbers.

Section 10851.5, relating to theft of binder chains.

Sections 10852 and 10853, relating to injuring or tampering with a vehicle.

Section 10854, relating to unlawful use of stored vehicle.

Division 5 (commencing with Section 11100), relating to occupational licensing and business regulations.

Section 12500, subdivision (a), relating to unlicensed drivers.

Section 12951, subdivision (b), relating to refusal to display license.

Section 13004, relating to unlawful use of identification card.

Section 14601, relating to driving when suspended.

Section 14601.1, relating to driving when suspended.

Section 14610, relating to unlawful use of driver's license.

Section 15501, relating to use of false or fraudulent license by minor.

Section 16560, relating to interstate highway carriers.

Section 20002, relating to duties at accidents.

Division 11 (commencing with Section 21000) except Chapters 1 (commencing with Section 21000), 9 (commencing with Section 22500), 10 (commencing with Section 22650), and 11 (commencing with Section 22950).

Division 14 (commencing with Section 31600), relating to transportation of explosives.

Division 14.5 (commencing with Section 33000), relating to transportation of radioactive materials.

Division 14.7 (commencing with Section 34001), relating to flammable liquids.

Section 34506, subdivision (a), relating to transportation of hazardous materials.

Chapter 5 (commencing with Section 35550), Division 15, relating to weight restrictions, except in cases of weight violations where the amount of excess weight is less than 4,501 pounds.

Section 40005, relating to owner's responsibility.

Section 40504, relating to false signatures.

Section 40508, relating to failure to appear or to pay fine.

Section 40519, relating to failure to appear.

Section 42003, relating to violation of a written promise.

Section 42005, relating to failure to attend traffic school.

SEC. 2. Section 42030 of the Vehicle Code is amended to read:

42030. Every person convicted of a violation of any weight limitation provision of Division 15 (commencing at Section

35000), and every person convicted of a violation of Section 21461 with respect to signs provided for by Sections 35654 and 35752, and every person convicted of a violation of Section 40001 for requiring the operation of a vehicle upon a highway in violation of any provision referred to in this section shall be punished by a fine which shall equal the amounts specified in the following table:

Pounds of excess weight	Fine
1,000- 1,500 -----	\$10
1,501- 2,000 -----	15
2,001- 2,500 -----	20
2,501- 3,000 -----	25
3,001- 3,500 -----	30
3,501- 4,000 -----	35
4,001- 4,250 -----	40
4,251- 4,500 -----	50
4,501- 4,750 -----	70
4,751- 5,000 -----	85
5,001- 5,250 -----	100
5,251- 5,500 -----	120
5,501- 5,750 -----	140
5,751- 6,000 -----	160
6,001- 6,250 -----	180
6,251- 6,500 -----	205
6,501- 6,750 -----	230
6,751- 7,000 -----	255
7,001- 7,250 -----	280
7,251- 7,500 -----	310
7,501- 7,750 -----	340
7,751- 8,000 -----	370
8,001- 8,250 -----	400
8,251- 8,500 -----	435
8,501- 8,750 -----	470
8,751- 9,000 -----	505
9,001- 9,250 -----	540
9,251- 9,500 -----	580
9,501- 9,750 -----	620
9,751-10,000 -----	660
10,001-10,250 -----	700
10,251-10,500 -----	730
10,501-10,750 -----	760
10,751-11,000 -----	790
11,001-11,250 -----	820
11,251-11,500 -----	850
11,501-11,750 -----	880
11,751-12,000 -----	910
12,001-12,250 -----	940
12,251-12,500 -----	970
12,501 and over -----	1,000

The maximum fine under this section shall be one thousand dollars (\$1,000).

No part of the penalties prescribed by this section shall be suspended upon a second or subsequent conviction of a violation of any provision referred to in this section, including violation of Section 40001 for requiring operation of a vehicle upon a highway in violation of any provision referred to in this section.

CHAPTER 260

An act to amend Sections 5900 and 5901 of, and to add Sections 1819, 4602.5, 5906.5, and 28053 to, the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 2, 1971 Filed with
Secretary of State July 2, 1971]

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

SECTION 1. Section 1819 is added to the Vehicle Code, to read:

1819. All records of the department containing information as to the actual mileage of motor vehicles submitted as required by Sections 5900 and 5901, and information submitted pursuant to Section 28053, shall be open to inspection by the public during the office hours of the department.

SEC. 2. Section 4602.5 is added to the Vehicle Code, to read:

4602.5. Every registration card and every potential registration card issued by the department after the effective date of this section shall include a space to show the mileage on the vehicle's odometer.

SEC. 3. Section 5900 of the Vehicle Code is amended to read:

5900. (a) Whenever the owner of a vehicle registered under this code sells or transfers his title or interest in, and delivers the possession of, the vehicle to another, the owner shall immediately notify the department of the sale or transfer giving the date thereof, the name and address of the owner and of the transferee, and such description of the vehicle as may be required in the appropriate form provided for such purpose by the department.

(b) Except as otherwise provided in subdivision (c), in the case of a vehicle under 6,001 pounds, manufacturer's maximum gross vehicle weight rating, the owner shall also notify the department of the actual mileage of the vehicle as indicated by the vehicle's odometer at the time of sale or transfer.

(c) Whenever the registered owner is not in possession of the vehicle that is sold or transferred, the person in physical possession of such vehicle shall give the notice required by subdivision (b).

SEC. 4. Section 5901 of the Vehicle Code is amended to read:

5901. (a) Every dealer upon transferring by sale, lease or otherwise any vehicle, whether new or used, of a type subject to registration under this code, shall, not later than the end of the third business day thereafter of the dealer, give written notice of the transfer to the department upon an appropriate form provided by it.

(b) Except as otherwise provided in this subdivision or in subdivision (c), in the case of a vehicle under 6,001 pounds, manufacturer's maximum gross vehicle weight rating, the dealer shall indicate on the form the actual mileage of the vehicle as indicated by the vehicle's odometer at the time of the transfer. A dealer need not give the notice when selling or transferring a new unregistered vehicle to another dealer.

(c) When the dealer is not in possession of the vehicle that is sold or transferred, the person in physical possession of such vehicle shall give the information required by subdivision (b).

(d) A "sale" shall be deemed completed and consummated, for the purposes of this section, when the purchaser of that vehicle has paid the purchase price, or, in lieu thereof, has signed a purchase contract or security agreement, and taken physical possession or delivery of that vehicle.

SEC. 4.5. Section 5901 of the Vehicle Code is amended to read:

5901. (a) Every dealer upon transferring by sale, lease or otherwise any vehicle, whether new or used, of a type subject to registration under this code, shall, not later than the end of the third business day thereafter of the dealer, give written notice of the transfer to the department at its headquarters upon an appropriate form provided by it.

(b) Except as otherwise provided in this subdivision or in subdivision (c), in the case of a vehicle under 6,001 pounds, manufacturer's maximum gross vehicle weight rating, the dealer shall indicate on the form the actual mileage of the vehicle as indicated by the vehicle's odometer at the time of the transfer. A dealer need not give the notice when selling or transferring a new unregistered vehicle to another dealer.

(c) When the dealer is not in possession of the vehicle that is sold or transferred, the person in physical possession of such vehicle shall give the information required by subdivision (b).

(d) A "sale" shall be deemed completed and consummated, for the purposes of this section, when the purchaser of that

vehicle has paid the purchase price, or, in lieu thereof, has signed a purchase contract or security agreement, and taken physical possession or delivery of that vehicle.

SEC. 5. Section 5906.5 is added to the Vehicle Code, to read:

5906.5. (a) Except as otherwise provided in subdivision (b), in the case of any transfer, including, but not limited to, a transfer resulting from a sale, lease, gift, or auction, of a vehicle under 6,001 pounds, manufacturer's maximum gross weight rating, where no application for transfer is required, the person making such transfer, or his authorized representative shall sign and shall record on the document evidencing the transfer of the vehicle the actual mileage of the vehicle as indicated by the vehicle's odometer at the time of the transfer.

(b) Whenever the person making such transfer is not in possession of the vehicle that is transferred, the person in physical possession of such vehicle shall provide the information required by subdivision (a).

SEC. 6. Section 28053 is added to the Vehicle Code, to read:

28053. Any person who works on or repairs an odometer, or who replaces an odometer, of a vehicle under 6,001 pounds, manufacturer's maximum gross vehicle weight rating, shall report the following information to the Department of Motor Vehicles:

(1) The name of the person for whom the work was performed.

(2) Such description of the vehicle in which the odometer is to be installed, as may be required by the Department of Motor Vehicles in an appropriate form provided by it.

(3) Whether the odometer was repaired or whether it was replaced.

(4) The mileage shown on the odometer when the person commences to work on or repair the odometer.

(5) The mileage shown on the odometer when it was returned to the person for whom the work or repair was performed.

SEC. 7. It is the intent of the Legislature, if this bill and Assembly Bill No. 805 are both chaptered and amend Section 5901 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 805, that the amendments to Section 5901 proposed by both bills be given effect and incorporated in Section 5901 in the form set forth in Section 4.5 of this act. Therefore, if Assembly Bill No. 805 is chaptered before this bill and amends Section 5901, Section 4 of this act shall not become operative.

CHAPTER 261

An act to amend Section 30108 of, and to repeal Section 30105 of, the Revenue and Taxation Code, relating to cigarette tax.

[Approved by Governor July 2, 1971. Filed with Secretary of State July 2, 1971.]

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

SECTION 1. Section 30105 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 30108 of the Revenue and Taxation Code is amended to read:

30108. (a) Every distributor engaged in business in this state and selling or accepting orders for cigarettes with respect to the sale of which the tax imposed by Section 30101 is inapplicable shall, at the time of making the sale or accepting the order or, if the purchaser is not then obligated to pay the tax with respect to his distribution of the cigarettes, at the time the purchaser becomes so obligated, collect the tax from the purchaser, if the purchaser is other than a licensed distributor, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the board.

(b) Every person engaged in business in this state and making gifts of untaxed cigarettes as samples with respect to which the tax imposed by Section 30101 is inapplicable shall, at the time of making the gift or, if the donee is not then obligated to pay the tax with respect to his distribution of the cigarettes, at the time the donee becomes so obligated, collect the tax from the donee, if the donee is other than a licensed distributor, and shall give the donee a receipt therefor in the manner and form prescribed by the board. This section shall not apply to those distributions of cigarettes which are exempt from tax under Section 30105.5.

(c) "Engaged in business in the state" means and includes any of the following:

(1) Maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place or other place of business.

(2) Having any representative, agent, salesman, canvasser or solicitor operating in this state under the authority of the distributor or its subsidiary for the purpose of selling, delivering, or the taking of orders for cigarettes.

(d) The taxes required to be collected by this section constitute debts owed by the distributor, or other person required to collect the taxes, to the state.

SEC. 3. Notwithstanding Section 30462 of the Revenue and Taxation Code, no funds shall be appropriated from the revenue generated by this act nor shall such funds be used for purposes of computations under such section, but such funds shall be transferred to the State General Fund.

CHAPTER 262

An act relating to physicians and surgeons.

[Approved by Governor July 2, 1971. Filed with
Secretary of State July 2, 1971.]

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

SECTION 1. Notwithstanding any other provision of law, the Board of Medical Examiners of the State of California shall permit any person to take the examination referred to in Sections 2321 and 2323 of the Business and Professions Code if he applies to take the examination within 90 days after the effective date of this act, and if he also meets all of the following requirements:

- (a) He is a graduate of a foreign medical school.
- (b) He has served a residency in neurology and psychiatry in the foreign country where he attended medical school.
- (c) He is a citizen of the United States.
- (d) He has been licensed to engage in the practice of medicine in at least one state in the United States for at least 25 years.
- (e) While a member of the armed forces of the United States, he practiced as a physician and surgeon in a Veteran's Administration Hospital.
- (f) He is eligible to take or has successfully taken the specialty examination in neuropsychiatry administered by the American Board of Psychiatry and Neurology.

If the applicant successfully passes the examination referred to in Sections 2321 and 2323 of the Business and Professions Code, the board shall issue him a reciprocity certificate.

SEC. 2. This act shall have no force and effect on and after 90 days after its effective date.

CHAPTER 263

An act to add Sections 54779.5 and 56012.5 to the Government Code, relating to local agencies.

[Approved by Governor July 2, 1971. Filed with
Secretary of State July 2, 1971.]

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

SECTION 1. Section 54779.5 is added to the Government Code, to read:

54779.5. Notwithstanding the provisions of Section 54779, if any proposal involves a special district which is, or as a result of a proposed incorporation or annexation would be located in more than one county, exclusive jurisdiction for that proposal over the matters authorized and required by this

chapter may be vested in the commission of a county, other than the principal county, in which territory of the special district is located or is proposed to be located, provided that:

(a) The commission of the principal county agrees to having the exclusive jurisdiction vested in the commission of another county; and

(b) The commission of the principal county designates the commission of another county which shall assume exclusive jurisdiction; and

(c) The commission of the county so designated agrees to assume exclusive jurisdiction.

SEC. 2. Section 56012.5 is added to the Government Code, to read:

56012.5. Notwithstanding the provisions of Section 56012, if a proposed change of organization or a reorganization shall apply to two or more affected counties, for purposes of this division, exclusive jurisdiction may be vested in the officers of an affected county other than the principal county provided that:

(a) The commission of the principal county approves of having exclusive jurisdiction vested in another affected county; and

(b) The commission of the principal county designates the affected county which shall assume exclusive jurisdiction; and

(c) The commission of the affected county so designated agrees to assume exclusive jurisdiction.

If exclusive jurisdiction is vested in an affected county other than the principal county pursuant to this section, any notices, proceedings, orders, or any other acts authorized or required to be given, taken or made by the commission, board of supervisors, clerk of a county or any other officer of a county, shall be given, taken or made by the persons holding such offices in such affected county. Any officer of a county other than such affected county shall cooperate with the officers of such affected county and shall furnish the officers of such affected county with such certificates, records or certified copies of records as may be necessary to enable the officers of such affected county to comply with this division.

CHAPTER 264

An act to amend Section 37943 of the Agricultural Code, relating to food.

[Approved by Governor July 2, 1971. Filed with Secretary of State July 2, 1971.]

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

SECTION 1. Section 37943 of the Agricultural Code is amended to read:

37943. Coldpack cheese food shall be sold to the consumer in a prepackaged form which shall be labeled in accordance with the requirements of Section 37944 and shall contain no more than two pounds in weight. Nothing in this section shall preclude the sale of coldpack cheese food for institutional and industrial use in packages larger than two pounds or the use of coldpack cheese food in prepared foods. Coldpack cheese food may be cut, wrapped, and packaged on the premises of sale or any room meeting the requirements of Section 33901.

CHAPTER 265

An act to amend Sections 56293 and 56294 of the Government Code, relating to local agency formation commissions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 2, 1971 Filed with
Secretary of State July 2, 1971]

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

SECTION 1. Section 56293 of the Government Code is amended to read:

56293. After the expiration of 35 days from the date of adoption of the commission's resolution making determinations, the commission may by resolution certify to the board of supervisors of the principal county:

(a) That the executive officer was unable to effect mailing or delivery of a certified copy of the commission's resolution making determinations to any conducting district by reason of:

(1) The failure of the board of directors of a conducting district to make the filing required by Section 53051; or

(2) The return, undelivered, of such certified copy after having been mailed to the clerk of a conducting district at the address specified in the filing required by Section 53051; or

(b) That the board of directors of a conducting district has failed or refused to initiate, conduct or complete proceedings for the change of organization in compliance with the commission's resolution making determinations or has failed to comply with any terms or conditions thereof.

SEC. 2. Section 56294 of the Government Code is amended to read:

56294. At any time after the adoption of a resolution of certification pursuant to Section 56293, the board of supervisors may assume jurisdiction to initiate, conduct and complete any proceedings for the change of organization and to enforce compliance with any terms or conditions thereto referred to in such resolution. Upon the assumption of such jurisdiction, said board of supervisors and the clerk and other officers of the

county shall have exclusive jurisdiction with respect thereto and may exercise all powers and duties vested in the board of directors of a conducting district and the clerk or other officers of such district. Any jurisdiction assumed and exercised by the board of supervisors and the clerk or other officers of the county pursuant to this section shall be given the same force and effect as if taken by the board of directors, if any, of a conducting district and the clerk or officers thereof.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health and safety within the meaning of Article 4 of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The legislative intent regarding the purposes and functions of local agency formation commissions and board of supervisors in enforcing compliance with the determinations of local agency formation commissions on changes of organization are being thwarted by an improper interpretation of the present provisions of Government Code Sections 56293 and 56294. These provisions are being interpreted in a manner which makes them inapplicable to the conducting district if that district merely initiates proceedings for a change of organization, even though it does not conduct or complete such proceedings or comply with the terms and conditions thereof in compliance with the commission's resolution making determinations. This statute will more clearly declare this legislative intent, and avoid such misinterpretations.

CHAPTER 266

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1971. Filed with Secretary of State July 3, 1971.]

I object to the following appropriations in Senate Bill No. 207:

Item 18—For support of the Supreme Court, Courts of Appeal and Judicial Council. I reduce this item from \$8,775,741 to \$8,425,000.

I am approving this item at the level originally proposed in my budget. The courts have sufficient administrative flexibility to meet work load needs.

Item 60—For support of the Commission on California State Government Organization and Economy I reduce this item from \$53,000 to \$50,564.

I have reduced this item to eliminate funds for a salary increase for the executive secretary.

Item 61—For support of California Commission on Interstate Cooperation. I reduce this item from \$115,530 to \$110,730

I am eliminating the funds proposed for operating expense and travel. Any expenses incurred other than California's share to the Council of State Government must come from other sources.

Item 62—For support of the Military Department I reduce this item from \$4,152,938 to \$4,112,938 by deleting paragraph (bx) Minor capital outlay.

I have eliminated the augmentation for security fencing at Camp San Luis Obispo. I included funds in my budget for the highest priority security problems of the Department.

Item 65—For support of Public Utilities Commission. I reduce this item from \$6,970,057 to \$6,500,000 by reducing paragraph (a) Personal Services from \$10,996,639 to \$10,536,971 and paragraph (b) Operating Expenses and Equipment from \$2,047,343 to \$2,036,954

The level of expenditure which I am approving is consistent with the original budget and provides sufficient resources for the Commission to meet its responsibilities in an efficient manner.

Item 78—For support of increases in compensation for judges. I reduce this item from \$820,144 to \$100

In a time of great financial stress, employees generally must forego a salary increase. It would be improper to grant one segment of public service an increase while not granting it to others

Item 80 1—For Salary Increase Fund I eliminate this item

This item is eliminated in view of the condition of the State's resources, the amount of increases granted state employees in recent years, and of the Administration-sponsored fringe benefit package granted to employees this year.

Item 80 2—For University salary increases I eliminate this item.

Academic salaries in the University of California remain in the top 5 percent of all universities in the country. At a time when the resources of these same universities, as well as those of this State, are strained, further salary increases cannot be granted.

Item 80.4—For California State Colleges salary increases. I eliminate this item.

In view of the needs of other state programs, the relative adequacy of current pay levels, and past salary considerations, no additional increases can be granted this year.

Item 92—For support of Department of Commerce I reduce this item from \$1,501,827 to \$1,274,676 by reducing paragraph (a) Personal Services from \$1,198,430 to \$1,087,608 and paragraph (b) Operating Expenses and Equipment from \$309,397 to \$193,068

I have eliminated the legislative augmentation for the public education in science and industry program. I believe this amount is sufficient to meet the essential needs of this program.

Item 95—For support of State Athletic Commission. I reduce this item from \$192,800 to \$152,800.

I have eliminated the legislative augmentation and returned this item to a level consistent with the present requirements of the program.

Item 106—For support of State Board of Dry Cleaners. I reduce this item from \$318,970 to \$40,000.

I have eliminated the legislative augmentation since it is inconsistent with the provisions of Reorganization Plan 2 of 1971.

Item 111—For support of State Board of Guide Dogs for the Blind. I reduce this item from \$5,000 to \$2,600.

I have eliminated the legislative augmentation and reduced this item to an amount sufficient enough to continue the program at the current level of service

Item 173—For support of California Highway Patrol I reduce this item from \$132,476,890 to \$131,625,940 by reducing paragraph (a) Personal Services from \$110,033,581 to \$109,182,631

I am eliminating the \$850,950 included to provide uniform allowances since to grant such a benefit to only one group of employees would be inequitable.

Item 191—For support of State Lands Division, Department of Conservation I reduce this item from \$1,620,800 to \$1,520,800 by reducing paragraph (a) Personal Services from \$2,151,874 to \$2,101,874 and paragraph (b) Operating Expenses and Equipment from \$522,259 to \$472,259

This General Fund augmentation is not essential to the basic mission of the State Lands Division of the Department of Conservation.

Item 214—For support of Department of Water Resources (flood control projects) I reduce this item from \$4,500,000 to \$4,000,000

This item provides State reimbursement to local jurisdictions for the costs of lands, easements, and rights-of-way related to authorized flood control projects. The \$4,000,000 appropriation level is considered sufficient to meet the needs for projects currently authorized under State law.

Item 216—For support of the Department of Corrections I reduce this item from \$106,577,534 to \$105,777,534 by reducing (e) V Community Correctional Program from \$14,217,751 to \$13,417,751.

\$800,000 in federal funds have been included in the Department of Rehabilitation's budget to fund a behavioral program in the Department of Corrections I am leaving \$200,000 in this program to provide the necessary General Fund support

I am also deleting the following language, which constitutes an appropriation, from Item 216:

"provided further, that it is the intent that any savings in this item be used by the department to distribute the inmate population under its jurisdiction on the basis of one inmate per cell."

Any savings which result from the closure of conservation camps or from efficiency in the operation thereof, should be available for expenditures to be determined by officials of the Department of Corrections, who are responsible by law for making such determinations. There may be needs other than single cells for inmates during the 1971-72 fiscal year within our correctional institutions which merit a higher priority. Department officials must retain the flexibility to use any operational savings for programs which they deem to fall within the highest priorities.

Item 220—For support of the Department of the Youth Authority I reduce this item from \$50,681,933 to \$50,537,933 by reducing the Rehabilitation Services program from \$48,755,980 to \$48,611,980

\$144,000 in federal funds have been included in the Department of Rehabilitation's budget to fund a behavioral program involving the Department of the Youth Authority. This augmentation is unnecessary. I am leaving \$36,000 in this item to provide the necessary General Fund support for this program

Item 229—For transfer to the Health Care Deposit Fund to provide for Medical Assistance Program expenditures I reduce this item from \$734,877,719 to \$597,097,750 and reduce the County Option Program limitation from \$65,000,000 to \$35,000,000

I am reducing this appropriation to reflect the most recent cost estimates for implementation of the Medi-Cal Reform Plan. I am also reducing the County Option Program limitation to the amount originally budgeted.

It is within the power of the administrative and legislative branches to provide meaningful reform for this program.

Item 232—For support of Department of Human Resources Development. I reduce this item from \$5,243,893 to \$3,743,893 by reducing paragraph (a) General Fund from \$5,167,913 to \$3,667,913.

Basically the same level of service is provided in the service center areas with the influx of Federally funded positions, increases in the WIN program and increased rehabilitation service

Item 238—For support of Department of Industrial Relations. I reduce this item from \$22,883,392 to \$21,702,374 as follows:

II. Investigation, Mediation, Arbitration and Adjustment of Labor-Management and Public Transit Agency Disputes	-124,124
Elements	
A. Investigation, mediation and arbitration of labor-management disputes	-122,286
B. Adjustment of transit agency disputes.....	-1,838
IV. The Prevention of Industrial Injuries and Deaths to California Workers	-18,510
Elements	
C. Safety for employees while using or repairing elevators, escalators or aerial tramways..	-44,010
Reimbursements pertaining to Element C.....	+25,500
V. Promulgation and Enforcement of Labor Standards for Women and Minors and Enforcement of Equal Pay Law for Women and Men	-146,189
B. Enforcement of labor standards for women and minors and Equal Pay Law for women and men	-146,189
VI. Enforcement of Laws relating to Wage Payment Conditions of Employment, Licensing and Adjudication	-162,969
Elements	
B. Labor Law Enforcement	-162,969
VII. Promotion, Development and Administration of Apprenticeship and Other On-the-Job Training	-453,492
Elements	
A. Promotion, development and administration of California apprenticeship	-453,492
VIII. Labor Force Research and Data Dissemination.....	-105,004
Elements	
A. Work injury statistics	-77,326
B. Industrial relations research	-27,678

IX. The Prevention and Elimination of Discrimination in Employment and Housing -----	-170,730
Elements	
A. Prevention and elimination of discrimination in employment -----	-170,730

I am reducing this item to the amount proposed in the Department of Industrial Relation's budget for 1971-72, which adequately provides for the total program requirements of that Department.

Item 239—For support of Department of Mental Hygiene. I reduce this item from \$6,753,700 to \$6,603,700 by reducing paragraph (a) (2) Operating Expenses and Equipment from \$3,396,271 to \$3,246,271

The department has the staffing and resources necessary to update SCOPE staffing standards without additional funds.

Item 240—For support of Department of Mental Hygiene. I reduce this item from \$6,770,202 to \$4,948,193 by reducing paragraph (a) (2) Psychiatric Technician Training from \$2,325,881 to \$1,253,956 and by eliminating paragraphs (a) (5) Special Projects and (a) (6) Student Stipend Program and by reducing paragraph (b) Research Program from \$1,234,037 to \$785,953

Training funds in the Department have been reduced consistent with the decline in patient population

Research funds have been reduced in order that the limited resources available can be channeled for direct care of patients through the maintenance of nursing staffing levels at 100 percent of SCOPE standards

I have approved augmentations of \$126,500 for Drug Abuse Research at Mendocino State Hospital, \$71,400 for Sexual Behavior Research at Atascadero State Hospital, and \$45,900 for Alcoholism Research at Patton State Hospital.

Item 242—For support of Department of Mental Hygiene I reduce this item from \$19,888,465 to \$16,360,075

By reducing admissions to DeWitt State Hospital and by accelerating the placement of patients into community facilities, the Department will be able to operate the hospital within the funds I have proposed. With the continuing decline in state hospital population, it is neither economical nor desirable from the patients' viewpoint to continue operating all the hospitals. The current excess bed capacity will enable us to care for patients in the most up to date facilities available within the system

I have eliminated two Protestant Chaplain positions leaving each state hospital with one such position. With the continuing decline in state hospital population there is no justification for retaining more than one Protestant Chaplain at each facility

I have also deleted the following language from Item 242 which limits the availability of any funds for any hospital on the condition that all hospitals will be continuously open and accepting admissions for the entire fiscal year.

"Provided, that the funds appropriated by this item shall be available only if all of the following hospitals are continuously open during the 1971-72 fiscal year and operated by the state and are accepting admissions:

Agnews State Hospital
 Atascadero State Hospital
 Camarillo State Hospital
 DeWitt State Hospital
 Mendocino State Hospital
 Metropolitan State Hospital
 Napa State Hospital
 Patton State Hospital
 Stockton State Hospital
 Fairview State Hospital
 Pacific State Hospital
 Porterville State Hospital
 Sonoma State Hospital "

This limitation is an infringement upon my constitutional authority as a violation of the separation of powers, it also destroys my constitutional right to reduce or eliminate an item of appropriation.

Item 243—For support of Department of Mental Hygiene—Program for the Mentally Retarded I reduce this item from \$84,485,873 to \$83,983,873.

The Budget I submitted to the Legislature in February includes funds for 160 new nursing positions. This represents the third increment of a 5-year plan toward reaching 100 percent of SCOPE staffing standards. The addition of these positions together with the continuing decline in state hospital population will allow the department to reach 91 percent of the standard in 1971-72. In keeping with the 5-year plan, we will attain 100 percent of standard by June 30, 1974, without an additional augmentation in 1971-72.

With the continuing decline in state hospital population within the system, it is neither economical nor desirable from the patient's viewpoint to continue operating all the hospitals. The current excess bed capacity will enable us to care for patients in the most up to date facilities available within the system.

I have also deleted the following language from Item 243 which limits the availability of any funds for any hospital on the condition that all hospitals will be continuously open and accepting admissions for the entire fiscal year:

"Provided, that the funds appropriated by this item shall be available only if all of the following hospitals are continuously open during the 1971-72 fiscal year and operated by the state and are accepting admissions.

Agnews State Hospital
 Atascadero State Hospital
 Camarillo State Hospital
 DeWitt State Hospital
 Mendocino State Hospital
 Metropolitan State Hospital
 Napa State Hospital
 Patton State Hospital
 Stockton State Hospital
 Fairview State Hospital
 Pacific State Hospital
 Porterville State Hospital
 Sonoma State Hospital."

This limitation is an infringement upon my constitutional authority as a violation of the separation of powers, it also destroys my constitutional right to reduce or eliminate an item of appropriation

Item 244—I have deleted the following language from Item 244 which limits the availability of any funds for any hospital on the condition that all hospitals will be continuously open and accepting admissions for the entire fiscal year:

"Provided, that the funds appropriated by this item shall be available only if all of the following hospitals are continuously open during the 1971-72 fiscal year and operated by the state and are accepting admissions:

Agnews State Hospital
 Atascadero State Hospital
 Camarillo State Hospital
 DeWitt State Hospital
 Mendocino State Hospital
 Metropolitan State Hospital
 Napa State Hospital
 Patton State Hospital
 Stockton State Hospital
 Fairview State Hospital
 Pacific State Hospital
 Porterville State Hospital
 Sonoma State Hospital."

This limitation is an infringement upon my constitutional authority as a violation of the separation of powers, it also destroys my constitutional right to reduce or eliminate an item of appropriation.

Item 245—For support of Department of Public Health. I reduce this item from \$10,347,867 to \$10,044,507.

Increased effort by the Federal Government under the newly enacted Occupational Health and Safety Act of 1970, Public Law 91-596, will permit a reduction in the state level of this program

Item 248—For assistance to counties for services to physically handicapped children I reduce this item from \$14,480,400 to \$13,280,400 by reducing paragraph (b) treatment from \$12,189,028 to \$11,589,028 and by increasing paragraph (j) estimated family repayment from —\$1,080,000 to —\$1,680,000

The treatment item as reduced provides a \$300,000 increase for treatment over 1970-71. Estimated family repayments are increased \$600,000 to reflect the adoption of a revised repayment schedule.

Item 252—For assistance to local agencies in the establishment and operation of mental retardation diagnostic and counseling centers. I reduce this item from \$20,947,653 to \$20,647,653

Federal funds available under Public Law 91-517 (Development Disabilities Act) will be sufficient to provide for the operation of a regional center in each of the 13 mental retardation planning areas

Item 253—For support of Department of Rehabilitation. I reduce this item from \$7,368,098 to \$6,882,098 by reducing paragraph (a) Vocational Rehabilitation of the Disabled from \$7,218,029 to \$6,732,029.

The Department of Rehabilitation can by re-evaluating existing resources maximize federal funds to rehabilitate welfare recipients. Therefore, I am reducing this item by \$250,000.

In addition, I am reducing this item by \$236,000 relating to Behavioral Disorder programs. These programs will be conducted through the Department of Corrections and the Youth Authority with the necessary General Funds I have provided in those two departments.

Item 255—I have deleted the following appropriation language contained in Item 255 which attempts to establish an open-ended appropriation for the state's share of public assistance programs.

"Provided further, that in order to avoid any resultant and inequitable increase in local property taxes, the Controller shall approve expenditures in those amounts made necessary by changes in either caseload or payments, or both, which are in excess of Budget Bill estimates for 1971-72 and funds necessary to make such expenditures are hereby appropriated in addition to any other appropriation contained in this item"

An open-ended appropriation is one which authorizes the appropriation of expenditures of an unlimited amount I hereby reduce Item 255 to \$573,-573,000, which is all that is needed to provide the necessary funds for this program if the welfare reform legislation previously submitted is enacted in a timely manner.

Item 259—For cost of Special Social Services. I reduce this item from \$6,053,385 to \$5,923,385 by reducing paragraph (f) from \$608,000 to \$88,000 and paragraph (i) from \$42,763,520 to \$42,373,520.

The need for social work stipends is no longer justified in view of the current availability of qualified social work professionals.

Item 263—For support of Department of Education. I reduce this item from \$11,065,000 to \$5,065,000 by eliminating paragraph (bx) Duffy-Moscone Family Nutrition Education and Services Act of 1970.

I have eliminated funds for the Duffy-Moscone Family Nutrition Education and Services Act of 1970 since increased federal funding will sustain a statewide program.

Item 263.5—For support of the master teacher program, Department of Education. I eliminate this item.

I have eliminated this item since pending legislation now carries an appropriation for this same purpose.

Item 270.1—For transfer by the State Controller from the General Fund to the State School Fund I eliminate this item.

I have eliminated this item inasmuch as there has been no clearly demonstrated need for additional funds nor any identification of the benefits which may be expected.

Item 273—For support of special elementary school reading instruction programs and Project SHARE pilot tutoring programs, Department of Education I reduce this item from \$18,835,000 to \$18,360,000

I have reduced this item to the amount originally budgeted for this program area inasmuch as funding for the SHARE program can be accomplished by a reassessment of educational priorities within the total amount of funds available in this item.

Item 273.5—For support of Mathematics Improvement Program, Department of Education I eliminate this item

I have eliminated this item because during a time when funds are especially short, this program has not had sufficient proven results to warrant funding.

Item 274—For support of Children's Centers, Department of Education. I reduce this item from \$21,750,000 to \$19,750,000 by reducing paragraph (a) Children's Centers from \$30,128,000 to \$26,128,000 (c) Preschool education from \$20,489,000 to \$16,488,000 (d) Reimbursements from -\$33,367,000 to -\$27,366,000.

I find it possible to reduce this item since additional resources will become available for this program through the use of in-kind matching from state and local governments.

Item 276—For publishing, purchasing, and shipping free textbooks, Department of Education I reduce this item from \$18,342,666 to \$17,828,000 by reducing paragraph (b) Operating Expenses and Equipment from \$18,-240,866 to \$17,726,200

I have reduced this item by eliminating funds for supplementary social science textbooks and for the distribution of basic social science textbooks to institutions other than public schools for grades 5 through 8.

Item 277—for assistance to public libraries, Division of Libraries, Department of Education I reduce this item from \$1,800,000 to \$800,000

I have reduced the funds in this item in order to assure that funds are available for higher priority programs in public education

Item 278.5—For support of summer vocational and technical education programs, Department of Education I eliminate this item

I have eliminated this item in the absence of positive results from previous expenditures for this program

Item 279—For transfer by State Controller to the Teachers' Retirement Fund I reduce this item from \$98,000,000 to \$20,000,000

The State Teachers' Retirement Board has sufficient resources and authority to maintain current retirement benefits by utilizing contingency reserve funds.

Item 282—For support of University of California. I reduce this item from \$342,753,205 to \$332,017,965.

In making this reduction, I have maintained the planned level of university program but at a lesser cost to the General Fund. This is possible by accepting the reimbursements and related revenues approved by the Legislature.

Item 282 1—For support of University of California medical education programs I reduce this item from \$5,000,000 to \$4,022,230.

I have reduced this item but retained funds for the support of the medical education programs at county-operated hospitals for the Davis and Irvine medical schools.

Item 284—For research in conversion of sea water, University of California I reduce this item from \$334,900 to \$308,100.

This level of budget finances the planned University sea water conversion program.

Item 285—For research in dermatology, University of California. I reduce this item from \$100,000 to \$92,000.

This level of budget finances the planned University dermatology research program.

Item 288—For support of Trustees of the California State Colleges and the California State Colleges. I reduce this item from \$334,823,129 to \$315,660,159.

The Trustees of the California State Colleges have the authority to increase reimbursements from foreign student tuition up to a total of \$1,919,320. The remainder of the reductions are as follows:

Nonfaculty Reclassifications -----	\$530,000
This item can be financed by salary savings which become available when positions are vacated.	
Center for Technological Education -----	75,000
This pilot project has served its purpose and should be carried on within regular instructional resources if desired by the Trustees	
Faculty Recruitment -----	100,000
Recruitment activities can be carried on within the allotment for administrative travel.	
Instructional Television Program -----	400,000
Progress has been very nominal, and expenditures should be deferred until institutional and faculty resistance are overcome.	
Frederic Burk Laboratory School -----	387,104
This school is basically a district laboratory school and should be financed by local sources.	
Relations with Schools -----	134,000
This function of improving student articulation from high schools and other college institutions can be carried on by administrative and admissions personnel in the colleges.	
Faculty Positions -----	11,130,000
Faculty positions are deleted in order to start the return to the policy of having full-time faculty teach 12 weighted teaching units in regularly scheduled classrooms and laboratories.	
International Program -----	225,000
The State College program should be coordinated with those of other educational institutions for greater economies and an increased proportion of expenses for overseas educational experiences should be contributed by the students rather than the general taxpayer	
State Financial Aids -----	1,500,000
This program provides a new level of financial aids never before funded by the State; Federal funds for this same purpose are being increased	
Educational Opportunity Program -----	2,472,546
Federal congressional action indicates that increases are being made on a national basis that will provide additional financial aids to needy students.	
Master of Social Work Program -----	290,000
Changes in teaching methods are being studied which should increase the effectiveness of this high cost program.	

Item 291—For support of Board of Governors of the California Community Colleges I reduce this item from \$7,677,064 to \$4,309,574 by reducing (d) Extended opportunity programs from \$6,717,490 to \$3,350,000.

I have reduced the funds for the Extended Opportunity Program to the amount proposed in the original Budget. The legislative augmentation is not necessary because additional Federal funds will be available in 1971-72. The funds for Federal student financial aid programs (EOG and Work-Study) were substantially increased by Senate Bill 659 passed by Congress on July 1, 1971.

Item 293—For support of State Scholarship and Loan Commission I reduce this item from \$22,853,000 to \$20,000,000 by reducing paragraph (b) Operating Expenses and Equipment from \$22,348,442 to \$19,495,442.

I have eliminated the legislative augmentation which increases the average amount of each grant. The budget already includes an augmentation to expand the number of grants from 2 percent to 3 percent of high school graduates, which appears to be a higher priority use of the funds available for this program.

Item 299 1—For capital outlay, University of California. I hereby eliminate the General Fund appropriation of \$13,207,000.

The portion of this item to be funded from the Education fee income will continue to be available for higher priority projects.

Item 301 5—For capital outlay, Trustees of the California State Colleges I hereby eliminate the General Fund appropriation of \$6,893,000.

I consider continuing support for state operations of higher priority than capital outlay projects

Item 305—For capital outlay, Department of Navigation and Ocean Development I reduce this item from \$430,000 to \$230,000 by eliminating paragraph (c) Construction of launching ramp at Crescent City

I am eliminating this project because it is not of sufficient priority in the building program of the Department of Navigation and Ocean Development

With the above deletions and reductions, I hereby approve Senate Bill No. 207.

RONALD REAGAN, Governor

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

SECTION 1. This act shall be known and may be cited as the "Budget Act of 1971."

SEC. 2. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1971-72 fiscal year beginning July 1, 1971, and ending June 30, 1972. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006 of the Government Code.

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

GENERAL GOVERNMENT

LEGISLATIVE

Item	Amount
1—For salaries of Senators-----	780,000
2—For mileage of Lieutenant Governor, Senators and statutory officers of the Senate----	1,800
3—For expenses of Members of the Senate----	290,400

Item	Amount
4—For contingent expenses of the Senate, including personal services for officers, clerks and all other employees, and legislative committees thereof composed in whole or in part of Members of the Senate, to be transferred by the State Controller to the Senate Contingent Fund -----	8,932,723
5—For salaries of Assemblymen-----	1,560,000
6—For mileage of Assemblymen and statutory officers of the Assembly-----	3,600
7—For expenses of Members of the Assembly--	580,000
8—For contingent expenses of the Assembly including personal services for officers, clerks, and all other employees, and legislative committees thereof composed in whole or in part of Members of the Assembly, to be transferred by the State Controller to the Assembly Contingent Fund -----	10,282,996
9—For expenses of Joint Legislative Committee for the Revision of the Penal Code -----	173,762
10—For payment of the state's proportionate share of the expenses of the National Conference of Legislative Leaders ----- to be transferred by the State Controller in equal amounts to the Senate and Assembly Contingent Funds.	1,000
11—To the Joint Committee on Legislative Organization for payment of the state's contribution to the National Advisory Commission on Intergovernmental Relations -----	5,000
12—For legislative printing, binding, mailing and other necessary expenses; and in addition thereto, any amounts received from the sale of legislative publications ----- Notwithstanding any other provision of Section 2 of this act, this appropriation shall be available until June 30, 1973.	3,606,482
12.1—For legislative printing, binding, mailing, and other necessary expenses in augmentation of Item 10, Budget Act of 1969-----	222,752
13—For the expenses of joint committees and their members and for any charges, expenses, or claims they may incur, to be transferred by the State Controller to the Contingent Funds of the Assembly and Senate, available without regard to fiscal years, to be paid on certification of chairmen of the committees to which allocations have been made by statute or concurrent resolution or by resolution of the Joint Rules Committee -----	3,755,000

Item	Amount
14—For support of Legislative Counsel Bureau— provided, that any money appropriated by this item or in augmentation thereof, may be expended for any increased salary ranges or rates for special inequity adjustments, includ- ing staff benefits, established by the State Per- sonnel Board or other salary-fixing authority for attorney classes within the Legislative Counsel Bureau.	1,932,474
15—For support of California Law Revision Commission -----	169,000
16—For support of California Commission on Uniform State Laws -----	15,400
17—For state's contribution to the Legislators' Retirement Fund, in accordance with Section 9358 of the Government Code -----	876,229

JUDICIAL

18—For support of Supreme Court of Califor- nia, Courts of Appeal and Judicial Council of California ----- provided, that the funds appropriated in this item may be allocated or reallocated between them by order of the Judicial Council sub- ject to being reported to the Director of Fi- nance.	8,775,741
19—For support of Judicial Council, for imple- menting uniformity and consistence of pro- cedure in traffic courts, payable from the Motor Vehicle Fund, to be expended only upon receipt of an equal amount from the federal government -----	13,702
20—For support of Commission on Judicial Qualifications -----	44,000
21—For state's share of salaries of judges of su- perior courts as provided by Section 68206 of the Government Code ----- provided, that any funds which are unex- pended due to vacancies in judgeships may be expended by the Judicial Council for extra compensation, expenses and staff for judges assigned by the Chairman of the Judicial Council.	10,910,220

EXECUTIVE

22—For support of Governor and of Governor's office (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code) -----	1,658,232
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Item	Amount
23—For support of Governor's residence (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code) -----	17,400
24—For rental of Governor's residence ----- provided, that funds appropriated by this item shall be expended in amounts of not to exceed \$1,250 each month to be made available until such time as the state provides a new residence for the Governor.	15,000
25—For special contingent expenses, Governor's office (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code) -----	15,000
26—For support of Agriculture and Services Agency -----	105,643
Schedule:	
(a) Personal services -----	91,477
(b) Operating expenses and equipment -----	14,166
27—For support of Business and Transportation Agency, payable from the Motor Vehicle Fund -----	188,411
Schedule:	
(a) Personal services -----	155,952
(b) Operating expenses and equipment -----	41,648
(c) Amount payable from General Fund (Item 27.1) -----	-9,189
27.1—For support of Business and Transportation Agency -----	9,189
28—For support of Human Relations Agency -----	157,572
Schedule:	
(a) Personal services -----	115,374
(b) Operating expenses and equipment -----	42,198
provided that, any rule or regulation adopted by the Secretary of the Human Relations Agency during the 1971-72 fiscal year which results in additional cost to the state shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance.	
29—For support of Resources Agency -----	213,100
Schedule:	
(a) Personal services -----	161,577
(b) Operating expenses and equipment -----	51,523

Item	Amount
30—For support of Office of Emergency Services, California Emergency Council and advisory committees -----	957,000
and in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.	
Schedule:	
(a) Personal services -----	1,276,138
(b) Operating expenses and equipment -----	746,442
(c) Reimbursements -----	—331,512
(d) Federal grants -----	—734,068
31—For support of Office of Intergovernmental Management in the Governor's office -----	40,000
and in addition thereto, any amounts received from federal grants or other sources.	
32—For support of Office of Planning and Research -----	84,957
Schedule:	
(a) Personal services -----	145,244
(b) Operating expenses and equipment -----	32,300
(c) Federal grants -----	—92,587
33—For support of Lieutenant Governor -----	360,000
Schedule:	
(a) Personal services -----	290,627
(b) Operating expenses and equipment -----	69,373
34—For support of Council on Intergovernmental Relations -----	119,000
35—For support of Intergovernmental Board on Electronic Data Processing -----	5,000
36—For support of Commission of the Californias -----	38,000
38—For support of California Advisory Commission on Marine and Coastal Resources, as provided by Sections 8800 through 8827 of the Government Code -----	49,000

GENERAL ADMINISTRATION

39—For support of Department of Justice -----	22,796,119
Schedule:	
(a) Personal services -----	21,013,726
(b) Operating expenses and equipment -----	8,274,308
(c) Reimbursements -----	—3,442,652

Item	Amount
(d) Amount payable from Tort Liability (Item 45) -----	1,000,000
(e) Amount payable from Motor Vehicle Fund (Item 40) ---	2,049,263
provided that, the appropriation for the support of the department shall be conditioned upon the charge, by the department, of a \$3.10 fee for the processing of each set of non-criminal fingerprints received by the department from sources within and outside of the State of California: provided further, that the support appropriation provided for by this item shall be conditioned upon the retention, by the department, of only the original noncriminal fingerprint card; provided further, that any money appropriated by this item or in augmentation thereof, may be expended for any increased salary ranges or rates for special inequity adjustments, including staff benefits, established by the State Personnel Board or other salary fixing authority for attorney classes within the Department of Justice.	
40—For support of Department of Justice, to be transferred to and in augmentation of Item 39, Budget Act of 1971, payable from the Motor Vehicle Fund -----	2,049,263
41—For support of Commission on Peace Officer Standards and Training, payable from the Peace Officers' Training Fund -----	831,098
Schedule:	
(a) Personal services -----	597,277
(b) Operating expenses and equipment -----	233,821
42—For allocation to cities, counties, and cities and counties, pursuant to Section 13523 of the Penal Code, and for payment of contracts pursuant to Section 13503(c) of the Penal Code, Commission on Peace Officer Standards and Training, payable from the Peace Officers' Training Fund -----	5,200,000
43—For support of California Council on Criminal Justice -----	138,286
43.1—For support of the California Crime Technological Research Foundation -----	18,750
44—For contribution to counties for providing legal assistance to indigents in accordance with Section 987.6 of the Penal Code-----	775,000

Item	Amount
<p>45—For the administration, investigation, adjustment, defense and payment of tort liability claims, settlements, compromises and judgments against the state, its officers, servants and employees, for expenditure by the Department of Finance in its discretion in respect to, or for allocation by the Department of Finance in its discretion to, state agencies, departments, boards, bureaus or commissions supported from the General Fund; or for the purchase of insurance protecting the state, its officers, servants and employees against such tort liability claims, including the defense of such claims whether or not liability exists, Department of Finance -----</p> <p>and in addition thereto, there is hereby appropriated from each fund, other than the General Fund, an amount sufficient to pay the cost of administration, investigation, adjustment, defense, and payment of tort liability claims, settlements, compromises and judgments against the state or the state agency supported from such fund, arising from activities of such state agency, or for the purchase of insurance protecting the state, its officers, servants and employees of such state agency against tort liability claims and for the defense of such claims whether or not liability exists; provided, that no expenditures from any such appropriation from a fund other than the General Fund for payment of tort liability claims shall be made unless approved by the Department of Finance in its discretion; and provided further, that any funds appropriated herein may be expended for either, or any combination, of the purposes specified herein as may be approved by the Department of Finance.</p>	1,000,000
<p>46—For the payment of claims and Attorney General services pursuant to Chapter 5 (commencing with Section 13960) of Part 4 of Division 3 of Title 2 of the Government Code, State Board of Control -----</p> <p>Schedule:</p> <p style="padding-left: 2em;">(a) Claims ----- 275,000</p> <p style="padding-left: 2em;">(b) Attorney General services .. 50,000</p> <p>and in addition thereto, there is hereby appropriated for the purpose of this item any amount on deposit in the Indemnity Fund, pursuant to Section 13964 of the Government Code.</p>	325,000

Item	Amount
47—For support of State Controller-----	5,829,862
Schedule:	
(a) Personal services -----	6,441,058
(b) Operating expenses and equipment -----	1,734,731
(c) Reimbursements -----	-917,834
(d) Amount payable from the Motor Vehicle Transporta- tion Tax Fund (Item 48)---	-103,402
(e) Amount payable from the Motor Vehicle Fuel Fund (Item 49) -----	-1,108,488
(f) Amount payable from the State School Building Aid Fund (Item 50) -----	-141,566
(g) Amount payable from the Aeronautics Fund (Item 51) --	-74,637
The appropriation made by this item shall be in lieu of any allocation made pursuant to subdivision (b) of Section 30462 of the Reve- nue and Taxation Code during the 1971-72 fiscal year and no funds shall be allocated to the State Controller pursuant to Section 30462 during the 1971-72 fiscal year.	
48—For support of State Controller, payable from the Motor Vehicle Transportation Tax Fund	103,402
49—For support of State Controller, payable from the Motor Vehicle Fuel Fund -----	1,108,488
50—For support of State Controller, payable from the State School Building Aid Fund -----	141,566
51—For support of State Controller, payable from the Aeronautics Fund -----	74,637
52—For support of State Board of Equalization	25,310,832
Schedule:	
(a) Personal services -----	27,721,576
(b) Operating expenses and equipment -----	6,323,692
(c) Reimbursements -----	-6,251,497
(d) Amount payable from the Motor Vehicle Transporta- tion Tax Fund (Item 53)---	-1,130,386
(e) Amount payable from the Motor Vehicle Fuel Fund (Item 54) -----	-1,352,553
53—For support of State Board of Equalization, payable from the Motor Vehicle Transporta- tion Tax Fund -----	1,130,386
54—For support of State Board of Equalization, payable from the Motor Vehicle Fuel Fund	1,352,553

Item	Amount
55—For support of Secretary of State -----	2,133,283
Schedule:	
(a) Personal services -----	1,440,345
(b) Operating expenses and equipment -----	705,938
(c) Reimbursements -----	-13,000
56—For printing constitutional amendments and other ballot measures, Secretary of State --	230,000
57—For support of California Heritage Preser- vation Commission -----	800
58—For support of State Treasurer -----	958,815
Schedule:	
(a) Personal services -----	844,308
(b) Operating expenses and equipment -----	470,495
(c) Reimbursements -----	-355,988
59—For support of Department of Finance ----	4,417,389
Schedule:	
(a) Personal services -----	3,780,582
(b) Operating expenses and equipment -----	793,618
(c) Reimbursements -----	-156,811
60—For support of Commission on California State Government Organization and Economy	53,000
61—For support of California Commission on Interstate Cooperation -----	115,530
62—For support of Military Department.-----	4,152,938
Schedule:	
(a) Personal services -----	4,093,416
(b) Operating expenses and equipment -----	1,671,899
(bx) Minor capital outlay----	40,000
(c) Reimbursements -----	-80,645
(d) Federal grants -----	-1,571,732
provided, that no expenditures shall be made from this appropriation as a substitution for personnel, equipment, facilities, or other as- sistance, or for any portion thereof, which in the absence of such expenditure, or of this appropriation, would be available to the Commanding General of the State Military Forces, the California National Guard or the California National Guard Reserve from the federal government.	
63—For payment of military retirements, in ac- cordance with the provisions of Sections 228 and 256 of the Military and Veterans Code, Military Department -----	387,183

Item	Amount
64—For support of California Cadet Corps -----	97,871
Schedule:	
(a) Personal services -----	50,038
(b) Operating expenses and equipment -----	47,833
65—For support of Public Utilities Commission--	6,970,057
Schedule:	
(a) Personal services -----	10,996,639
(b) Operating expenses and equipment -----	2,047,343
(c) Reimbursements -----	-164,962
(d) Amount payable from the Transportation Rate Fund (Item 66) -----	-5,908,963
provided, that \$75,000 shall be available only to fund the regulation of sewer utilities.	
66—For support of Public Utilities Commission, payable from the Transportation Rate Fund	5,908,963
MISCELLANEOUS	
67—For support of California Arts Commission--	168,000
68—For support of California Horse Racing Board, payable from the Fair and Exposition Fund -----	355,465
Schedule:	
(a) Personal services -----	267,027
(b) Operating expenses and equipment -----	88,438
69—For support of Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, payable from the Board of Pilot Commissioners' Special Fund -----	34,224
70—For the state's contribution for the cost of a basic health benefits plan, for annuitants and other employees, in accordance with Sections 22828 and 22829 of the Government Code, which is not chargeable to any other appro- priation -----	3,198,104
provided, that no portion of these funds shall be used to pay employer contributions under the Meyers-Geddes State Employees' Medi- cal and Hospital Care Act with respect to an enrollment of any annuitant during an open enrollment period occurring after January 1, 1971, or any enrollment not authorized under rules of the Board of Administration in effect on January 1, 1971.	

Item	Amount
71—For refunding of payments of taxes, licenses, fees and other receipts which have been erroneously collected and deposited in the General Fund for the refund of which no other provision is made by law, for refunding of amounts withheld and deposited in a fund in the State Treasury to any person who is determined to be liable to a taxpayer by reason of withholding and transmitting payments of taxes, interest, and penalties for the refund of which no other provision is made by law, and for payment of prior judgments, liens or encumbrances pursuant to Section 12516 of the Government Code -----	30,000
provided, that expenditures made under this item shall be charged to the year in which the warrant is issued by the State Controller.	

PROPERTY TAX RELIEF

72—For providing property tax assistance to claimants, in accordance with the provisions of the Senior Citizens Property Tax Assistance Law, Part 10.5 (commencing at Section 19501), of Division II of the Revenue and Taxation Code, Franchise Tax Board -----	10,000,000
73—For providing homeowners' property tax exemption, in accordance with the provisions of Chapter 1, Statutes of 1968, First Extraordinary Session (commencing at Section 32), State Controller -----	235,000,000

DEBT SERVICE

74—For payment of interest, on order of the Director of Finance, on transfers of money from any fund or account subject to investment, to the General Fund under Section 16310 of the Government Code, computed at a rate determined by the Pooled Money Investment Board to be a rate of interest prescribed by Section 16310 of the Government Code-----	14,400,000
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UNALLOCATED

75—For allocation by executive order of the Department of Finance to the Department of Human Resources Development in such amounts as will make sufficient money available to reimburse the Unemployment Insur-	
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Item	Amount
<p>ance Fund the amount of actual unemployment insurance payments as authorized by statute for each state officer or employee in the state civil service with permanent or probationary status whose compensation, or portion thereof, is chargeable to the General Fund, who is laid off due to budget reductions or other reasons of economy -----</p>	234,000
<p>For officers and employees in the state civil service whose compensation, including staff benefits, or portions thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid an amount sufficient to provide reimbursement to the Unemployment Insurance Fund the amount of actual unemployment insurance payments as authorized by statute for officers or employees in the state civil service with permanent or probationary status who are laid off due to budget reductions or other reasons of economy, in accordance with this item, which amount is to be made available by executive order of the Department of Finance.</p>	
<p>76—For allocation by executive order of the Department of Finance to the several state agencies in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available to be paid each state officer or employee in the state service other than personnel in the University of California whose salaries are set by the Regents whose compensation, or portion thereof, is chargeable to the General Fund, the premium pay for overtime established by the State Personnel Board or other salary-fixing authority in accordance with standards prescribed by Sections 18021 and 18021.5 of the Government Code -----</p>	2,675,000
<p>Schedule:</p>	
<p>(a) For premium pay for overtime set by the State Personnel Board or other salary-fixing authority exclusive of the Regents of the University of California and the Trustees of the California State Colleges -----</p>	2,500,000

Item	Amount
<p>(b) For premium pay for over-time set by the Trustees of the California State Colleges</p> <p>For state officers and employees whose compensation, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid an amount sufficient to provide premium pay for over-time for each such officer or employee, in accordance with this item, which amount is to be made available by executive order of the Department of Finance in augmentation of their respective appropriations for support or for other purposes.</p>	<p>175,000</p>
<p>.77—For allocation by executive order of the Department of Finance to the several state agencies in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available to be paid each state officer or employee in the state service other than personnel in the University of California whose salaries are set by the Regents, whose compensation, or portion thereof, is chargeable to the General Fund, the payment of night-shift differential established in accordance with Section 18852 of the Government Code for those classes of state employees whose counterparts in private industry and other governmental jurisdictions receive such payments, including staff benefits, as established by the State Personnel Board or other salary-fixing authority</p> <p>Schedule:</p> <p>(a) For increases in compensation set by the State Personnel Board or other salary-fixing authority exclusive of the Regents of the University of California and the Trustees of the California State Colleges</p> <p>(b) For increases in compensation set by the Trustees of the California State Colleges</p> <p>For state officers and employees whose compensation, including staff benefits, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are</p>	<p>1,845,000</p> <p>1,145,000</p> <p>700,000</p>

Item	Amount
<p>paid an amount sufficient to provide payment of night-shift differential established in accordance with Section 18852 of the Government Code for those classes of state employees whose counterparts in private industry and other governmental jurisdictions receive such payments, including staff benefits, for each such officer or employee, in accordance with this item, which amount is to be made available by executive order of the Department of Finance in augmentation of their respective appropriations for support or for other purposes.</p>	
78—For allocation by executive order of the Department of Finance to the several courts, state agencies, and counties, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will defray the state's share of the cost of the increases in compensation for judges, justices and related classes as provided in Section 68203 of the Government Code -----	820,144
79—For Emergency Fund. to be expended only on written authorization of the Department of Finance for emergencies ----- and in addition, \$1,500,000 is appropriated for loans that may be made from the Emergency Fund to state agencies which derive their support from the General Fund or from sources other than the General Fund, upon such terms and conditions for repayment as may be prescribed by the Department of Finance and any sum so loaned shall, if ordered by the Department of Finance, be transferred by the State Controller to the fund from which the support of the agency is derived. Emergencies within the meaning of this provision are hereby defined as contingencies for which no appropriation, or insufficient appropriation, has been made by law and which in the judgment of the Director of Finance constitute cases of actual necessity, but these shall be limited to purposes which have been specifically approved by the Legislature in budget acts or other legislation, except that not more than \$100,000 of this item may be expended for emergencies for which no such prior authorization exists.	1,000,000

Item

Amount

Provided, that the Director of Finance shall file with the Joint Legislative Budget Committee within 10 days after approval, copies of all executive orders and allotment promises for allocations from the Emergency Fund stating the reasons for, and the amount of, all such executive orders and allotment promises for allocations.

Provided further, that any augmentation from this item to any program in excess of 10 percent of the amount authorized for expenditure in the 1971-72 fiscal year for such program shall become effective no sooner than 30 days after notification in writing to the Joint Legislative Budget Committee or no sooner than such lesser time as the committee, or its designee, may in each instance determine, except that no such limit shall apply if the Director of Finance states in writing to the Chairman of the Joint Legislative Budget Committee the necessity and urgency for the allocation which, in the judgment of the director, makes prior approval impractical.

80—For claim of the Secretary of the State Board of Control, to be paid from the several funds, in accordance with the following schedule----

392,790

Schedule:

(a) General Fund -----	345,623
(b) Aeronautics Fund -----	17
(c) State Banking Fund -----	82
(cx) Fair and Exposition Fund -----	1,646
(d) Fish and Game Preservation Fund -----	531
(dx) Health Care Deposit Fund -----	1,019
(e) State Highway Fund -----	2,536
(f) Motor Vehicle Fund -----	14,973
(g) Motor Vehicle Fuel Fund--	3,866
(gx) Real Estate Fund -----	50
(h) State Fair Fund -----	1,198
(hx) Public Employees' Retirement Fund -----	754
(hxx) State Construction Pro- gram Fund -----	11,653
(i) Unemployment Fund -----	112
(j) Unemployment Administra- tion Fund -----	1,191
(k) Unemployment Compensa- tion Disability Fund -----	251
(l) Veterans' Farm and Home Building Fund of 1943-----	21
(m) Water Resources Revolving Fund -----	7,267

Item	Amount
80.1—For Salary Increase Fund, to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available to be paid each state officer or employee in the state service other than personnel in faculty and faculty-related classifications in the University of California whose salary ranges are set by the regents and instructional and instructional-related positions in the California State Colleges whose compensation, or portion thereof, is chargeable to the General Fund, the increase in compensation provided for in any increased salary range or rate including staff benefits established on or after July 1, 1971 by the State Personnel Board or other salary-fixing authority-----	43,525,000
Schedule:	

- (a) For increases in compensation set by the State Personnel Board or other salary-fixing authority exclusive of the Regents of the University of California and the Trustees of the California State Colleges -----30,975,480
- (b) For increases in compensation for nonfaculty positions established by the Regents of the University of California 7,296,300
- (c) For increase in compensation for noninstructional positions established by the Trustees of the California State Colleges ----- 5,253,220

For state officers and employees whose compensation, including staff benefits, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid an amount sufficient to provide increases in compensation, including staff benefits, for each such officer or employee, in accordance with this item, which amount is to be made available by executive order of the Department of Finance in augmentation of their respective appropriations for support or for other purposes.

Item	Amount
<p>Before any increased salary range or rate established for any position for the 1971-72 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money either is available in funds authorized for the agencies or may be made available from the appropriation in this item, to meet the cost of such increases.</p>	
<p>80.2—For university salary increases, to be allocated by the Department of Finance to the Regents of the University, in augmentation of its appropriation for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1971, for the 1971-72 fiscal year by the regents of the university for faculty and faculty-related positions -----</p>	18,030,000
<p>provided, that increase in compensation provided by increased salary ranges for faculty and faculty-related positions established for the 1971-72 fiscal year shall not result in total annual salary increases, including staff benefits, of more than \$18,030,000.</p> <p>Before the Regents of the University of California establish any increased salary range or rate for the 1971-72 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the University of California or may be made available from the appropriation in this item to meet the cost of such increases.</p>	
<p>80.4—For California State Colleges salary increases, to be allocated by the Department of Finance to the Trustees of the California State Colleges, in augmentation of appropriations for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1971, for the 1971-72 fiscal year by the Trustees of the California State Colleges for instructional and instructional-related positions -----</p>	21,130,000
<p>provided, that increases in compensation provided by this item for increased salary ranges for instructional and instructional-related</p>	

Item	Amount
positions established for the 1971-72 fiscal year shall not result in total annual salary increases, including staff benefits, of more than \$21,130,000.	

Before the Trustees of the California State Colleges establish any increased salary range or rate for the 1971-72 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the California State Colleges or may be made available from the appropriation in this item, to meet the cost of such increases.

AGRICULTURE AND SERVICES

81—For support of Department of Agriculture—	12,143,574
Schedule:	
(a) Personal services	18,059,183
(b) Operating expenses and equipment	5,171,469
(c) Emergency pest detection and eradication	1,000,000
(d) Reimbursements	-3,281,261
(e) Amount payable from the Department of Agriculture Fund (Sections 224(1) and 224(2), Agricultural Code) —	1,500,000
(f) Amount payable from the Department of Agriculture Fund (Item 82)	-7,100,232
(g) Amount payable from the Fair and Exposition Fund (Item 83)	-205,585
82—For support of Department of Agriculture, payable from the Department of Agriculture Fund	7,100,232
83—For support of Department of Agriculture, payable from the Fair and Exposition Fund	205,585
84—For salaries of county agricultural commis- sioners or compensation for services per- formed for county agricultural departments, Department of Agriculture, to be expended in accordance with the provisions of Section 2224 of the Agricultural Code	171,600
85—For payments to cities and counties for lands under contract as agricultural preserves on July 1 of the 1971-72 fiscal year, Department of Agriculture, to be expended in accordance with the provisions of Section 51260 of the Government Code	446

Item	Amount
86—The sum of \$130,000 of the money appropriated by Section 19627 of the Business and Professions Code, for support of district agricultural fairs or combined county and district agricultural fairs, is hereby reappropriated from the Fair and Exposition Fund during the 1971-72 fiscal year for transfer to the General Fund by the State Controller upon order of the Director of Finance.	
92—For support of Department of Commerce --- Schedule:	1,501,827
(a) Personal services -----	1,198,430
(b) Operating expenses and equipment -----	309,397
(c) Reimbursements -----	-6,000
93—For support of State Board of Accountancy, payable from the Accountancy Fund -----	412,419
94—For support of California State Board of Architectural Examiners, payable from the California State Board of Architectural Ex- aminers' Fund -----	148,849
95—For support of State Athletic Commission ---	192,800
96—For support of State Board of Barber Exam- iners, payable from the State Board of Barber Examiners' Fund -----	491,004
97—For support of Board of Behavioral Science Examiners of the State of California, pay- able from the Behavioral Science Examiners Fund -----	140,885
98—For support of Cemetery Board, payable from the Cemetery Fund -----	83,793
99—For support of Board of Chiropractic Exam- iners, payable from the State Board of Chiro- practic Examiners' Fund -----	111,712
100—For support of Bureau of Collection and Investigative Services, Department of Con- sumer Affairs, payable from the Collection Agency Fund -----	210,922
101—For support of Bureau of Collection and Investigative Services, Department of Con- sumer Affairs, payable from the Private In- vestigator and Adjuster Fund -----	114,472
102—For support of Division of Consumer Services	100
103—For support of Contractors' State License Board, payable from the Contractors' License Fund -----	2,787,557
Schedule:	
(a) Personal services -----	1,772,282
(b) Operating expenses and equipment -----	1,015,275

Item	Amount
104—For support of State Board of Cosmetology, payable from the Board of Cosmetology's Contingent Fund -----	885,993
Schedule:	
(a) Personal services -----	305,282
(b) Operating expenses and equipment -----	580,711
105—For support of Board of Dental Examiners of California, payable from the State Dentistry Fund -----	301,581
106—For support of State Board of Dry Cleaners, payable from the Dry Cleaners' Fund -----	318,970
Notwithstanding the provision of Section 14660.5 of, and Sections 16346 to 16350, inclusive, of the Government Code, or any other provisions of law, any money in the Dry Cleaner's Fund not appropriated for administering and enforcing the provisions of Chapter 18 (commencing with Section 9500) of Division 3 of the Business and Professions Code, or augmentations under Section 11006 of the Government Code, shall remain in such fund and shall not be used for any other purpose; provided further, that in the event legislation terminating the board is passed this appropriation shall be reduced to \$40,000.	
107—For support of Bureau of Employment Agencies, Department of Consumer Affairs, payable from the Bureau of Employment Agencies Fund -----	256,903
108—For support of State Board of Funeral Directors and Embalmers, payable from the State Funeral Directors and Embalmers' Fund -----	112,000
109—For support of Bureau of Furniture and Bedding Inspection, Department of Consumer Affairs, payable from the Bureau of Furniture and Bedding Inspection Fund -----	441,617
110—For support of State Board of Registration for Geologists, payable from the Geology Fund -----	55,640
111—For support of State Board of Guide Dogs for the Blind -----	5,000
112—For support of California State Board of Landscape Architects, payable from the State Board of Landscape Architects' Fund -----	39,519
113—For support of Board of Medical Examiners of the State of California, payable from the Contingent Fund of the Board of Medical Examiners -----	1,255,090

Item	Amount
Schedule:	
(a) Personal services -----	342,272
(b) Operating expenses and equipment -----	926,818
(c) Reimbursements -----	-14,000
114—For support of Board of Medical Examiners of the State of California, payable from the Physical Therapy Fund -----	35,129
115—For support of Board of Medical Examiners of the State of California, payable from the Hearing Aid Dispensers Fund -----	28,330
116—For support of State Board of Examiners of Nursing Home Administrators, payable from the Nursing Home Administrator's State License Examining Board Fund -----	78,489
117—For support of California Board of Nursing Education and Nurse Registration, payable from the California Board of Nursing Educa- tion and Nurse Registration Fund -----	749,053
Schedule:	
(a) Personal services -----	331,317
(b) Operating expenses and equipment -----	417,736
118—For support of Nurses' Registry, payable from the Nurses' Registry Fund -----	13,764
119—For support of State Board of Optometry, payable from the State Optometry Fund --	84,205
120—For support of Board of Osteopathic Exam- iners of the State of California, payable from the Contingent Fund of the Board of Osteo- pathic Examiners -----	13,788
121—For support of California State Board of Pharmacy, payable from the Pharmacy Board Contingent Fund -----	760,819
Schedule:	
(a) Personal services -----	366,535
(b) Operating expenses and equipment -----	394,284
122—For support of State Board of Registration for Professional Engineers, payable from the Professional Engineers' Fund -----	719,047
Schedule:	
(a) Personal services -----	435,411
(b) Operating expenses and equipment -----	283,636
123—For support of Bureau of Repair Dealer Serv- ices, Department of Consumer Affairs, pay- able from the Repair Services Fund -----	324,411
124—For support of Certified Shorthand Reporters Board, payable from the Shorthand Report- ers' Fund -----	43,012

Item	Amount
125—For support of Structural Pest Control Board, payable from the Structural Pest Control Fund -----	536,432
Schedule:	
(a) Personal services -----	178,160
(b) Operating expenses and equipment -----	358,272
126—For support of Board of Examiners in Veterinary Medicine, payable from the Board of Veterinary Examiners' Contingent Fund ---	80,724
127—For support of Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, payable from the Vocational Nurse and Psychiatric Technician Examiners' Fund -----	397,484
128—For support of Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, payable from the Vocational Nurse and Psychiatric Technician Examiners' Fund from those moneys deposited under the provisions of Section 4547 of the Business and Professions Code -----	72,433
129—For support of State Board of Control ---	121,085
130—For support of California Exposition and Fair Executive Committee, Department of General Services, and for payment of principal and interest on revenue bonds to meet the provisions of Government Code Section 15849, to be transferred by the State Controller to Item 131, Budget Act of 1971, in accordance with the following schedule -----	1,288,859
Schedule:	
(a) Support -----	158,859
(b) Payment of interest and principal on revenue bonds 1,130,000 provided, that no more than the amount actually needed to pay any deficit in principal and interest on the revenue bonds shall be made available for expenditure from category (b) of this item.	
131—For support of California Exposition and Fair Executive Committee, Department of General Services, and for payment of principal and interest on revenue bonds to meet the provisions of Government Code Section 15849, payable from the State Fair Fund -----	0
Schedule:	
(a) Support -----	2,576,896
(b) Payment of interest and principal on revenue bonds--	1,130,000

Item	Amount
(c) Amount payable from General Fund (Item 130) -----	-1,288,859
(d) Amount payable from State Fair Fund as revenue from operations -----	-2,137,662
(e) Amount payable from the State Fair Fund (Item 132) -----	-265,000
(f) Reimbursements -----	-15,375
132—For support of California Exposition and Fair Executive Committee, payable from the State Fair Fund, in accordance with Section 19622, Business and Professions Code-----	265,000
133—For support of State Fire Marshal -----	895,103
Schedule:	
(a) Personal services -----	980,280
(b) Operating expenses and equipment -----	177,943
(c) Reimbursements -----	-140,000
(d) Amount payable from Dry Cleaners' Fund (Item 134) -----	-123,120
134—For support of State Fire Marshal, payable from the Dry Cleaners' Fund-----	123,120
135—For support of Franchise Tax Board -----	21,553,780
Schedule:	
(a) Personal services -----	16,468,356
(b) Operating expenses and equipment -----	5,088,424
(c) Reimbursements -----	-3,000
136—For support of Department of General Services -----	4,808,553
Schedule:	
(a) Personal services -----	19,426,186
(b) Operating expenses and equipment -----	6,939,319
(c) Minor capital outlay -----	100,000
(d) Reimbursements -----	-20,660,611
(e) Amount payable from the State School Building Aid Fund (Item 137) -----	-996,341
137—For support of Department of General Services, payable from the State School Building Aid Fund -----	996,341
138—For augmentation of the Service Revolving Fund, to be transferred by the State Controller in such amounts and at such times as funds are made available. Upon approval of the State Board of Control, the State Controller shall transfer to this item from any appropriation made from the General Fund	

Item	Amount
by the provisions of this act that part of such appropriation which is intended to be used and is available for the purchase or replacement of automobiles.	
139—For augmentation of the Service Revolving Fund, to be transferred by the State Controller in such amounts and at such times as funds are made available. Upon approval of the State Board of Control, the State Controller shall transfer to this item from any appropriation made from the General Fund or any special fund by the provisions of this act that part of such appropriation which is intended to be used and is available for the purchase or replacement of reproduction equipment and provided any funds in the Service Revolving Fund may be used to purchase reproduction equipment from special funds of the state at the depreciated value of the equipment at the time of purchase, payable at the option of the Service Revolving Fund over the remaining depreciation period.	
140—For expenditure by Office of State Printing, Department of General Services, payable from the Service Revolving Fund -----	22,328,160
Schedule:	
(a) Personal services -----	9,113,528
(b) Operating expenses and equipment -----	13,214,632
provided, that any balances in the Service Revolving Fund are subject to Sections 16420, 16421 and 16422 of the Government Code, and are available for augmentation of this appropriation by executive order of the Department of Finance.	
141—For expenditure by Department of General Services for activities financed from the Service Revolving Fund, other than the Office of State Printing -----	29,332,017
Schedule:	
(a) Personal services -----	7,308,064
(b) Operating expenses and equipment -----	22,023,953
provided, that any balances in the Service Revolving Fund are subject to Sections 16420, 16421 and 16422 of the Government Code, and are available for augmentation of this appropriation by executive order of the Department of Finance.	

- 142—For expenditure by Office of Architecture and Construction, Department of General Services, payable from the Architecture Revolving Fund, for the purposes specified in Section 14957 of the Government Code ----- 4,887,916
Schedule:
- (a) Personal services ----- 4,222,750
 - (b) Operating expenses and equipment ----- 940,631
 - (c) Reimbursements ----- -275,465
- provided, that any balances in the Architecture Revolving Fund continue to be appropriated by and subject to Section 14957 of the Government Code, and are available for construction and for augmentation of this appropriation.
- 143—For support of Office of Architecture and Construction, Department of General Services, payable from the Architecture Public Building Fund ----- 1,403,825
Schedule:
- (a) Personal services ----- 1,116,911
 - (b) Operating expenses and equipment ----- 286,914
- 144—For support of State Personnel Board ----- 4,973,495
Schedule:
- (a) Personal services ----- 5,529,318
 - (b) Operating expenses and equipment ----- 1,724,504
 - (c) Reimbursements ----- -2,280,327
- 145—For support of Board of Administration of the Public Employees' Retirement System, to be transferred by the State Controller to Item 146, Budget Act of 1971 ----- 18,000
- 146—For support of Board of Administration of the Public Employees' Retirement System, payable from the Public Employees' Retirement Fund, pursuant to Section 20202.5 of the Government Code ----- 3,939,023
Schedule:
- (a) Personal services ----- 3,489,497
 - (b) Operating expenses and equipment ----- 1,829,624
 - (c) Reimbursements ----- -833,402
 - (d) Amount payable from State Employees' Contingency Reserve Fund (Item 147) ----- -528,696
 - (e) Amount payable from General Fund (Item 145) ----- -18,000

Item	Amount
147—For support of Board of Administration of the Public Employees' Retirement System, payable from the State Employees' Contingency Reserve Fund, in accordance with the provisions of Section 22840 of the Government Code -----	528,696
148—For support of State Teachers' Retirement System -----	1,287,000
Schedule:	
(a) Personal services -----	2,282,356
(b) Operating expenses and equipment -----	1,099,644
(c) Reimbursements -----	-289,000
(d) Amount payable from Teachers' Retirement Fund (Item 149) -----	-1,806,000
149—For support of State Teachers' Retirement System, payable from the Teachers' Retirement Fund -----	1,806,000
150—For support of Department of Veterans Affairs -----	736,446
Schedule:	
(a) Personal services -----	956,355
(b) Operating expenses and equipment -----	149,302
(c) Amount payable from the Veterans' Farm and Home Building Fund of 1943 (Item 151) -----	-369,211
151—For support of Department of Veterans Affairs, payable from the Veterans' Farm and Home Building Fund of 1943 -----	369,211
152—For educational assistance to veterans' dependents, Department of Veterans Affairs, to be expended under the provisions of Sections 890 through 899 of the Military and Veterans Code -----	2,085,100
153—For support of Veterans' Home of California -----	3,785,192
Schedule:	
(a) Personal services -----	6,631,977
(b) Operating expenses and equipment -----	1,400,680
(c) Reimbursements -----	-1,811,655
(d) Federal grants -----	-2,435,810

provided, that none of the funds herein appropriated shall be expended for the payment of sick leave pay for member employees.

Item	Amount
<p>The Veterans' Home of California shall collect from home members, after due consideration of income and family status, fees and charges for domiciliary, nursing home, and hospital care.</p>	
154—For contribution to counties toward the compensation and expenses of county service officers, Department of Veterans Affairs, to be expended in accordance with Section 972 of the Military and Veterans Code, payable from the surplus of the Veterans' Farm and Home Building Fund of 1943 -----	500,000

BUSINESS AND TRANSPORTATION

BUSINESS		Amount
Item		Amount
155—For support of Department of Alcoholic Beverage Control -----		6,263,277
Schedule:		
(a) Personal services -----	5,126,962	
(b) Operating expenses and equipment -----	1,156,315	
(c) Reimbursements -----	-20,000	
156—For support of Alcoholic Beverage Control Appeals Board -----		135,998
Schedule:		
(a) Personal services -----	111,893	
(b) Operating expenses and equipment -----	24,105	
157—For support of State Banking Department...		0
Schedule:		
(a) Personal services -----	30,300	
(b) Operating expenses and equipment -----	33,760	
(c) Reimbursements -----	-64,060	
158—For support of State Banking Department, to be transferred to and in augmentation of Item 157, Budget Act of 1971, upon order of the Department of Finance, payable from the State Banking Fund -----		64,060
provided, that this amount shall be a temporary loan to be repaid upon such terms and conditions as may be prescribed by the Department of Finance.		
159—For support of State Banking Department, payable from the State Banking Fund -----		1,470,895
Schedule:		
(a) Personal services -----	1,231,098	
(b) Operating expenses and equipment -----	239,797	

Item	Amount
160—For support of Department of Corporations Schedule:	3,190,811
(a) Personal services	3,623,734
(b) Operating expenses and equipment	634,393
(c) Reimbursements	—1,067,316
161—For support of Department of Housing and Community Development	1,308,378
Schedule:	
(a) Personal services	1,769,255
(b) Operating expenses and equipment	597,228
(c) Reimbursements	—1,058,105
162—For support of Department of Insurance	4,717,316
Schedule:	
(a) Personal services	3,804,126
(b) Operating expenses and equipment	913,190
163—To pay the state's share of the cost of providing riot and civil disorders insurance pursuant to Chapter 2 of the Insurance Code.....	1,750,000
164—For support of Department of Real Estate, payable from the Real Estate Fund.....	3,524,267
Schedule:	
(a) Personal services	2,617,966
(b) Operating expenses and equipment	1,204,702
(c) Amount payable from the Real Estate Education, Research and Recovery Fund—Education Research (Item 165 (a))	—198,401
(d) Amount payable from the Real Estate Education, Research and Recovery Fund—Recovery Act (Item 165 (b))	—100,000
165—For educational, research and recovery needs of the real estate industry in California, payable from the Real Estate Education, Research and Recovery Fund.....	431,601
Schedule:	
(a) Education research	331,601
(b) Recovery Act	100,000
to be allocated by the Department of Finance in amounts as it finds necessary to the University of California, exempt from Section 31 of this act, and to the Department of Real Estate, to carry out the provisions of Section 10451.5 of the Business and Professions Code.	

Item	Amount
165.1—For the payment of court-ordered real estate recovery claims occurring during the 1970–71 fiscal year, payable from the Real Estate Education, Research and Recovery Fund -----	40,000
166—For support of Department of Savings and Loan, payable from the Savings and Loan Inspection Fund -----	2,878,475
Schedule:	
(a) Personal services -----	2,339,555
(b) Operating expenses and equipment -----	538,920
TRANSPORTATION	
167—For support of State Transportation Board, Office of Transportation Planning and Research -----	8,000
168—For support of State Transportation Board, Office of Transportation Planning and Research, payable from the Aeronautics Fund--	4,200
169—For support of State Transportation Board, Office of Transportation Planning and Research, payable from the Harbors and Watercraft Revolving Fund -----	1,403
170—For support of State Transportation Board, Office of Transportation Planning and Research, payable from the Motor Vehicle Fund	220,497
Schedule:	
(a) Personal services -----	135,886
(b) Operating expenses and equipment -----	107,214
(c) Reimbursements -----	—9,000
(d) Amount payable from General Fund (Item 167)-----	—8,000
(e) Amount payable from Aeronautics Fund (Item 168)---	—4,200
(f) Amount payable from Harbors and Watercraft Revolving Fund (Item 169)-----	—1,403
171—For support of Department of Aeronautics, payable from the Aeronautics Fund -----	446,729
Schedule:	
(a) Personal services -----	302,775
(b) Operating expenses and equipment -----	173,407
(c) Reimbursements -----	—11,953
(d) Amount payable from the California Environmental Protection Program Fund (Chapter 1293, Statutes of 1970) -----	—17,500

Item	Amount
171.1—For continuing the operation of the hyperbolic area-coverage type navigational system, Department of Aeronautics, payable from the Aeronautics Fund -----	106,000
171.2—For continuing the operation of the hyperbolic area-coverage type navigational system, Department of Aeronautics, payable from the Harbors and Watercraft Revolving Fund --	54,000
172—For development of the state master airport plan, Department of Aeronautics, payable from the Aeronautics Fund -----	227,354
172.5—For support of Metropolitan Transportation Commission, payable from the unexpended balance of the appropriation made pursuant to subdivision (a) of Section 4 of Chapter 1599 of the Statutes of 1970, for regional planning of transportation systems in the nine counties of the San Francisco Bay area for reduction of air pollution resulting from motor vehicles -----	250,000
173—For support of Department of the California Highway Patrol, payable from the Motor Vehicle Fund -----	132,476,890
Schedule:	
(a) Personal services -----	110,033,581
(b) Operating expenses and equipment -----	24,154,174
(c) Minor capital outlay -----	56,135
(d) Reimbursements -----	—1,767,000
provided, that \$185,150 of that amount provided for passenger vehicle inspection shall be available for expenditure only if Assembly Bill 2641 of the 1971 Regular Session is not enacted into law.	
174—For payments of deficiencies in appropriations for the Department of the California Highway Patrol which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of \$500,000, or so much thereof as may be necessary, payable from the Motor Vehicle Fund; provided, that amounts authorized from this item shall be made for purchase or operation of motor vehicles or purchase of required automobile accessories upon showing that such amounts are in excess of the amounts provided for in the appropriations to be augmented.	

Item	Amount
175—For support of Vehicle Equipment Safety Commission, payable from the Motor Vehicle Transportation Tax Fund-----	10,107
176—For support of Department of Motor Vehicles, payable from the Motor Vehicle Fund--	59,673,389
Schedule:	
(a) Personal services -----	57,561,742
(b) Operating expenses and equipment -----	16,464,712
(c) Minor capital outlay -----	63,850
(d) Reimbursements -----	4,833,783
(e) Amount payable from Motor Vehicle License Fee Fund (Item 177) -----	8,762,963
(f) Amount payable from Harbors and Watercraft Revolving Fund (Item 178) --	594,569
(g) Amount payable from the California Environmental Protection Program Fund (Item 179) -----	225,600
177—For support of Department of Motor Vehicles, payable from the Motor Vehicle License Fee Fund -----	8,762,963
to be transferred to the Motor Vehicle Fund, in augmentation of Item 176 of this act, as provided by Section 11003 of the Revenue and Taxation Code.	
178—For support of Department of Motor Vehicles, payable from the Harbors and Watercraft Revolving Fund -----	594,569
to be transferred to the Motor Vehicle Fund in augmentation of Item 176 of this act, for undocumented vessel registration and fee collection.	
179—For support of Department of Motor Vehicles, payable from the California Environmental Protection Program Fund -----	225,600
to be transferred to the Motor Vehicle Fund, in augmentation of Item 176 of this act, as provided by Section 39071 of the Health and Safety Code.	
180—For payment of deficiencies in appropriations for the Department of Motor Vehicles which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of \$500,000, or so much thereof as may be necessary, payable from the Motor Vehicle Fund.	

Item	Amount
181—For allocation and expenditure by the Public Utilities Commission to assist cities, counties, and cities and counties in paying their share of the cost of constructing grade crossing protection works, in augmentation of Chapter 1302 of the Statutes of 1961, payable from the State Highway Fund -----	1,000,000
The appropriation made by this item shall be available without regard to fiscal years.	

RESOURCES

182—For support of Tahoe Regional Planning Agency -----	50,000
183—For support of State Air Resources Board, payable from the Motor Vehicle Fund -----	3,569,601
Schedule:	
(a) Personal services -----	2,816,611
(b) Operating expenses and equipment -----	1,552,990
(c) Reimbursements -----	—800,000
184—For support of any advisory committee appointed pursuant to Article 4 (commencing with Section 190), Chapter 2, Division 1, of the Water Code, to be expended only upon authorization of the chairman of the advisory committee -----	6,240
185—For support of California-Nevada Interstate Compact Commission -----	27,500
186—For support of Colorado River Board of California -----	157,804
Schedule:	
(a) Personal services -----	224,454
(b) Operating expenses and equipment -----	40,850
(c) Reimbursements -----	—107,500
provided, that the Colorado River Board shall prepare and present to the Legislature on January 3, 1972, a plan for the eventual self-supporting of the Colorado River Board, with a timetable for such activity and a clearly stated principle upon which the proportional share of each member agency in support of the board is clearly stated.	
187—For support of Department of Conservation -----	42,551,629
Schedule:	
(a) Personal services -----	38,603,020
(b) Operating expenses and equipment -----	11,693,690
(c) Minor capital outlay -----	200,000

Item	Amount
(d) Fire protection contract— counties -----	2,930,304
(e) Fire protection contract— United States Forest Service	1,709,674
(f) Emergency Fire Suppres- sion and Detection -----	200,000
(g) Federal reimbursements ---	-737,903
(h) Reimbursements -----	-10,505,520
(i) Amount payable from Petro- leum and Gas Fund (Item 188) -----	-1,393,997
(j) Amount payable from Petro- leum and Gas Fund—Geo- thermal Resources Account (Item 189) -----	-15,750
(k) Amount payable from Sub- sidence Abatement Fund (Item 190) -----	-131,889
provided, that an amount not more than \$1,- 000,000 in emergency fire suppression and de- tection costs and related emergency revegeta- tion costs, which exceed the amount scheduled in (f) can be expended from the amounts con- tained in schedules (a) and (b) without ap- proval of the Department of Finance.	
188—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Petroleum and Gas Fund -----	1,393,997
189—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Petroleum and Gas Fund—Geothermal Resources Ac- count -----	15,750
190—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Subsidence Abatement Fund -----	131,889
191—For support of State Lands Division, State Lands Commission, Department of Conserva- tion -----	1,620,800
Schedule:	
(a) Personal services -----	2,151,874
(b) Operating expenses and equipment -----	522,259
(c) Reimbursements -----	-18,760
(d) Amounts payable under the provisions of Chapter 138, Statutes of 1964 -----	-1,034,573
provided, that in the event the State Lands Commission conditionally nonobjects to any	

Item	Amount
<p>further expenditure of tideland oil revenues by the City of Long Beach for the Queen Mary project, the Controller shall reduce the appropriation contained in this item by the amount of \$500,000; provided further, that the \$50,000 appropriated by this item for the inventory required by Chapter 4.5 (commencing with Section 637), Part 1 of Division 6 of the Public Resources Code shall be expended only to the extent that money appropriated from the California Environmental Protection Program Fund by Section 29, Chapter 1555 of the Statutes of 1970 is unavailable for such purpose; and the amount available for such purpose under this item shall be reduced by the amount of any expenditure from that appropriation.</p>	
<p>192—For support of Department of Fish and Game, and for the maintenance and construction of fish screens and other stream improvements, payable from moneys in the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item—</p>	16,962,318
Schedule:	
(a) Personal services -----	12,023,400
(b) Operating expenses and equipment -----	6,427,178
(c) Minor capital outlay -----	201,000
(d) Reimbursements -----	1,042,900
(e) Federal reimbursements ---	646,360
<p>193—To pay for the purchase of land for game production, improvement of waterfowl areas and research in game management under the provisions of the Pittman-Robertson Act, fish restoration and management projects under the provisions of the Dingell-Johnson Act, and commercial fisheries research and development projects under the provisions of the Commercial Fisheries Research and Development Act (Bartlett Act), Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund, including revenue subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item -----</p>	3,780,900

Item	Amount
Schedule:	
(a) Pittman-Robertson program	2,667,900
(b) Dingell-Johnson program --	785,000
(c) Bartlett program -----	328,000
provided, that any moneys received in reimbursement of expenditures from this item shall be credited to this appropriation and reverted to the unappropriated balance of the Fish and Game Preservation Fund.	
194—For state's share of the expenses of the Pacific Marine Fisheries Commission, in accordance with the Pacific Marine Fisheries Compact, Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item -----	14,600
195—For research in the development of commercial fisheries of the Pacific Ocean and of marine products, Marine Research Committee, payable from the Fish and Game Preservation Fund from revenues derived under the provisions of Section 8046 of the Fish and Game Code -----	227,400
196—For support of Wildlife Conservation Board, payable from the Wildlife Restoration Fund Schedule:	121,951
(a) Personal services -----	89,961
(b) Operating expenses and equipment -----	31,990
provided, that any money in the Wildlife Restoration Fund in excess of the appropriation made by this item shall continue to be available pursuant to Section 1352 of the Fish and Game Code.	
197—For support of Klamath River Compact Commission -----	9,725
198—For support of Department of Navigation and Ocean Development -----	102,527
199—For preparation of California Comprehensive Ocean Area Plan, Department of Navigation and Ocean Development ----- and in addition thereto, any amounts received from federal grants or other sources. Provided, that the funds appropriated by this item shall only be expended to gather planning data until such time as the Legislature establishes a statutory planning process and enforcement procedures therefor.	150,640

Item	Amount
200—For support of Department of Navigation and Ocean Development, payable from the Harbors and Watercraft Revolving Fund— Schedule:	896,916
(a) Personal services -----	778,330
(b) Operating expenses and equipment -----	349,753
(c) Minor capital outlay -----	22,000
(d) Amount payable from Gen- eral Fund (Item 198) -----	-102,527
(e) Amount payable from Gen- eral Fund (Item 199) -----	-150,640
201—For feasibility determinations in accordance with provisions of Section 85.3 of the Harbors and Navigation Code, Department of Navigation and Ocean Development, payable from the Harbors and Watercraft Revolving Fund -----	50,000
202—To pay the state's share of the cost of local participation required in connection with the Orange County Beach Erosion Control Project, in accordance with Section 335.5 of the Water Code, as added by Chapter 108 of the 1967 Regular Session, the state's share of small beach erosion projects as provided by Section 335.2 of the Water Code, and administrative costs, Department of Navigation and Ocean Development ----- Schedule:	52,800
(a) Orange County, Anaheim Bay Harbor to Newport Bay (stage 5, state share) -----	52,800
203—For loans to cities, counties, or districts pursuant to Sections 70.2 and 71.4 of the Harbors and Navigation Code, Department of Navigation and Ocean Development, payable from the Harbors and Watercraft Revolving Fund ----- Schedule:	5,050,000
(a) Pillar Point Harbor, Half Moon Bay -----	3,100,000
(b) Fish Harbor Marina, Port of Los Angeles -----	1,500,000
(c) Berkeley Marina, City of Berkeley -----	1,250,000
(d) San Leandro Marina -----	700,000
(e) Oceanside Small Craft Har- bor -----	150,000
(f) Planning loans -----	50,000
(g) Expenditure timing adjust- ment -----	-1,700,000

Item	Amount
and in addition, any unencumbered balances in the Harbors and Watercraft Revolving Fund as of July 1, 1971, are hereby appropriated for the purposes of this item.	
203.1—For a loan to the City of Avalon, pursuant to Section 71.4 of the Harbors and Navigation Code, Department of Navigation and Ocean Development, payable from the Harbors and Watercraft Revolving Fund -----	350,000
provided, that the loan shall be used solely for the purpose of entering a contract with the Department of Navigation and Ocean Development to construct or modify a steamer pier within the harbor so as to equal the berthing facilities provided prior to 1969.	
204—For grants for construction and development of small craft launching facilities to cities, counties, or districts pursuant to Section 83 of the Harbors and Navigation Code, Department of Navigation and Ocean Development, payable from the Harbors and Watercraft Revolving Fund -----	400,000
Schedule:	
(a) Miller Park, City of Sacramento -----	150,000
(b) Elkhorn Bridge, County of Sacramento -----	150,000
(c) San Pablo Reservoir, East Bay Municipal Utility District -----	100,000
205—For allotment, pursuant to Section 663.7 of the Harbors and Navigation Code, for boating safety and enforcement programs, Department of Navigation and Ocean Development, payable from the Harbors and Watercraft Revolving Fund-----	275,000
206—For repairs of damage at small craft harbor facilities constructed pursuant to Sections 70.2, 71.4, and 83 of the Harbors and Navigation Code, caused by emergency conditions, including but not limited to tidal waves or severe storms, as may be authorized by the Director of Finance, with the consent of the Governor, the sum of \$100,000, or as much thereof as may be necessary, payable from the Harbors and Watercraft Revolving Fund.	
207—For support of Department of Parks and Recreation -----	18,801,075
Schedule:	
(a) Personal services -----	16,489,368
(b) Operating expenses and equipment -----	6,227,143

Item

Amount

- (c) Minor capital outlay ----- 586,615
- (d) Reimbursements -----2,385,276
- (e) Amount payable from
Item 208 ----- -1,411,780
- (f) Amount payable from
Item 209 ----- -169,000
- (g) Amount payable from
Item 210 ----- -490,995
- (h) Amount payable from
Item 210.1 ----- -15,000
- (i) Amount payable from
Item 210.5 ----- -30,000

provided, that no expenditure shall be made from any funds appropriated by this item to advertise or award any concession contract or agreement which involves a total investment by any private party in excess of \$200,000 unless the proposal for the agreement or contract has been specifically approved by the Legislature.

- 208—For support of the Department of Parks and Recreation, to be transferred to and in augmentation of Item 207 of this act by the State Controller ----- 1,411,780
provided, that these funds shall be available only for expenditure at Hearst San Simeon State Historical Monument; and further provided, that any revenue in excess of these expenditures derived from Hearst San Simeon State Historical Monument, as determined by the Director of the Department of Parks and Recreation, shall be transferred to a special account in the General Fund, and shall be available only for appropriation by the Legislature for maintenance and capital outlay at Hearst San Simeon State Historical Monument.
- 209—For support of Department of Parks and Recreation, payable from the Harbors and Watercraft Revolving Fund, to be transferred to and in augmentation of Item 207 of this act by the State Controller ----- 169,000
- 210—For support of Department of Parks and Recreation, payable from the Special Deposit Fund, to be transferred to and in augmentation of Item 207 of this act by the State Controller ----- 490,995
provided, that these funds shall be used for minor capital outlay and are available in accordance with provisions of Item 378.9, Budget Act of 1968 and Item 425.1, Budget Act of 1969.

Item	Amount
210.1—For support of Department of Parks and Recreation to be transferred to and in augmentation of Item 207 of this act by the State Controller, for Grover Hot Springs, County of Alpine -----	15,000
210.5—To the Department of Parks and Recreation for complete preliminary plans for the restoration of the residence; reconstruction of the outbuildings; site work; historical and interpretive reports including prospectus for exhibits and furnishings of the Camillus Nelson Historic Farm -----	30,000
211—For support of Reclamation Board -----	247,000
Schedule:	
(a) Personal services -----	135,158
(b) Operating expenses and equipment -----	111,842
212—For support of San Francisco Bay Conservation and Development Commission -----	259,000
Schedule:	
(a) Personal services -----	221,000
(b) Operating expenses and equipment -----	63,000
(c) Reimbursements -----	—25,000
213—For transfer to the Water Resources Revolving Fund, to be transferred by the State Controller in such amounts as the Department of Finance may authorize, for support of Department of Water Resources, including cooperative work with other agencies -----	11,256,000
Schedule:	
(a) General management -----	4,706,116
(b) Continuing formulation of the California Water Plan -----	5,903,060
(c) Implementation of the State Water Resources Development System -----	637,240
(d) Flood control -----	3,159,000
(e) Supervision of safety of dams -----	1,237,700
(f) Services to other agencies --	384,000
(g) General Fund reimbursements -----	—764,233
(h) Other reimbursements -----	—3,941,883
(i) Unallocated reduction of (b) to (f), inclusive -----	—65,000
provided, that the money so transferred be placed in a special account in that fund and shall not be available for expenditure after June 30, 1972, and any unencumbered balances shall be returned to the General Fund	

Item	Amount
as of June 30, 1972; and provided further, that any amount withdrawn from this item and expended for work in the federal cooperative program must be matched by an expenditure of like amount by the federal government in this state for this purpose.	
214—For expenditure by the Department of Water Resources, in accordance with Sections 12570 through 12875 of the Water Code, for payment of, and for reimbursement for necessary advances made for, the cost of cooperation by the state for major flood control projects adopted by the Legislature, for small flood control projects approved under Section 12750 of the Water Code, and for watershed protection and flood prevention projects as authorized by Sections 12850 through 12875 of the Water Code, and administrative costs, Department of Water Resources-----	4,500,000
provided, that no expenditure shall be made until the local organizations give assurances that they will maintain and operate the projects after completion in such manner as will accomplish the purposes for which the projects were authorized and constructed and as may be required by the federal agencies concerned and the Department of Water Resources, and that the local organizations will hold and save the State of California free from damages or claims due to the construction, installation, or operation of the project.	
215—For support of State Water Resources Control Board -----	4,180,000
Schedule:	
(a) Personal services -----	4,379,000
(b) Operating expenses and equipment -----	2,189,000
(c) Reimbursements -----	—195,000
(d) Federal grants -----	—653,000
(e) Amount payable from Clean Water Bond Fund -----	—1,540,000

HUMAN RELATIONS

216—For support of Department of Corrections, to be expended only for the following programs -----	106,577,534
Schedule:	
(a) I. Precommitment -----	337,544
(b) II. Initial intake and diagnosis-----	1,350,543
(c) III. Institutional program -----	84,332,985

Item	Amount
Elements	
A. Security -----	39,554,865
B. Movement processing -----	958,356
C. Inmate support -----	30,973,321
D. Treatment -----	13,641,830
Less: Reimbursements to Elements A through D -----	-1,834,180
E. Inmate employment -----	15,331,113
1. Payable from Correctional Industries Revolving Fund -----	-14,292,320
F. Inmate Welfare Fund -----	3,543,164
1. Payable from Inmate Welfare Fund -----	-3,543,164
(d) IV. Release program -----	6,338,711
Elements	
A. Inmate program reports --	3,314,416
B. Releasing authorities -----	1,063,358
C. Prerelease processing -----	1,665,557
D. Work furlough -----	327,127
Less: Reimbursements to Element D -----	-31,747
(e) V. Community correctional program -----	14,217,751
Elements	
A. Supervision—case services	12,748,113
B. Short-term treatment -----	120,841
C. Community correctional centers -----	838,779
D. Psychiatric outpatient services -----	462,039
E. Antinarcotic testing -----	235,657
F. Community resource development -----	199,032
Less: Reimbursements -----	-386,710
(f) VI. Administration -----	0
Elements	
Administration -----	8,966,235
Less: Allocations to Programs I through V -----	-8,966,235

Provided, there shall be no transfer of funds from one program to another without the approval of the Director of Finance; provided, that funds hereby appropriated be used to the fullest extent possible for the placement of persons in conservation camps under the Institutional Program, Security Element who are considered suitable for minimum security parole and as an assignment prior to release, and those persons who violate parole and are

Item	Amount
<p>required to be returned to confinement under the Community Correctional Program; provided further, that prior to the closure of any conservation camp a full review will be made of the assignment of persons under the above-stated programs and elements to provide sufficient manpower to maintain all conservation camps; provided further, that if conservation camps must be closed that the closure of conservation camps shall be in the following order: (1) those camps which are located close to residential subdivisions or populated areas shall be closed first, (2) those camps located close to recreational facilities shall be closed second, (3) those camps situated conveniently close to escape transportation shall be closed third and (4) the last camps to be considered for closure shall be those located in remote areas for fire suppression, control and maintenance; construction and repair of forest facilities; provided further, that it is the intent that any savings in this item be used by the department to distribute the inmate population under its jurisdiction on the basis of one inmate per cell.</p>	
<p>217—For transportation of prisoners to and between state prisons, including the return of parole violators to prison and for the conveying of persons under provisions of Sections 3000 et seq. of the Welfare and Institutions Code and 11190 et seq. of the Penal Code, in accordance with the provisions of Section 26749 of the Government Code ----- provided, that claims made against this item of appropriation shall be filed by the local jurisdictions within six months after the end of the month in which such transportation costs were incurred; and provided further, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller.</p>	120,842
<p>218—For expenses of transporting fugitives from justice from outside the state, in accordance with the provisions of Sections 1389, 1549 and 1557 of the Penal Code ----- provided, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller.</p>	359,275

Item	Amount
219—For court costs and county charges, payable under Sections 4700 and 4700.5 of the Penal Code, in connection with coroners' services and trials of inmates charged with commission of a crime or crimes while incarcerated in a state institution or prison under the Department of Corrections, Department of Corrections -----	429,588
provided, that claims made against this item of appropriation shall be filed by the local jurisdictions within six months after the end of the month in which such court costs and county charges were incurred; and provided further, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller.	
220—For support of Department of the Youth Authority, to be expended only for the following program -----	50,681,933
Schedule	
(a) I. Community Services -----	1,276,063
Elements	
A. Services to public and private agencies -----	288,307
B. Delinquency prevention assistance to local communities -----	109,901
C. Pro rata administrative costs for this community services program	1,030,424
D. Reimbursements to Elements A through C -----	-152,569
(b) II. Rehabilitation Services -----	48,755,980
Elements	
A. Diagnosis -----	9,517,693
B. Care and Control -----	24,558,213
D. Treatment -----	19,050,809
E. Federal funds for elements A through C -----	-1,487,475
F. Reimbursements -----	-2,883,260
(c) III. Research -----	392,994
Elements	
A. Information systems -----	202,281
B. Development and evaluation of rehabilitation programs -----	389,601
C. Federal funds -----	-196,952
D. Reimbursements -----	-1,936
(d) IV. Administration -----	256,896
Elements	
A. Executive -----	214,272
B. Youth Authority Board -----	426,245

Item	Amount
C. Support Services -----	2,424,249
D. Charges attributable to programs I through III -----	2,807,870
provided, there shall be no transfer of funds from one program to another without the approval of the Director of Finance. Provided, that the Department of the Youth Authority shall develop and install a system of time reporting, cost reporting and administration allocation to properly account for program expenditures. Provided further, that such system, if on a sample basis, shall be tested at least annually to determine if the cost accounting and allocation patterns are correct; provided further, that upon executive order of the Department of Finance, any portion of this item which reflects savings due to reduction of population may be transferred to and in augmentation of Item 227, Budget Act of 1971.	
221—For transportation of persons committed to Department of the Youth Authority to or between its facilities, including the return of parole violators -----	43,540
provided, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller.	
222—For reimbursements to counties for maintenance of juvenile homes and camps, Department of the Youth Authority, to be expended in accordance with the provisions of Sections 880 through 890 of the Welfare and Institutions Code -----	3,337,340
223—For reimbursements to counties for construction of juvenile homes and camps, Department of the Youth Authority, to be expended in accordance with Section 891 of the Welfare and Institutions Code -----	600,000
223.1—To the Department of Finance, for payment to the County of Monterey for construction of facilities at Boys Ranch at Natividad, payable from funds on deposit in the Special Deposit Fund donated by Walter Rosenberg to the state -----	22,194.58
provided, that such payment is consented to by the donor's estate and beneficiaries thereof in a form acceptable to the Director of Finance.	

Item	Amount
224—For payment of the state's share, as determined by the Department of Finance, of expenses incurred by local agencies in supervising and controlling juveniles as defined by Sections 600 through 607 of the Welfare and Institutions Code, at the international border between California and Mexico, pursuant to Section 1760(d) of said code, Department of the Youth Authority -----	142,324
225—For county delinquency prevention commissions, Department of the Youth Authority, to be allocated by the Director of the Youth Authority, in accordance with Section 1752.5 of the Welfare and Institutions Code -----	27,200
226—For county delinquency prevention commissions and research and training grants, Department of the Youth Authority ----- provided, that grants for research and training in delinquency and crime prevention shall be allocated by the Director of the Youth Authority in accordance with Section 1752.6 of the Welfare and Institutions Code; provided further, that expenditure of these funds are contingent upon (1) the approval of programs by the Director of the Youth Authority and the California Council on Criminal Justice; and (2) receipt of federal funds to initiate the programs in an amount equal to, or greater than, allocations from this appropriation.	200,000
227—For assistance to counties in their operation of special probation supervision programs, in accordance with Sections 1820 through 1827 of the Welfare and Institutions Code, Department of the Youth Authority ----- provided, that the amount payable to any county shall be limited to the amount of its entitlement which would be calculated on the basis of the reduced commitment rate achieved during the 1970-71 fiscal year. Moneys appropriated by this item shall be available to reimburse counties for their expenditures for the cost of new or expanded special probation supervision programs established above the level of effort in probation supervision maintained by these counties during the 1965-66 fiscal year. Expenditures made under this item to reimburse counties for their cost of special probation supervision programs shall be charged to the year the warrant is issued by the State Controller.	16,400,000

Item	Amount
<p>228—For support of Department of Health Care Services, for administration of the medical assistance program pursuant to the provision of Chapter 4, Statutes of 1965, Second Extraordinary Session, payable from the Health Care Deposit Fund -----</p> <p>and in addition thereto, any amounts received from federal grants or other sources; provided, that any rule or regulation adopted by the Director of the Department of Health Care Services during the 1971-72 fiscal year which adds to the cost of the medical assistance program shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance; provided further, that upon order of the Director of Finance additional funds may be transferred from the Health Care Deposit Fund for the cost of administering the extension of medical assistance program benefits to eligible mentally retarded persons under the care of the Department of Mental Hygiene as provided in Item 244 of this act.</p>	16,842,799
<p>229—For transfer to the Health Care Deposit Fund to provide for Medical Assistance Program expenditures -----</p> <p>provided, that the amount authorized to be expended by this item shall fully cover the state's share of payments for services for the 1971-72 fiscal year as defined in the Welfare and Institutions Code; provided further, that such additional amounts as may be determined by the Director of Finance as necessary to extend and administer Medical Assistance Program benefits to eligible mentally retarded persons under the care of the Department of Mental Hygiene are hereby appropriated in augmentation of this item and shall be transferred to the Health Care Deposit Fund from the General Fund upon the certification of the Director of Finance; provided further, that the amount to be expended from the General Fund from this item on the county option program under the provisions of Section 14150.1 of the Welfare and Institutions Code shall not exceed \$65,000,000 for the 1971-72 fiscal year, except that the Director of Finance may authorize the transfers of funds from this item to Item 249, not to exceed a total of \$500,000, in the event that a</p>	734,877,719

Item	Amount
<p>county electing coverage under Section 14150.1 of the Welfare and Institutions Code in the 1970-71 fiscal year does not so elect in the 1971-72 fiscal year; provided further, that upon recommendation of the Director of Health Care Services the Director of Finance may authorize the transfer of funds to Item 256(b) for residential care rate allowances; and to Item 256(c) for intermediate care; provided further that any rule or regulation adopted by the Director of the Department of Health Care Services during the 1971-72 fiscal year which adds to the cost of or reduces the cost of any claim paid under this program shall only be effective from and after the date upon which it is approved by the Department of Finance. All such changes shall be reported by the Department of Finance to the Joint Legislative Budget Committee quarterly; provided further, that the amount to be expended from the General Fund from this item for the fiscal intermediaries shall not exceed \$13,300,000; provided further, notwithstanding any other provisions of law, as of June 30, 1971, the unexpended balance of appropriation made by Item 272, Budget Act of 1970 is reappropriated for the purpose of this item.</p>	
<p>231—For support of Department of Human Resources Development, for transfer by the State Controller to the Manpower Development Fund for expenditure for the work incentive program as specified in Section 5400 of the Unemployment Insurance Code (Chapter 1369, Statutes of 1968) -----</p>	
<p>provided, that the State Controller shall transfer these funds only at such time as federal funds from the United States Department of Labor (Title IV of the Social Security Act of 1935, as amended by PL 90-248) are deposited in the Manpower Development Fund and no transfer so made shall exceed twenty-five (25) percent of the amount of federal funds so deposited; provided further, the amount available for transfer to the Manpower Development Fund shall be reduced by the amounts in cash or in kind available from other sources as the state's share of the work incentive program as determined by the State Department of Human Resources Development and certified to the State Controller.</p>	5,717,742

Item	Amount
232—For support of Department of Human Resources Development, for transfer by the State Controller to the Manpower Development Fund, for expenditure for the purposes of the Human Resources Development Act of 1968 commencing with Section 9000 of the Unemployment Insurance Code -----	5,243,893
Schedule:	
(a) General Fund -----	5,167,913
(b) Department of Human Resources Development Contingent Fund -----	75,980
provided, that \$1,500,000 of the money appropriated by this item shall be used to restore the service center program, including those services provided by other state departments.	
233—For support of Department of Human Resources Development -----	34,073
and in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.	
Schedule:	
(a) Office of Economic Opportunity -----	100
(b) Commission on Aging -----	545,054
Federal grants -----	—520,054
(c) Migrant program -----	186,795
Federal grants -----	—177,822
provided, that additional support for (a), shall be dependent upon passage of legislation.	
234—For payment to various local jurisdictions and state agencies for support of the Migrant Master Plan in cooperation with the federal government programs, resulting from the Economic Opportunity Act, Department of Human Resources Development -----	373,194
Schedule:	
(a) Operations -----	2,752,162
(b) Federal grants -----	—2,378,968
235—For support of Department of Human Resources Development, payable from the Department of Human Resources Development Contingent Fund -----	649,159
and in addition thereto, any grants made available by the federal government; provided, that all or any portion of this appropriation may be transferred to the Unemployment Administration Fund upon executive order of the Department of Finance.	

Item	Amount
236—For support of Department of Human Resources Development, for the payment of expenses incurred by the Department of Finance in examining the books of the Department of Human Resources Development, pursuant to Section 13294 of the Government Code, payable from moneys credited to this state's account in the Unemployment Trust Fund and made available to this state under Section 903 of the Social Security Act, as amended -----	42,344
provided that:	
(a) Such money is requisitioned from the Unemployment Trust Fund pursuant to Section 1528.5 of the Unemployment Insurance Code.	
(b) The period within which such money may be obligated is specifically limited to the period beginning on the 61st day after final adjournment of the 1971 Regular Session of the Legislature and ending June 30, 1972.	
(c) The total amount obligated pursuant to this item during the 1971-72 fiscal year shall not exceed the amount by which	
(1) The aggregate of the amounts credited to the account of this state pursuant to Section 903 of the Social Security Act during such fiscal year and the 14 preceding fiscal years, exceeds	
(2) The aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this state during such 15 fiscal years.	
237—For administration of unemployment compensation disability benefits, Department of Human Resources Development, payable from the Unemployment Compensation Disability Fund -----	13,656,457
Schedule:	
(a) Personal services -----	10,495,868
(b) Operating expenses and equipment -----	3,160,589
238—For support of Department of Industrial Relations, to be expended only for the following programs thereof -----	22,883,392
Schedule:	
I. Regulation of Workmen's Compensation Self-Insurance Plans -----	90,080

Item	Amount
Elements	
A. The review and analysis of self-insurance plans -----	34,803
B. The determination of ability to self-insure and the maintenance of security deposits -----	55,277
II. Investigation, Mediation, Arbitration and Adjustment of Labor-Management and Public Transit Agency Disputes -----	433,872
Elements	
A. Investigation, mediation and arbitration of labor-management disputes -----	429,920
B. Adjustment of transit agency disputes -----	3,952
III. Preventing, Settling, Adjudicating and Administering Disputes under Workmen's Compensation Laws -----	9,405,085
Elements	
A. Preventing, settling and adjudicating disputes under workmen's compensation laws -----	9,321,166
B. Monitoring promptness and adequacy of benefit notices and payments -----	83,919
IV. The Prevention of Industrial Injuries and Deaths to California Workers	4,940,608
Elements	
A. Safety for employees in construction -----	1,069,512
B. Safety for employees exposed to electrical hazards -----	234,260
C. Safety for employees while using or repairing elevators, escalators or aerial tramways ----	597,397
D. Safety of employees from radiation, dusts, fumes, vapors, gases, etc. -----	183,180
E. Safety for employees in industrial plants and operations and in mineral industries -----	1,422,054
F. Safety for employees from pressure vessel failure or malfunction -----	1,423,496
G. Education and engineering research activities for industrial safety -----	77,499
Less reimbursements pertaining to elements A through G -----	-66,790

Item	Amount
V. Promulgation and Enforcement of Labor Standards for Women and Minors and Enforcement of Equal Pay Law for Women and Men-----	1,381,430
Elements	
A. Promulgation of labor standards for women and minors-----	16,472
B. Enforcement of labor standards for women and minors and Equal Pay Law for women and men -----	1,364,958
VI. Enforcement of Laws Relating to Wage Payments, Conditions of Employment, Licensing and Adjudication-----	2,979,650
Elements	
A. Determination of wage claims--	2,026,855
B. Labor law enforcement -----	887,579
C. Licensing and adjudication ----	65,816
Less reimbursements pertaining to elements A through C -----	-600
VII. Promotion, Development, and Administration of Apprenticeship and Other On-the-Job Training -----	2,088,936
Elements	
A. Promotion, development and administration of California apprenticeship -----	1,900,230
B. Promote and secure equal opportunity in apprenticeship and other training on the job-----	106,660
C. Training on the job other than apprenticeship -----	41,023
D. Training and placement of correctional inmates -----	41,023
E. Veterans benefits training -----	284,500
Less federal reimbursement pertaining to element E -----	-284,500
VIII. Labor Force Research and Data Dissemination -----	418,019
Elements	
A. Work injury statistics-----	313,429
B. Industrial relations research---	119,590
Less reimbursements pertaining to elements A through B -----	-15,000
IX. The Prevention and Elimination of Discrimination in Employment and Housing -----	1,145,712
Elements	
A. Prevention and elimination of discrimination in employment---	948,229

Item	Amount
B. Prevention and elimination of discrimination in housing -----	177,861
C. To identify and ameliorate social tension -----	19,622
X. Administration -----	0
Administration not chargeable to pro- grams I through IX -----	121,142
Less reimbursements from other agencies -----	—121,142
<p>Provided, there shall be no transfer of funds between programs nor a transfer of funds approved for the Department of Industrial Relations to any other state agency, department, or entity of state government. Provided further, that the Division of Apprenticeship Standards shall not be reduced below the 1971-72 approved budget level.</p>	
239—For support of Department of Mental Hygiene, to be expended only for the following programs -----	6,753,700
Schedule:	
(a) Medical Program Administration ---	4,464,812
(1) Personal services -----	1,068,541
Office of Professional Services --	95,838
Division of Research and Train- ing -----	487,747
Division of Mental Hospital Pro- grams -----	145,452
Division of Retardation Hospital Programs -----	169,902
Division of Local Programs ----	169,602
(2) Operating expenses and equip- ment -----	3,396,271
(b) Administrative Management Programs -----	6,209,120
(1) Personal services -----	4,574,418
Executive -----	177,952
Office of Administrative Man- agement -----	2,599,943
Reimbursement services state---	1,796,523
(2) Operating expenses and equip- ment -----	1,634,702
(c) Reimbursements to Medical Program Administration and Administrative Management Programs -----	—3,920,232
<p>There shall be no shifting of funds between the scheduled programs nor a shifting of funds or programs to another state agency, department or unit of state government. Provided, however, that such funds as are necessary to fund staff</p>	

Item	Amount
benefits in accordance with the above personal services shall be transferred from each program's operating expense element to personal services.	
240—For support of Department of Mental Hygiene, to be expended only for the following programs -----	6,770,202
Schedule:	
(a) Training and Manpower Development Program -----	5,536,165
(1) Medical Residing Training ----	2,572,059
Hospitals -----	1,832,285
Institutions -----	656,302
U.C. San Diego -----	42,817
Bureau of Training -----	40,655
(2) Psychiatric Technician Training_	2,325,881
Hospitals -----	2,312,445
Bureau of Training -----	13,436
(3) Community Manpower Development -----	127,000
Training in Community Psychiatry_	118,438
Bureau of Training ----	8,562
(4) Staff Development -----	249,225
Hospitals -----	166,694
Bureau of Training -----	82,531
(5) Special Projects -----	126,000
Department of Mental Hygiene Headquarters -----	116,045
Bureau of Training -----	9,955
(6) Student stipend program -----	176,000
(7) Federal funds -----	-40,000
(b) Research Program excluding Neuropsychiatric Institutes -----	1,234,037

To be expended only on allocation, in accordance with this schedule, to agencies of the Department of Mental Hygiene authorized by the Department of Finance. And, in addition, any amounts received for research projects and training programs, from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item. Provided, that research projects shall not duplicate research projects funded from this item nor from any other state or federal funding source. Provided further, that it is the intent that within these funds hereby appropriated, that the department shall conduct its community manpower development program.

Item	Amount
241—For support of Langley Porter Neuropsychiatric Institute and Neuropsychiatric Institute at University of California at Los Angeles, Department of Mental Hygiene, to be expended only for the following programs and research projects -----	13,530,757
provided, that upon approval of the Department of Finance, the State Controller shall transfer to the Department of Rehabilitation such part of these appropriations that are related to the cooperative rehabilitation services program to match federal funds for the cooperative rehabilitation services program; provided further, that such transfer shall enable the state to make maximum utilization of available federal funds.	
Schedule:	
(a) Langley Porter -----	3,705,706
(1) Personal services -----	3,299,499
(2) Operating expenses and equipment --	406,207
(b) University of California at Los Angeles -	9,825,051
(1) Personal services -----	7,661,247
(2) Operating expenses and equipment --	2,163,804
provided, that these funds are made available for conducting research programs into the causes and cures of mental retardation, aging, cognition, drug abuse, training in the care and treatment of the mentally retarded; care, treatment and rehabilitation of patients in these facilities under the programs for this item, and other research projects which are not duplications of other research projects funded by the state or through federal sources.	
242—For support of the hospitals for the mentally ill for judicially committed patients, patients committed pursuant to the Penal Code and those mentally ill patients whose county of residence is not participating in a local mental health program as provided in Division 5 of the Welfare and Institutions Code, Department of Mental Hygiene -----	19,888,465
provided, that any portion of this item may be transferred upon order of the Department of Finance to Item 244, Budget Act of 1971, for assistance to local agencies for mental health services.	

Item	Amount
<p>Provided further, that upon approval of the Department of Finance, the State Controller shall transfer to the Department of Rehabilitation such part of these appropriations that are related to the cooperative rehabilitation services program to match federal funds for the cooperative rehabilitation services program; provided further, that such transfer shall enable the state to make maximum utilization of available federal funds. Provided, that the funds appropriated by this item shall be available only if all of the following hospitals are continuously open during the 1971-72 fiscal year and operated by the state and are accepting admissions:</p> <p style="padding-left: 2em;">Agnews State Hospital Atascadero State Hospital Camarillo State Hospital DeWitt State Hospital Mendocino State Hospital Metropolitan State Hospital Napa State Hospital Patton State Hospital Stockton State Hospital Fairview State Hospital Pacific State Hospital Porterville State Hospital Sonoma State Hospital</p>	
<p>243—For support of programs for mentally retarded patients in state hospitals, Department of Mental Hygiene -----</p> <p>provided, that, upon approval of the Department of Finance, the State Controller shall transfer to the Department of Rehabilitation such part of these appropriations that are related to the cooperative rehabilitation services program to match federal funds for the cooperative rehabilitation services program; provided further, that such transfer shall enable the state to make maximum utilization of available federal funds.</p> <p>Provided further, that upon approval of the Director of Finance, the State Controller shall transfer any funds not required by the Department of Mental Hygiene to the appropriation for local assistance of the Department of Public Health, Item 252, Budget Act of 1971, for placement of mentally retarded patients in suitable community facilities; and for operation of mental retardation diagnostic</p>	<p>84,485,873</p>

Item

Amount

and counseling centers and for the purchase of care and treatment services for the mentally retarded. The purpose of this section is to expand the mental retardation diagnostic and counseling centers program, and to accelerate the placement of suitable hospitalized mentally retarded patients in appropriate community facilities. Provided, that the funds appropriated by this item shall be available only if all of the following hospitals are continuously open during the 1971-72 fiscal year and operated by the state and are accepting admissions:

- Agnews State Hospital
- Atascadero State Hospital
- Camarillo State Hospital
- DeWitt State Hospital
- Mendocino State Hospital
- Metropolitan State Hospital
- Napa State Hospital
- Patton State Hospital
- Stockton State Hospital
- Fairview State Hospital
- Pacific State Hospital
- Porterville State Hospital
- Sonoma State Hospital

244—For assistance to local agencies in the establishment and operation of mental health services, in accordance with the provisions of Division 5 of the Welfare and Institutions Code -----194,938,327

provided, that upon certification by the Department of Health Care Services of the amount of expenditures for services that have been rendered by local agencies under the provisions of Division 5 of the Welfare and Institutions Code to patients eligible for services under the California Medical Assistance Program, the Department of Finance may authorize the transfer of funds from this item to the Health Care Deposit Fund for the state's share of such expenditures.

Provided further, that any portion of this item may be transferred to and in augmentation of Item 242, Budget Act of 1971, upon order of the Department of Finance.

Provided further, that upon approval of the Department of Finance, the State Controller shall transfer to the Department of Rehabilitation such part of these appropriations that are related to the cooperative re-

Item	Amount
<p>habilitation services program to match federal funds for the cooperative rehabilitation services program; provided further, that such transfer shall enable the state to make maximum utilization of available federal funds; provided further, that, of the amount appropriated by this item, at least five hundred thousand dollars (\$500,000) shall be available for expenditure for the purpose of matching federal funds to provide new or expanded rehabilitation programs for alcoholics which will reduce inpatient programs for alcoholics. Provided, that the funds appropriated by this item shall be available only if all of the following hospitals are continuously open during the 1971-72 fiscal year and operated by the state and are accepting admissions:</p> <p style="padding-left: 2em;">Agnews State Hospital Atascadero State Hospital Camarillo State Hospital DeWitt State Hospital Mendocino State Hospital Metropolitan State Hospital Napa State Hospital Patton State Hospital Stockton State Hospital Fairview State Hospital Pacific State Hospital Porterville State Hospital Sonoma State Hospital</p>	
<p>245—For support of Department of Public Health</p>	10,347,867
<p>In its administration of departmental staffed special projects, the Department of Public Health shall establish appropriate internal review procedures to which all proposed special projects shall be subject. The department shall include in the 1972-73 budget only those special projects which are ongoing and funded. The department shall submit all new project proposals, together with detailed justification to the State Health Planning Council for its review. Subsequent to the council's review, the new proposals shall be submitted to the Department of Finance and the Legislative Analyst prior to the submission of such projects to the funding agency. The Department of Public Health shall limit expenditures for departmental staffed special projects to the budgeted amount of \$3,574,373 during the 1971-72 fiscal year, except that this limitation shall not apply to any addi-</p>	

Item	Amount
tional departmental staffed projects approved pursuant to procedures outlined above or to federal funds which flow through the department to local agencies.	
246—For support of regional dialysis centers, established pursuant to Article 7.7 (commencing with Section 417), Chapter 2, Part 1, Division 1, of the Health and Safety Code, Department of Public Health -----	595,248
Schedule:	
(a) Personal services -----	22,616
(b) Operating expenses and equipment -----	572,632
247—For support of Department of Public Health, payable from the Motor Vehicle Fund -----	71,913
248—For assistance to counties, and cities and counties, to be expended for services to physically handicapped children, in accordance with provisions of Sections 249 through 273 of the Health and Safety Code, Department of Public Health -----	14,480,400
Schedule:	
(a) Diagnosis -----	1,386,210
(b) Treatment -----	12,189,028
(c) Therapy services -----	2,468,240
(d) Noncounty resident care ---	30,000
(e) Administrative allowance --	830,000
(f) Program administration ----	812,488
(g) Medi-Cal administrative expense -----	338,229
(h) Reimbursements -----	-363,883
(i) Federal grants -----	-2,129,912
(j) Estimated family repayments -----	-1,080,000
provided, that the Department of Public Health shall have the authority to transfer funds between items in the schedule above to meet program needs with the approval of the Department of Finance; and provided further, that the allocations of funds shall be made in such a manner as to insure the availability of funds during the entire fiscal year 1971-72 within the limits of this appropriation.	
249—For assistance to counties, and cities and counties, for maintenance of tuberculosis sanatoria, Department of Public Health-----	1,021,424
including an additional amount of five dollars and sixteen cents (\$5.16) per patient-day in accordance with Sections 3300 and 3301 of the Health and Safety Code; leasing	

Item	Amount
of facilities in accordance with Section 3295 of the Health and Safety Code; and reimbursement of burial expenses in accordance with Section 3296 of the Health and Safety Code.	
250—For assistance to counties by the establishment of local health services, in accordance with Section 1157 of the Health and Safety Code, Department of Public Health -----	780,227
251—For assistance to cities, counties, local health agencies and local health districts for the establishment of minimum standards of personnel, organization and administration of local health departments, in accordance with the provisions of Chapter 8, Part 2, Division 1 of the Health and Safety Code, Department of Public Health -----	4,797,545
252—For assistance to local agencies in the establishment and operation of mental retardation diagnostic and counseling centers and for the purchase of care and treatment services for the mentally retarded in accordance with the provisions of Division 25 (commencing with Section 38000) of the Health and Safety Code and Sections 7354 and 10053.5 of the Welfare and Institutions Code, Department of Public Health -----	20,947,653,
provided, that the Department of Public Health may enter into a contractual agreement with the Department of Mental Hygiene for the provision of preadmission, evaluation, and referral services until such time as local regional diagnostic and counseling centers, as authorized by the Legislature, are capable of providing these services; provided further, that within the limits of this appropriation, the department shall operate a minimum of nine regional centers for the mentally retarded and their families to serve areas of the state authorized to be served by such centers.	

Provided further, that all funds transferred to this item from Item 243 of this act shall be used to expand the mental retardation diagnostic and counseling program.

provided further, that state and federal funds available from Public Law 91-117 shall be expended for the following programs in the priority as listed below:

1. A regional center serving the Counties of Napa, Sonoma, and Solano;

Item	Amount
2. A regional center serving the Counties of Mendocino, Humboldt, Del Norte, and Lake;	
3. A regional center serving the Counties of King, Kern, and Tulare;	
4. A regional center serving San Bernardino and Riverside Counties;	
5. A regional center serving East Los Angeles;	
6. A regional center serving Southwest Los Angeles;	
7. Staffing grants for Area Mental Retardation Planning Boards.	
253—For support of Department of Rehabilitation to be expended only for the following programs _____	7,368,098
Schedule:	
(a) I. Vocational Rehabilitation	
of the disabled _____	7,218,029
Elements	
Rehabilitation services to persons:	
1. Physically disabled _____	17,494,351
2. Mentally ill _____	4,816,786
3. Alcoholics _____	7,221,608
4. Mentally retarded _____	3,604,479
5. Behavioral disorders _____	8,194,828
6. Sensory disorders and visual impairments _____	4,597,385
Less: Federal funds _____	-38,124,530
Industries for the Blind Manufacturing Fund _____	-724,871
Reimbursements _____	-1,755,086
Rehabilitation services for daily living:	
8. Visually impaired _____	281,594
9. Severely mentally retarded and work training centers _____	240,000
10. Extended employment _____	1,371,485
(b) II. Development of Community Resources _____	150,069
Elements	
1. Technical consultation _____	122,969
2. Processing applications for grants _____	861,624
3. Vocational training facilities development _____	145,782
4. Education on misuse of alcoholic beverages _____	99,836
Less: Federal funds _____	-1,080,142

Item	Amount
(c) III. Disability Determination ----	0
Disability determination -----	7,166,923
Less: Federal funds -----	-7,166,923
(d) IV. Department Administration --	0
Elements	
1. Executive -----	136,219
2. Management services -----	1,494,888
3. Field support services -----	883,435
Less: Amounts chargeable to pro-	
grams I through III -----	-2,514,542

Provided, that no funds may be transferred from one program to another. Provided further, that upon approval of the Director of Finance the above programs and elements may be augmented from other budget items in this act where funds have been budgeted for transfer to the Department of Rehabilitation for the programs contained in this budget item.

Provided further, that such transfers shall enable the state to make maximum utilization of available federal funds.

254—For support of Department of Social Welfare. Such appropriation, together with any grants made available by the federal government for support of the Department of Social Welfare during the 1971-72 fiscal year----- 9,791,274

Schedule:

(a) Personal services -----	22,190,068
(b) Operating expenses and equipment -----	18,165,216
(c) Reimbursements -----	-18,139,246
(d) Federal grants -----	-12,424,764

provided, that any rule or regulation adopted by the Director of the State Department of Social Welfare during the 1971-72 fiscal year which adds to the cost of any public assistance program shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance. All such additional costs shall be reported by the Department of Finance to the Joint Legislative Budget Committee quarterly;

provided further, that the funds appropriated in this item shall be used only to fund positions which were in existence prior to December 1, 1970, or specifically approved by the Legislature for inclusion in 1971 Budget Act, except that the director may authorize expenditures for position classifications not

Item

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identified in the budget until August 1, 1971; provided further, that the Director of the State Department of Social Welfare shall notify monthly the Joint Legislative Budget Committee in writing of all position classifications not identified in the budget.

255—Notwithstanding the provisions of Sections 15200, 15201, 15202, 15203, and 15204 of the Welfare and Institutions Code, there is hereby appropriated the following sum for the state's share of public assistance programs as defined in Chapters 1, 2, 3, 4, 5, and 6 of Part 3 of Division 9 of the Welfare and Institutions Code -----573,573,000

The Department of Social Welfare shall administer the public assistance programs so that the counties will bear no more than the amount of welfare costs that they would be obligated to bear under the applicable provisions of the Welfare and Institutions Code, without the expenditure limitations set forth herein, and so that the amount authorized to be expended under this section shall fully cover the state's share of aid payments and for services under such programs for the 1971-1972 fiscal year.

Provided further, that in order to avoid any resultant and inequitable increase in local property taxes, the Controller shall approve expenditures in those amounts made necessary by changes in either caseload or payments, or both, which are in excess of Budget Bill estimates for 1971-72 and funds necessary to make such expenditures are hereby appropriated in addition to any other appropriation contained in this item.

Not later than the fifth legislative day following the submission of the Governor's Budget in the 1972 Regular Session of the Legislature, the Director of Finance shall report to the Legislature the amount, if any, by which the then current estimate of the amounts to be paid to the counties under the formulas set forth in Article 5 (commencing with Section 15200), Chapter 9, of Part 3 of Division 9 of the Welfare and Institutions Code for the fiscal year ending June 30, 1972, will exceed \$573,573,000. If such report is not required following submission of the Governor's Budget but the Director of Finance

Item	Amount
determines during the third quarter that the estimate of expenditures will exceed \$573,-573,000, he shall so report to the Legislature prior to the end of the third quarter.	
256—For the cost of the state share of homemaker or attendant care services for which federal grants-in-aid are made to the state, as specified in Section 11172 of the Welfare and Institutions Code; for costs of the state share of residential care rate allowances granted to recipients of public assistance as described in Section 13900 of the Welfare and Institutions Code, who require a nonmedical protective living arrangement; for costs of the state share of intermediate care rate allowances granted to recipients of public assistance as described in Section 13900 of the Welfare and Institutions Code, Department of Social Welfare -----	58,060,000
Schedule:	
(a) Homemaker or attendant care service -----	20,475,500
(b) Residential care rate allowance -----	29,978,000
(c) Intermediate care rate allowance -----	7,606,500

provided, that upon recommendation of the Director of Social Welfare, the Director of Finance may authorize the transfer of funds to Item 229 for skilled nursing homes services.

Provided further, that in order to maximize the flexibility of the Director of Social Welfare in meeting the service needs of public assistance recipients, upon approval of the Director of Finance, the State Controller shall transfer to Item 257 and/or Item 258 any funds not required pursuant to this item.

257—For the cost of the state share of special needs of public assistance recipients, as provided in Sections 11452, 12151, 12152, 12154, 12155, 12651, 13101, and 13700 of the Welfare and Institutions Code, Department of Social Welfare -----	18,788,600
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Provided further, that in order to maximize the flexibility of the Director of Social Welfare in meeting the service needs of public assistance recipients, upon approval of the Director of Finance, the State Controller shall transfer to Item 256 and/or Item 258 any funds not required pursuant to this item.

Item	Amount
258—For the cost of the state share of the work or training-connected expenses and day care services for which federal grants-in-aid are made to the state, as specified in Section 11451.5 of the Welfare and Institutions Code, Department of Social Welfare -----	2,200,000
<p>provided, that expenditures are limited to persons certified by the Department of Human Resources Development as participants in the Work Incentive Program established pursuant to Division 2 (commencing with Section 5000) of the Unemployment Insurance Code.</p> <p>Provided further, that in order to maximize the flexibility of the Director of Social Welfare in meeting the service needs of public assistance recipients, upon approval of the Director of Finance, the State Controller shall transfer to Item 256 and/or Item 257 any funds not required pursuant to this item.</p>	
259—For the cost of special social service programs for which federal grants-in-aid are made to the state; for cost of adult protective services by county welfare departments; for costs of pilot or experimental social service programs designed to improve public assistance programs; for grants or services to local agencies for the extension of child welfare services; for the cost of the adoption programs and care of children, to be expended in accordance with the provisions of Section 16100 et seq. of the Welfare and Institutions Code; for costs incurred by counties and cities and counties in maintaining approved services for the licensing and inspection of agencies for child care and home finding and agencies for the care of the aged, to be expended in accordance with the provisions of Sections 16004 and 16202 of the Welfare and Institutions Code; for the cost of local projects in the administration of public assistance and social services for children; and for the costs of statewide social services administration improvement programs, Department of Social Welfare -----	6,053,385
Schedule:	
(a) Self-support program -----	240,000
(b) Family and child development program -----	27,367,003
(c) Child protection program --	2,061,798
(d) Adoption program -----	15,904,776

Item	Amount
(e) Public protection program__	950,400
(f) Public welfare manpower programs -----	608,000
(g) Demonstration programs --	1,684,928
(i) Federal grants -----	42,763,520
provided, that all or any portion of the amounts included in subdivision (d) may be transferred to Item 254 of this act, for support of Department of Social Welfare, upon order of the Department of Finance.	
260—For payment of the additional compensation for subsequent injury provided for by Sections 4750 through 4755 of the Labor Code, Department of Industrial Relations -----	1,770,000
261—For furnishing of workmen's compensation to disaster service workers and their dependents, in accordance with the provisions of Sections 3201 through 6002 of the Labor Code, including the reimbursing of the State Compensation Insurance Fund for the cost of services as adjusting agent, Governor's office, Office of Emergency Services -----	110,000
The State Compensation Insurance Fund may draw from the State Treasury out of the appropriation made by this item, without at the time presenting vouchers and itemized statements, any portion of the appropriation contained in this item, to be used as a cash revolving fund. Expenditures made from the revolving fund in payment of claims for workmen's compensation and adjusting services are excepted from the operation of Section 925.6 of the Government Code. Reimbursement of the revolving fund for such expenditures shall be made upon presentation to the State Controller of an abstract or statement of such expenditures. Such abstract or statement shall be in such form as the State Controller requires.	

EDUCATION

EDUCATION

262—For payment of the state's share of the operating costs of the Educational Commission of the States and for necessary traveling expenses relating to participation, Department of Education -----	24,100
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Item	Amount
263—For support of Department of Education, Superintendent of Public Instruction, State Board of Education, New Careers in Education Act and the Duffy-Moscone Family Nutrition Education and Services Act of 1970—	11,065,000
Schedule:	
(a) Personal services -----	15,251,538
(b) Operating expenses and equipment -----	10,492,909
(bx) Duffy-Moscone Family Nutrition Education and Services Act of 1970 -----	6,000,000
(bxa) New Careers in Education Act -----	125,000
(c) Reimbursements -----	-4,178,294
(d) Amount payable from State School Building Aid Fund (Item 264) -----	-221,100
(e) Federal grants -----	-13,392,460
(f) Continuing appropriation per Education Code, Section 13183 -----	-1,813,621
(g) Continuing appropriation per Chapter 1674, Statutes of 1967 -----	-924,972
(h) Continuing appropriation per Chapter 1558, Statutes of 1970 -----	-176,000
(i) Amount payable from Item 271 -----	-98,000
provided, that \$98,000 of the funds included in category (a) of this appropriation shall be available for administration and control of the instructional television programs.	
263.5—For support of the master teacher program, Department of Education, to be expended in accordance with the provisions of the Certified Master Teacher Law, Article 2.6 (commencing with Section 13245), Chapter 2, Division 10 of the Education Code -----	150,000
264—For support of Department of Education, payable from the State School Building Aid Fund -----	221,100
265—For cooperation with the federal government for the improvement of instruction under the provisions of Title 3 of the National Defense Education Act of 1958, Department of Education -----	167,200

Item	Amount
266—For support of special schools, Department of Education -----	8,723,145
Schedule:	
(a) California School for the Blind -----	1,239,072
(1) Personal services -----	1,230,634
(2) Operating expenses and equipment ---	183,113
(3) Reimburse-ments -----	-174,675
(b) Diagnostic School for Neurologically Handicapped Children, Northern California ---	797,533
(1) Personal services -----	780,000
(2) Operating expenses and equipment ---	132,593
(3) Reimburse-ments -----	-115,060
(c) Diagnostic School for Neurologically Handicapped Children, Southern California ---	754,997
(1) Personal services -----	737,860
(2) Operating expenses and equipment ---	118,567
(3) Reimburse-ments -----	-101,430
(d) California School for the Deaf, Berkeley -----	2,641,805
(1) Personal services -----	2,641,422
(2) Operating expenses and equipment ---	392,844
(3) Reimburse-ments -----	-392,461
(e) California School for the Deaf, Riverside -----	3,289,738
(1) Personal services -----	3,177,328
(2) Operating expenses and equipment ---	449,654
(3) Reimburse-ments -----	-337,244

provided, that transfers between the categories of personal services and operating ex-

Item	Amount
penses and equipment in any item in the above schedule or transfers between items in the above schedule cannot be made without the approval of the Department of Finance.	
267—For support of State Educational Agency for Surplus Property, payable from the Surplus Education Property Revolving Fund -----	3,992,000
Schedule:	
(a) Personal services -----	1,955,300
(b) Operating expenses and equipment -----	2,064,700
(c) Reimbursements -----	-28,000
268—For support of Division of Libraries, Department of Education, Public Library Development Board and Board of Library Examiners	1,897,000
Schedule:	
(a) Personal services -----	1,735,668
(b) Operating expenses and equipment -----	7,101,428
(c) Reimbursements -----	-230,151
(d) Federal grants -----	-6,709,945
270—For transfer by the State Controller from the General Fund to the State School Fund for cost increases due to inflation -----	88,000,000
this amount to be expended pursuant to Section 17668 of the Education Code and in accordance with the following specifications:	
(1) Compute the 1971-72 apportionment without regard to the appropriation in this item.	
(2) Determine the number of average daily attendance in all districts for which equalization aid was computed in 1971-72.	
(3) Divide the number of average daily attendance in all districts for which equalization was computed into the amount appropriated by this item.	
(4) Multiply the amount per average daily attendance computed in (3) above by the average daily attendance in each district for which equalization aid was computed, and apportion this amount to the district.	
(5) The additional amount apportioned shall be shown separately and shall be labeled as "Additional Equalization Aid for Cost Increases Due to Inflation."	

Item	Amount
<p>270.1—For transfer by the State Controller from the General Fund to the State School Fund for cost increases due to inflation -----</p> <p>this amount to be expended pursuant to Section 17668 of the Education Code and in accordance with the following specifications:</p> <ol style="list-style-type: none"> (1) Compute the 1971-72 apportionment without regard to the appropriation in this item. (2) Determine the number of average daily attendance in all districts for which equalization aid was computed in 1971-72. (3) Divide the number of average daily attendance in all districts for which equalization was computed into the amount appropriated by this item. (4) Multiply the amount per average daily attendance computed in (3) above by the average daily attendance in each district for which equalization aid was computed, and apportion this amount to the district. (5) The additional amount apportioned shall be shown separately and shall be labeled as "Additional Equalization Aid for Cost Increases Due to Inflation." 	100,000,000
<p>270.2—For apportionment to the community college district provided for under Chapter 4 of the Statutes of 1971, in lieu of the amount which would have been an obligation upon the General Fund with respect to such district because of the operation of Section 20211 of the Education Code, Superintendent of Public Instruction -----</p>	1,300,000
<p>271—For support of instructional television programs, Department of Education, to be expended in accordance with the provisions of Section 18270 of the Education Code ----- provided, that not more than \$98,000 shall be transferred from this item to Item 263 for the administration and control of the instructional television programs.</p> <p>provided, that any unused portion of funds available in this item shall be transferred to Item 263 to provide staff assistance to the Superintendent of Public Instruction for purposes of departmental reorganization.</p>	702,000

Item	Amount
272—For support of Department of Education— provided, that the appropriation made by this item is limited to carrying out the provisions of Sections 6450 through 6474, 6481 through 6486, 6490 through 6498, and 13355.1 through 13355.15 of the Education Code; and that at least \$750,000 of such amount be used to carry out the provisions of Sections 13355.1 through 13355.15 of the Education Code.	11,000,000
273—For support of special elementary school reading instruction programs and Project SHARE pilot tutoring programs, Depart- ment of Education -----	18,835,000
273.5—For support of mathematics improvement program, Department of Education, to be ex- pended in accordance with the provisions of Chapter 5.9 (commencing with Section 5799) of Division 6 of the Education Code -----	925,000
274—For support of children's centers, Depart- ment of Education, to be apportioned by the department in the manner provided by Chap- ter 5, Division 12 of the Education Code, to school districts and other eligible agencies maintaining children's centers pursuant to Sections 16601 through 16645.25 of the Edu- cation Code -----	21,750,000
Schedule:	
(a) Children's centers -----	30,128,000
(b) Development centers for handicapped minors -----	4,500,000
(c) Preschool education -----	20,489,000
(d) Reimbursements -----	—33,367,000
provided, that the Department of Finance may, by executive order, transfer funds sched- uled in subdivisions (a) and (c), above, for and in augmentation of the amount sched- uled in subdivision (b) of Item 259 of this act, for purposes of meeting the state match- ing fund requirements for child care services provided for under Public Law 90-248; and further provided, that all state and local funds for the children's centers and preschool programs and all federal funds for child care services generated by state and local in-kind matching funds shall be expended in meeting Public Law 90-248 requirements and in ex- panding needed services in children's centers and preschool programs.	

Item	Amount
275—For grants to teachers of physically handicapped minors, Department of Education, to be expended in accordance with the provisions of Chapter 8.5 (commencing with Section 6875) of Division 6 of the Education Code...	150,000
276—For publishing, purchasing and shipping free textbooks, Department of Education-----	18,342,666

Schedule:

(a) Personal services ----- 151,800

(b) Operating expenses and
equipment -----18,240,866

(c) Reimbursements ----- —50,000

provided, that no money appropriated by this item shall be expended for the publishing, purchasing, and shipping of any textbook which is not included in the budget request submitted to the Governor for the 1971-72 fiscal year for the textbook phase of Department of Education operations, without prior approval of the Department of Finance; provided further, that none of the moneys appropriated by this item may be expended for publishing, purchasing or shipping any textbook, which has been conditionally approved or adopted by the State Board of Education subject to the condition that revisions will be made in such textbook by the publisher, unless and until such revisions have been made to the complete satisfaction of said board.

Provided, that none of this appropriation shall be available to finance contracts in respect to basic textbooks adopted by the State Board of Education during the 1970-71 or 1971-72 fiscal years in which the total price, including sales and use tax, for any textbook submitted on a finished-book basis exceeds by more than 13 percent the average of the three highest total prices for a competitive textbook submitted on the basis of leasing plates to the state or in which said total price for any such textbook exceeds by more than 13 percent the sum of the manufacturing cost of such textbook as estimated by the State Department of General Services, and the average royalty cost of the three highest priced competitive textbooks, except that upon a finding by the State Board of Education that the book submitted on a finished-book basis is clearly superior in quality and utility to others submitted on a leased-plate basis, this appropriation shall be available to finance contracts at a cost to be

Item

Amount

agreed upon by the State Board of Education if such cost does not exceed by more than 13 percent the sum of the manufacturing cost of such textbook as estimated by the State Department of General Services and the average royalty cost of the three highest priced competitive textbooks.

Provided further, that none of this appropriation shall be available to finance contracts for textbooks adopted as supplemental textbooks by the State Board of Education during the 1970-71 or 1971-72 fiscal years in which the unit price, including sales and use tax, for any textbook submitted on a finished-book basis exceeds the unit manufacturing cost of such textbook as estimated by the State Department of General Services, multiplied by the average of the ratios of the total computed unit cost of each other supplementary textbook submitted to the state on a leased-plate basis for the same grade level to the unit manufacturing cost of each such other textbook, plus 13 percent of the unit manufacturing cost of the textbook which is offered on a finished-book basis.

For the purposes of this item, three means all if fewer than three competitive textbooks are submitted on a leased-plate basis and textbooks includes teachers' manuals or editions.

However, this appropriation shall be available, without regard to the foregoing conditions, to finance contracts for textbooks adopted as supplementary textbooks by the State Board of Education during the 1970-71 or 1971-72 fiscal year for which offers were received on both a leased-plate and finished-book basis if the State Board of Education accepts the lesser of the two offers.

The Department of Finance shall maintain a procedure which will indicate any cases in which the numbers and estimated costs of textbooks represented in printing or purchase orders placed during the budget year vary from the amounts contained in the budget schedule submitted by the Department of Education upon which this item of appropriation is based. All changes shall be contained in a report by the Department of Education to the Joint Legislative Budget Committee prior to August 1, 1972.

Item	Amount
<p>Provided further, that no funds shall be available to finance contracts for basic textbooks, supplementary textbooks, or separate teachers' manuals adopted by the State Board of Education during the 1971-72 fiscal year in which the royalty for any such textbook exceeds by more than 10 percent an amount equal to the net price of that book multiplied by the average of the ratios of royalty to net price of all competitive books of its respective type, basic, supplementary, or separate teachers' manuals.</p>	
<p>Provided further, that funds for new textbooks in 1971-72 shall be limited to textbook priority No. 4 for basic and supplementary social science textbooks, grades 5 through 8, inclusive, of the State Board of Education.</p>	
<p>Provided further, that the State Board of Education shall complete an adoption no later than November 1 of the fiscal year prior to that for which the board requests funds from the Legislature for that adoption.</p>	
277—For assistance to public libraries, Division of Libraries, Department of Education, to be apportioned by the Division of Libraries as provided in Chapter 1.5 (commencing with Section 27111) of Division 20 of the Education Code -----	1,800,000
278—For vocational education programs in public school districts, conducted under the provisions of Section 6254 of the Education Code, Department of Education -----	550,000
Schedule:	
(a) Payments to public school districts -----	40,790,795
(b) Federal grants -----	40,240,795
278.5—For support of summer vocational and technical education programs, Department of Education, to be expended in accordance with the provisions of Article 10.5 (commencing with Section 6270) of Chapter 6 of Division 6 of the Education Code -----	71,000
279—For transfer by State Controller to the Teachers' Retirement Fund for State Teachers' Retirement System -----	98,000,000
280—For support of Coordinating Council for Higher Education -----	455,217

Item	Amount
Schedule:	
(a) Personal services	510,381
(b) Operating expenses and equipment	423,755
(c) Federal grants	—478,919
provided, that the Coordinating Council for Higher Education shall make an evaluation of educational opportunity programs in all segments of public higher education for a report on findings and recommendations to the Governor and the Legislature annually.	
281—For payment of the state's share of the operating costs of the Western Interstate Commission on Higher Education, Department of Finance	15,000
282—For support of University of California, exempt from Section 31 of this act.....	342,753,205
provided that the amount budgeted for student aid is limited to grants to newly enrolled undergraduate students in the educational opportunity program and such grants are limited to \$1,000 for each student.	
282.1—For support of University of California medical education programs at county-operated hospitals for Davis and Irvine medical schools, exempt from Section 31 of this act...	5,000,000
provided, that \$2,500,000 of the amount appropriated by this item shall be expended by the university when it is determined necessary for the maintenance of the educational programs of the university medical schools which are affiliated with these county facilities; provided further, that any expenditures made from this item shall be reported to the Department of Finance and the Joint Legislative Budget Committee with an explanation of the purpose of the expenditure and the method for determining the amount of the expenditure; provided further, that \$2,500,000 of the amount appropriated by this item shall be expended only if full funding for the county option program under the provisions of Section 14150.1 of the Welfare and Institutions Code is not made by any other provision of this act.	
282.5—For deferred maintenance projects, University of California, exempt from Section 31 of this act	500,000
provided, that expenditures from this item shall be limited to items of deferred maintenance included on the priority list to be sub-	

Item	Amount
mitted by the university to the Joint Legislative Budget Committee; provided further, that no expenditures shall be made from this appropriation unless an equal contribution from the university is made from funds not appropriated in this act.	
283—For Psychiatric Instruction Program, University of California, exempt from Section 31 of this act -----	150,000
provided, that the University of California shall submit to the Joint Legislative Budget Committee on or before September 15, 1972, and annually during the life of the program, a report as to progress of this program and of total program expenditures.	
284—For research in the conversion of sea water and brackish water to fresh water, University of California, exempt from Section 31 of this act -----	334,900
285—For research in dermatology, University of California, exempt from Section 31 of this act -----	100,000
286—For research in mosquito control, University of California, exempt from Section 31 of this act, payable from the California Water Fund Schedule:	100,000
(a) Organized research -----	200,000
(b) Reimbursements -----	-100,000
287—For support of Hastings College of Law -----	1,251,996
Schedule:	
(a) Personal services -----	1,740,990
(b) Operating expenses and equipment -----	546,436
(c) Reimbursement -----	-1,015,600
(d) Federal grants -----	-56,830
(e) Student financial aid, Legal Education Financial Program -----	37,000
288—For support of Trustees of the California State Colleges and the California State Colleges -----	334,823,129
Schedule:	
(a) Personal services -----	348,574,572
(b) Operating expenses and equipment -----	77,851,646
(c) Reimbursements -----	-91,603,089
provided, that the funds appropriated in the above schedule may be reallocated upon order of the Trustees of the California State Colleges subject to being reported to the Department of Finance.	

Item

Amount

The Trustees of the California State Colleges may approve any transfer of funds within function between the chancellor's office and any state college, or between any state college and any other state college. Notwithstanding the provisions of Section 24053.1(a) of the Education Code, the authorization of an augmentation of a category from additional reimbursements from regular session student charges in excess of one-half of 1 percent of the amount budgeted by college, requires prior Department of Finance approval.

And further provided, that no instructional faculty authorized in the Budget Supplement for Education in 1971-72 will be used for general administration, department chairmanships or noninstructional research.

289—	For support of Trustees of the California State Colleges and the California State Colleges -----	157,457
	Schedule:	
	(a) Personal services -----	22,566
	(b) Operating expenses and equipment -----	134,891
	provided, that the funds appropriated in the above schedule may be reallocated upon order of the Trustees of the California State Colleges subject to being reported to the Department of Finance; and provided further, that the funds appropriated in this item shall be available for the statewide Academic Senate of the California State Colleges.	
290—	For support of California Maritime Academy -----	791,000
	Schedule:	
	(a) Personal services -----	922,655
	(b) Operating expenses and equipment -----	340,390
	(c) Reimbursements -----	-256,645
	(d) Federal grants -----	-215,400
291—	For support of Board of Governors of the California Community Colleges -----	7,677,064
	Schedule:	
	(a) Personal services -----	1,517,974
	(b) Operating expenses and equipment -----	470,616
	(c) Reimbursements -----	-1,029,016

Item	Amount
(d) Extended opportunity programs conducted under the provisions of Sections 25524 to 25528.7, inclusive, of the Education Code -----	6,717,490
293—For support of State Scholarship and Loan Commission -----	22,853,000
Schedule:	
(a) Personal services -----	535,857
(b) Operating expenses and equipment -----	22,348,442
(c) Amount payable from the State Guaranteed Loan Reserve Fund (Item 294) ----	—31,299
294—For support of State Scholarship and Loan Commission, payable from the State Guaranteed Loan Reserve Fund -----	31,299

CAPITAL OUTLAY SECTION

SEC. 2.2. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1971-72, 1972-73 and 1973-74 fiscal years. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

STATE BUILDING PROGRAM

GENERAL GOVERNMENT

295—For project planning, to be allocated by the Department of Finance, subject to approval by the State Public Works Board, payable from the Harbors and Watercraft Revolving Fund -----	10,000
The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.	
295.1—For fire and life safety alterations, Department of General Services -----	100,000

BUSINESS AND TRANSPORTATION

296—For capital outlay, Department of the California Highway Patrol, payable from the Motor Vehicle Fund -----	8,740,502
--	-----------

Item	Amount
Schedule:	
(a) Construct new academy ----	8,350,837
(b) Purchase of leased facility— Westminster -----	286,335
(c) Purchase of leased facility— Baldwin Park -----	247,450
(d) Purchase of leased facility— Woodland -----	146,450
(e) Purchase of leased facility— Grass Valley -----	141,400
(f) Land acquisition, working drawings and construct office building—Redwood City ---	357,400
(g) Land acquisition, working drawings and construct office building—San Jose -----	371,400
(gx) Land acquisition and site development for, and pur- chase of, five (5) mobile- homes for post residences— Baker -----	100,000
(k) Radio communications equipment—statewide ----	180,120
(l) Preliminary planning ----	15,000
(m) Federal reimbursements --	1,455,890
297—For capital outlay, Department of Motor Ve- hicles, payable from the Motor Vehicle Fund, in accordance with the following schedule ---	3,707,300
Schedule:	
(a) Land acquisition for office building and parking facili- ties—Bell -----	390,000
(b) Land acquisition for office building and parking facili- ties—Redwood City -----	423,500
(c) Land acquisition for parking facilities—San Francisco --	270,000
(d) Land acquisition for office building and parking facili- ties—Santa Cruz -----	390,000
(e) Land acquisition for office building and parking facili- ties—Modesto -----	360,000
(f) Land acquisition for office building and parking facili- ties—Santa Rosa -----	400,000
(g) Working drawings and con- struct office building and parking facilities—Haw- thorne -----	573,600

Item	Amount
(h) Construct office building and parking facilities—Anaheim	640,900
(i) Land acquisition for parking facilities—Inglewood -----	10,000
(j) Construct office building—San Leandro -----	227,300
(k) Preliminary planning -----	22,000

HUMAN RELATIONS

298—For capital outlay, Department of the Youth Authority -----	150,000
Schedule:	
Northern Reception Center-Clinic:	
(a) Eliminate fire hazards -----	150,000

EDUCATION

299.1—For capital outlay, the Regents of the University of California, subject to the approval of the State Public Works Board, shall allocate the cash income received from the educational fee in the 1971-72 fiscal year and designated by the regents for capital outlay purposes for expenditure on projects in the priority order as indicated in the schedule set forth below -----	37,107,000
provided, that of the above amount there is hereby appropriated \$13,207,000 from the Capital Outlay Fund for Public Higher Education; and provided further, that there is hereby appropriated \$13,207,000 from the General Fund for transfer by the State Controller to the Capital Outlay Fund for Public Higher Education for expenditure on such projects after State Public Works Board approval.	
Schedule:	
(1) Construct alterations to Cory Hall, Berkeley -----	21,000
(2) Construct alterations to life sciences building, Berkeley--	1,000
(3) Construct utilities and site development, San Diego-----	82,000
(4) Working drawings for marine sciences-marine biology instruction and research building, San Diego -----	149,000

Item	Amount
(5) Construct Revelle College— convert Urey Hall, step 4, San Diego -----	61,000
(6) Construct improvements at University Hospital at San Diego County, San Diego Health Sciences -----	841,000
(7) Construct alterations to bio- logical sciences unit 1, Santa Barbara -----	56,000
(8) Construct alterations to phys- ical sciences unit 1, Santa Barbara -----	43,000
(9) Construct utilities and site development, Santa Cruz----	122,000
(10) Construct college No. 6—aca- demic unit, Santa Cruz----	213,000
(11) Construct alterations to exist- ing facilities, Santa Cruz----	24,000
(12) Equip classroom unit 1, Santa Cruz -----	5,000
(13) Preliminary planning, uni- versitywide -----	200,000
(14) Advance and general plan- ning, universitywide -----	300,000
(15) Equip central university li- brary building, step 1, San Diego -----	209,000
(16) Equip John Muir College— building 2D, San Diego----	113,000
(17) Equip natural sciences unit 1 conversion, Irvine -----	150,000
(18) Initial equipment third col- lege, San Diego-----	100,000
(19) Equip physics unit 1, Davis	200,000
(20) Equip mathematical sciences building, Berkeley -----	100,000
(21) Equip alterations to physical sciences unit 1, Santa Barbara	184,000
(22) Equip biological sciences unit 4, Davis -----	300,000
(23) Equip engineering unit 1, Irvine -----	100,000
(24) Equip chemistry addition, Davis -----	300,000
(25) Equip applied sciences build- ing, Santa Cruz-----	340,000

Item	Amount
(26) Equip clinical faculty facilities at San Francisco General Hospital, step 2, San Francisco Health Sciences -----	147,000
(27) Equip school of nursing building, San Francisco Health Sciences -----	50,000
(28) Equip performing arts building, Santa Cruz-----	292,000
(29) Equip South Hall addition, Santa Barbara -----	300,000
(30) Equip clinics building alterations for additional dental chairs, San Francisco Health Sciences -----	60,000
(31) Equip medical surge facilities, Davis Health Sciences -----	274,000
(32) Equip social sciences unit 1, Irvine -----	600,000
(33) Equip humanities-social sciences unit 1 conversion, Irvine	31,000
(34) Equip medical sciences building, 2nd floor alterations, San Francisco Health Sciences---	10,000
(35) Equip clinics expansion, San Francisco Health Sciences---	500,000
(36) Construct minor capital improvements, Universitywide--	2,014,000
(37) Preliminary plans and working drawings for health sciences center utilities—emergency power expansion, Los Angeles Health Sciences ----	80,000
(38) Construct and equip facilities at Sacramento Medical Center, alterations to county welfare building, Davis Health Sciences -----	320,000
(39) Construct central chiller plant at University Hospital at San Diego County, step 1, San Diego Health Sciences -----	349,000
(40) Construct utilities and site development, Davis -----	137,000
(41) Construct utilities and site development, Irvine -----	62,000
(42) Construct utilities and site development, Riverside -----	117,000
(43) Construct utilities and site development, San Diego -----	46,000

Item	Amount
(44) Construct utilities and site development, Santa Cruz -----	250,000
(45) Construct central utilities building addition, Davis-----	791,000
(46) Construct Webber Hall Addition, Riverside -----	6,484,000
(47) Working drawings for school of dentistry building, San Francisco Health Sciences----	372,000
(48) Construct alterations to improve space utilization, Universitywide -----	2,000,000
(49) Equip alterations to biological sciences unit 1, Santa Barbara	118,000
(50) Working drawings for college No. 7—academic unit, Santa Cruz -----	47,000
(51) Reserve for cost-rise augmentation, Universitywide -----	500,000
(52) Preliminary plans and working drawings for medical sciences unit 1, Irvine Health Sciences -----	966,000
(53) Preliminary plans and working drawings for addition to University Hospital at San Diego County, south wing, San Diego Health Sciences----	133,000
(54) Preliminary plans for medical sciences unit 2, Irvine Health Sciences -----	460,000
(55) Preliminary plans and working drawings for medical sciences unit 1, Davis Health Sciences -----	980,000
(56) Preliminary plans and working drawings for clinics and medical sciences buildings alterations for administration and human biology, San Francisco Health Sciences -----	103,000
(57) Preliminary plans for Moffitt Hospital addition, San Francisco Health Sciences -----	506,000
(58) Construct humanities building (Mandeville Center), San Diego -----	5,177,000
(59) Construct humanities building utilities, San Diego -----	100,000

Item	Amount
(60) Construct animal holding facilities, Elliott Field Station, San Diego Health Sciences----	170,000
(61) Construct administration unit 1, Irvine -----	1,045,000
(62) Working drawings for social sciences unit 2, Riverside -----	248,000
(63) Construct utilities and site development, Davis -----	59,000
(64) Construct utilities and site development, Irvine -----	497,000
(65) Construct utilities and site development, San Diego -----	168,000
(66) Preliminary plans and working drawings for mathematics and computer instruction building, Irvine -----	413,000
(67) Construct engineering unit 2, Santa Barbara -----	5,008,000
(68) Construct, complete areas in basic sciences building, San Diego Health Sciences -----	208,000
(69) Preliminary plans and working drawings for animal services building, Elliott Field Station, San Diego Health Sciences -----	23,000
(70) Preliminary plans and working drawings for rural animal facility, step 1, San Francisco Health Sciences -----	14,000
(71) Preliminary plans and working drawings for access road to University Hospital at San Diego County, step 2, San Diego Health Sciences -----	12,000
(72) Working drawings and construct school of medicine utilities and site development, San Diego Health Sciences -----	73,000
(73) Equip biological sciences unit 4, Davis -----	424,000
(74) Equip natural sciences unit 1 conversion, Irvine -----	39,000
(75) Initial equipment for third college, San Diego -----	100,000
(76) Equip physics unit 1, Davis--	16,000

Item	Amount
299.8—For capital outlay, the Regents of the University of California, subject to the approval of the State Public Works Board, shall allocate the cash income received from the educational fee in the 1972-73 fiscal year and designated by the regents for capital outlay purposes for expenditure on projects within the following schedule -----	7,830,000
Schedule:	
San Francisco Health Sciences:	
(a) Construct School of Dentistry building -----	4,815,000
Irvine Health Sciences:	
(b) Construct medical services unit 1 -----	3,015,000
provided, that no funds from this appropriation will be available for expenditure during the 1971-72 fiscal year.	
301.5—For capital outlay, Trustees of the California State Colleges, subject to the approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education, for expenditure for project in accordance with the below priority listing; provided, that withdrawals shall be as required to meet current obligations as certified by the Trustees of the California State Colleges -----	26,394,746
Schedule:	
Statewide:	
Trustees of the California State Colleges:	
(a) Project planning and campus master planning -----	150,000
Chico State College:	
(b) Equip life science buildings	400,000
(c) Equip applied arts unit II --	300,000
(d) Equip physical science addition -----	500,000
(e) Equip boiler chiller plant --	10,000
State College, Dominguez Hills:	
(f) Equip library-classroom administration building -----	220,000
(g) Equip social science building	220,000
(h) Equip central plant -----	8,000

Item	Amount
State College, Fullerton:	
(i) Equip convert science building IV -----	125,000
State College, Hayward:	
(j) Equip library building ----	500,000
(k) Equip speech-drama building -----	300,000
(l) Equip administration building -----	265,000
State Polytechnic College, Kellogg-Voorhis Campus:	
(m) Equip convert library ----	400,000
Sacramento State College:	
(n) Equip psychology building -	279,000
San Francisco State College:	
(o) Equip life science building--	500,000
(p) Equip physical science building -----	250,000
State College, Long Beach:	
(q) Equip drama building ----	120,000
State College, Bakersfield:	
(r) Working drawings and construct central plant II ----	546,000
(s) Working drawings and construct utilities—1971 -----	156,000
Humboldt State College:	
(t) Working drawings and construct utilities—1971 -----	304,000
State Polytechnic College, Kellogg-Voorhis Campus:	
(u) Working drawings and construct utilities—1971 -----	162,000
State College, Long Beach:	
(v) Working drawings and construct utilities—1971 -----	522,000
San Diego State College:	
(w) Working drawings and construct utilities—1971 -----	158,000

Item	Amount
Stanislaus State College:	
(x) Working drawings and construct utilities—1971 -----	914,000
Chico State College:	
(y) Construct modernize auditorium building -----	468,000
(z) Construct modernize administration building -----	728,000
Humboldt State College:	
(aa) Construct physical education facilities -----	2,606,000
San Fernando Valley State College:	
(bb) Working drawings for education building -----	138,000
State College, Bakersfield:	
(cc) Working drawings for classroom office building -----	115,000
Fresno State College:	
(dd) Working drawings for business classroom building-----	52,000
Chico State College:	
(ee) Construct library -----	8,429,000
Sonoma State College:	
(gg) Working drawings for classroom office building -----	75,000
(ggx) Construct utilities in 1971	146,000
State College, Hayward:	
(hh) Working drawings for classroom building No. 2 --	231,000
State Polytechnic College, San Luis Obispo Campus:	
(ii) Working drawings for engineering complex -----	193,000
Fresno State College:	
(jj) Construct engineering building -----	1,051,746
State College, Dominguez Hills:	
(kk) Construct classroom office building -----	1,555,000

Item	Amount
Fresno State College:	
(ll) Construct industrial arts building -----	2,704,000
(mm) Working drawings for library, phase III -----	594,000
Notwithstanding the provisions of Section 2.2 of this act, the equipment items in this item shall be available for expenditure only during the 1971-72 and 1972-73 fiscal years; provided that of the above amount there is hereby appropriated \$6,893,000 from the General Fund for transfer by the Controller after Public Works Board action to the Capital Outlay Fund for Public Higher Education for expenditure on such projects.	
301.9—For capital outlay, Board of Governors of the California Community Colleges, to be allocated, subject to prior approval of the State Public Works Board, by the Board of Governors of the California Community Colleges to the community college district for expenditure by said community college district, from the Capital Outlay Fund for Public Higher Education -----	1,433,066
Schedule:	
West Valley Joint Junior College District, Mission Campus:	
(a) Site acquisition -----	1,433,066
DISTRICT FAIR CONSTRUCTION PROGRAM	
303—The sum of \$72,437 of the money appropriated by Section 19630 of the Business and Professions Code, for district agricultural fairs or citrus fairs and expositions, is hereby reappropriated from the Fair and Exposition Fund during the 1971-72 fiscal year for engineering services, Department of Agriculture.	
WILDLIFE CONSERVATION PROGRAM	
304—For capital outlay, Department of Fish and Game, payable from the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby	

appropriated to the extent required to meet the appropriation made by this item ----- 410,000

Schedule:

(a) Replacement of patrol boat_ 110,000

(b) Renovation of aircraft ---- 300,000

304.1—For acquisition of coastal wildlife areas and adjacent lands at the southern end of Tomales Bay in Marin County, Wildlife Conservation Board, payable from any money set apart for acquisition of coastal wildlife areas in legislation enacted in the 1971 Regular Session specifically providing for such capital outlay funds from the implementation of a system of withholding of income tax ----- 550,000

**PARKS AND RECREATION ACQUISITION
AND DEVELOPMENT PROGRAM**

305—For capital outlay, Department of Navigation and Ocean Development, for plans, working drawings, and construction of launching and parking facilities, payable from the Harbors and Watercraft Revolving Fund ----- 430,000

Schedule:

(a) Construction of launching and parking facilities at Millerton Lake State Recreation Area ----- 155,000

(b) Plans and working drawings for launching and parking facilities at Perris Reservoir and Pyramid Reservoir----- 75,000

(c) Construction of launching ramp at Crescent City----- 200,000

306—For capital outlay, Department of Parks and Recreation, for water quality facilities and restoration of artifacts at Hearst San Simeon State Historic Monument, payable from funds accumulated under the provisions of Item 257, Budget Act of 1969 and Item 214, Budget Act of 1970----- 100,000

Schedule:

(a) Sewer work ----- 76,000

(b) Restoration of artifacts ---- 24,000

307—For capital outlay, Department of Parks and Recreation, payable from the Special Deposit Fund in accordance with provisions of Item 378.9, Budget Act of 1968 and Item 425.1, Budget Act of 1969 ----- 355,000

Item	Amount
Schedule:	
(a) For restoration, Columbia State Historic Park -----	170,000
(b) Working drawings for development of day use facilities, Seacliff State Beach---	41,000
(c) Working drawings for development of Phase I facilities, Bolsa Chica State Beach	20,000
(d) Working drawings for development, Old Sacramento State Historic Park -----	9,000
(e) Working drawings for development, Pendleton Beach	35,000
(f) For preliminary plans and working drawings for development of transportation museum, Old Sacramento State Historical Park -----	60,000
(g) Working drawings for development, Refugio State Beach -----	20,000
307.1—For water quality facilities, Department of Parks and Recreation -----	368,120
Schedule:	
(a) Big Basin Redwoods State Park -----	177,850
(b) Silver Strand State Beach---	47,370
(c) MacKerricher State Park---	110,000
(d) Van Damme State Park-----	32,900
and in addition thereto, any amounts received from federal grants or other sources.	

CALIFORNIA WATER FACILITIES PROGRAM

308—For land, easements and rights-of-way, including but not limited to, borrow pits, spoil areas and easements for levees, clearing, flood control works and flowage, and for appraisals, surveys, and engineering studies necessary for the completion or operation of the following projects in the Sacramento and San Joaquin watersheds as authorized by Section 8617.1 and Sections 12570 through 12875 of the Water Code; and for advances to the federal government or payments to the federal government or others for incidental construction or reconstruction items which are an obligation of the state in connection with the completion or operation of the aforesaid projects and for materials and necessary

construction, reconstruction, relocation, or alterations to highways, railroads, bridges, powerlines, communication lines, pipelines, irrigation works and other structures and facilities and for appraisals, surveys and engineering studies incident thereto, the Department of Water Resources ----- 637,000
Schedule:

- (a) Sacramento River and Tributaries Flood Control Project ----- 148,000
- (b) San Joaquin River and Tributaries Flood Control Project ----- 25,000
- (c) Fresno River Flood Control Project ----- 10,000
- (d) Chowchilla River Flood Control Project ----- 10,000
- (e) Sacramento River Bank Protection Project ----- 444,000

Notwithstanding the provisions of Section 2.2 of this act, the amount in this item shall be available for expenditure only during the 1971-72 fiscal year; and provided further, that this item shall be exempt from the provisions of Section 7 of this act.

JUNIOR COLLEGE CONSTRUCTION BOND ACT PROGRAM

SEC. 2.4. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1971-72, 1972-73, and 1973-74 fiscal years for expenditure only for the programs contemplated by the Junior College Construction Program Bond Act of 1968. All such appropriations shall be paid out of the State Construction Program Fund.

309—For capital outlay, Board of Governors of the California Community Colleges, to be allocated, subject to the prior approval of the State Public Works Board, by the Board of Governors of the California Community Colleges to the community college districts for expenditure by said community college districts, in accordance with the priority listing of projects set forth in the schedule below, payable from the State Construction Program Fund ----- 34,286,956

Schedule:

- Butte Junior College District, Butte College:
- (a) Construct site development, phase II ----- 863,667

Item	Amount
(ax) Contra Costa Junior College District, East College: Construct site development, phase II -----	197,756
(axa) Fremont-Newark Community College District, Ohlone College: Construct site develop- ment, phase II -----	923,409
(axb) State Center Junior College District, Fresno City College: Construct utilities build- ing and mains -----	188,194
(axc) Contra Costa Junior College District, Diablo Valley College: Equip academic arts com- plex -----	82,709
(axd) Kern Community College District, Porterville College: Equip science and mathe- matics facility -----	32,219
(axe) Long Beach Community Col- lege District, Long Beach City College: Equip science building ---	193,900
(axf) Merced Community College District, Merced College: Equip library building ---	157,536
(axg) Equip art-music building	51,646
(axh) Equip science building al- teration No. 2-----	29,272
(axi) Community College District— North Orange County, Cy- press College: Equip vocational-technical building -----	18,307
(axj) Redwood Joint Community College District, College of the Redwoods: Equip student-service center -----	52,368

Item	Amount
(axjx) Construct student-service center -----	200,947
San Francisco Community College District, City College of San Francisco:	
(axk) Equip creative arts extension -----	88,805
San Joaquin Delta Community College District, San Joaquin Delta College:	
(axl) Equip PSI project -----	452,856
State Center Junior College District, Fresno City College:	
(axm) Equip library learning center and library addition	48,723
State Center Junior College District, Reedley College:	
(axn) Equip library—step I ---	36,623
West Valley Joint Community College District, Saratoga College:	
(axo) Equip library building --	123,571
(axp) Equip humanities and fine arts -----	86,889
Yuba Community College District, Yuba College:	
(axq) Equip agriculture center, step I -----	8,006
Butte Community College District, Butte College:	
(axr) Construct life science and agriculture facilities -----	1,018,707
(b) Construct physical science building -----	666,926
(c) Construct engineering and technology facilities -----	770,296
Contra Costa Junior College District, East College:	
(g) Construct college complex -	3,243,574

Item	Amount
Pasadena Area Junior College District, Pasadena City College:	
(o) Construct paramedical-science building -----	1,175,000
San Mateo Junior College District, Skyline College:	
(ox) Construct campus center, building "C" -----	888,213
West Valley Joint Community College District, Saratoga College:	
(oxa) Construct business division, student personnel and administration building ---	1,133,182
Butte Community College District, Butte College:	
(oxb) Construct instructional materials center -----	1,505,428
Marin Junior College District, College of Marin:	
(oxc) Construct library building	1,286,885
(oxd) Working drawings, construct and equipment for remodel of chemistry-business-Olney Hall -----	79,250
Merced Community College District, Merced College:	
(oxe) Working drawings, construct and equipment for converting science building	40,427
San Diego Community College District, San Diego City College:	
(oxf) Construct, remodeling of "A" and Thatcher buildings	171,894
San Jose Community College District, Evergreen Valley College:	
(oxg) Working drawings for utilities and site development---	7,709

Item	Amount
Merced Community College District, Merced College: (oxh) Construct extension of site utilities -----	84,754
Santa Clarita Community College District, College of the Canyons: (oxi) Construct utilities and site development -----	1,155,428
Community College District —North Orange County, Cypress College: (oxj) Working drawings for hu- manities building -----	102,701
(oxk) Working drawings for drama building -----	32,560
Contra Costa Junior College District, Contra Costa Col- lege: (oxl) Construct, working draw- ings and equipment for health science building-----	252,286
Contra Costa Junior College District, Diablo Valley College: (oxm) Working drawings for art building -----	28,216
Coast Community College District, Golden West Col- lege: (oxn) Working drawings for hu- manities, arts and sciences building -----	54,752
State Center Junior College District, Fresno City Col- lege: (oxo) Construct art center, phase I, unit A -----	369,551
Santa Barbara Junior Col- lege District, Santa Bar- bara City College: (oxp) Working drawings for art communication building ---	45,778

Item	Amount
San Joaquin Delta Community College District, San Joaquin Delta College:	
(oxq) Construct PHI project---	2,563,052
Saddleback Community College District, Saddleback College:	
(oxr) Construct science-mathematics building-----	2,288,800
Solano County Community College District, Solano College:	
(oxs) Construct vocational arts No. 2 -----	776,030
Mt. San Jacinto Junior College District, Mt. San Jacinto College:	
(oxt) Construct science building	154,519
Kern Community College District, Desert Campus:	
(oxu) Construct new campus, phase I -----	1,340,753
Fremont-Newark Community College District, Ohlone College:	
(oxv) Construct north lecture hall -----	211,277
(oxw) Construct northeast instruction unit -----	619,968
(oxx) Construct northwest instruction unit -----	955,038
(oxy) Construct south lecture hall -----	211,277
(oxz) Construct southeast instruction unit -----	588,149
(oxaa) Construct southwest instruction unit -----	826,738
Santa Clarita Community College District, College of the Canyons:	
(oxbb) Working drawings for classroom center -----	38,644
(oxcc) Working drawings for laboratory center -----	77,424

Item	Amount
Yuba Community College District, Yuba College: (oxdd) Construct and equip sci- ence technology center, phase II -----	168,058
San Jose Community College District, Evergreen Valley College: (oxee) Working drawings for cluster "A" -----	63,702
(oxff) Working drawings for cluster "C" -----	39,779
Rancho Santiago Community College District, Santa Ana College: (oxgg) Working drawings for so- cial science-language arts building -----	48,679
San Luis Obispo County Community College District, Cuesta College: (oxhh) Working drawings for library and administration building -----	44,526
Fremont-Newark Community College District, Ohlone College: (oxii) Construct resource center	2,300,812
Santa Clarita Community College District, College of the Canyons: (oxjj) Construct instructional resource center -----	2,095,437
Grossmont Community College District, Grossmont Community College: (oxll) Site acquisition, Monte Vista Ranch campus -----	923,374

**STATE BEACH, PARK, RECREATIONAL AND HISTORICAL
FACILITIES BOND ACT PROGRAM**

SEC. 2.5. The following sums of money, or so much thereof, as may be necessary, unless otherwise provided herein, are hereby appropriated for the 1971-72 fiscal year beginning

Item Amount
 July 1, 1971, and ending June 30, 1972. All such appropriations, unless otherwise herein provided, shall be paid out of the State Beach, Park, Recreational and Historical Facilities Fund in the State Treasury.

LOCAL ASSISTANCE

311—For grants to counties, cities or cities and counties pursuant to Section 5096.15(d) of the Public Resources Code, Department of Parks and Recreation, payable from the State Beach, Park, Recreational and Historical Facilities Fund ----- 1,350,000.
 Schedule:

- | | |
|--|--------|
| (a) East Bay Regional Park District, Coyote Hills Regional Park, for development----- | 44,200 |
| (b) County of Alpine, Turtle Rock Park, for development | 5,000 |
| (c) City of Jackson, Kennedy Mine Trailing Wheels Regional Park, for development | 5,000 |
| (d) City of Chico, Hooker Oak-Five Mile Lake, for development ----- | 5,000 |
| (e) 39th District Agricultural Association, Frogtown Recreation District, for development ----- | 5,000 |
| (f) County of Colusa, Letts Valley Recreation Area, for development ----- | 5,000 |
| (g) East Bay Regional Park District, Las Trampas Regional Park for acquisition and development ----- | 26,300 |
| (h) County of Del Norte, Florence Keller Regional Park, for development ----- | 5,000 |
| (i) County of El Dorado, El Dorado County Historical Museum, for development----- | 5,000 |
| (j) County of Fresno, Kings River Green Belt Recreation Park, for development----- | 19,500 |
| (k) County of Glenn, Ordbend Park, for development ---- | 5,000 |
| (l) County of Humboldt, Clam Beach Park, for development | 5,000 |

Item	Amount
(m) County of Imperial, Red Hill Marina, for development	5,000
(n) County of Inyo, East Bishop Lake and Park, for development -----	5,000
(o) County of Kern, Kern River State Park, for acquisition and development -----	14,600
(p) County of Kings, Laton-Kingston Regional Park, for development -----	5,000
(q) County of Lake, Austin Beach Park, for development	5,000
(r) County of Lassen, Clear Creek Park, for development	5,000
(s) County of Los Angeles, Vasquez Rocks County Park, for development -----	301,400
(t) City of Madera, Town and Country Park, for development -----	5,000
(u) County of Marin, McNear Beach Park, for development	10,800
(v) County of Mariposa, Mariposa Regional Park, for acquisition and development...	80,000
(w) County of Mendocino, Low Gap Regional Park, for development -----	5,000
(x) County of Merced, Henderson Park, for development...	5,000
(y) County of Modoc, Modoc County Community Parks, for playground equipment...	5,000
(z) County of Mono, Mono County Recreation Park, for development -----	5,000
(aa) County of Monterey, Toro Park, for development.....	11,800
(bb) County of Napa, Old Bale Mill, for development.....	5,000
(cc) City of Grass Valley, Condon Park, for development...	5,000
(dd) County of Orange, Mile Square Regional Park, for development -----	64,900
(ee) County of Placer, Bear River Inland Fishing Access, for development -----	5,000

Item	Amount
(ff) County of Plumas, Taylorsville County Park, for development -----	5,000
(gg) County of Riverside, Prado Basin Regional Park, for development -----	21,800
(hh) County of Sacramento, Discovery County Park, for development -----	32,700
(ii) County of San Benito, Bolado Park, for development -----	5,000
(jj) County of San Bernardino, Glenn Helen Regional Park, for development -----	30,100
(kk) County of San Diego, Guajome Regional Park, for development -----	56,900
(ll) City of San Francisco, Lake Merced Recreation Area, for development -----	26,800
(mm) County of San Joaquin, B and L Ranch Oak Grove, for development -----	12,300
(nn) County of San Luis Obispo, Atascadero County Park, for development -----	5,500
(oo) County of San Mateo, Pescadero Creek Park, for development -----	27,000
(pp) County of Santa Barbara, Nojoqui Falls Park, for development -----	14,700
(qq) County of Santa Clara, Coyote River Parkway, for development -----	50,800
(rr) City of Watsonville, Pinto Lake Park, for development -----	5,200
(ss) County of Shasta, Fort Crook Museum, for development -----	5,000
(tt) City of Loyalton, Loyalton Recreation Park, for development -----	5,000
(uu) Mount Shasta Recreation District, Mount Shasta City Park, for development -----	5,000
(vv) County of Solano, Lake Solano Park, for development -----	7,800
(ww) County of Sonoma, Mount Hood County Park, for development -----	9,300

Item	Amount
(xx) County of Stanislaus, Modesto Reservoir, for development -----	7,700
(yy) County of Sutter, Feather River County Park, for development -----	5,000
(zz) County of Tehama, Mill Creek Recreational Area, for development -----	5,000
(aaa) County of Trinity, Trinity County Historical Park, for development -----	5,000
(bbb) County of Tulare, Kings River Regional Park, for development -----	7,800
(ccc) Twain Harte Recreation and Park District, Twain Harte Park, for development -----	5,000
(ddd) County of Ventura, Tapo Canyon Park, for development -----	20,100
(eee) County of Yolo, Canyon Regional Park, for development -----	5,000
(fff) Yuba County Water Agency, Bullards Bar Reservoir, for development-----	5,000
(fffx) County of San Bernardino, Baldwin Lake Regional Park, for acquisition and development -----	125,000
(ggg) County of Los Angeles, Torrance-Redondo Beach, land acquisition -----	150,000
312—For project review for purposes set forth in Section 5096.15(d) of the Public Resources Code, Department of Parks and Recreation, payable from the State Beach, Park, Recreational and Historical Facilities Fund -----	88,820

PARKS AND RECREATION ACQUISITION
AND DEVELOPMENT PROGRAM

313—For capital outlay, Department of Parks and Recreation, for purposes set forth in Section 5096.15(a) of the Public Resources Code, for expenditure during the 1971-72, 1972-73, and 1973-74 fiscal years, payable from the State Beach, Park, Recreational and Historical Facilities Fund -----	3,350,620
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Item	Amount
Schedule:	
(a) Land acquisition, Cardiff Beach -----	510,000
(c) Land acquisition, Emma Wood State Beach -----	290,000
(d) Augmentation for land acquisition, Emma Wood State Beach -----	97,500
(f) Land acquisition, Jetty Beach	1,375,000
(g) Augmentation for land acquisition, Montana de Oro State Park -----	950,000
(h) Augmentation for land acquisition, Picacho State Recreation Area -----	186,000
(i) Land acquisition, Pismo State Beach -----	2,750,000
(j) Land acquisition, Sugarloaf Ridge State Park -----	285,000
(k) Anticipated federal reimbursements -----	-3,092,880
provided, that the funds appropriated for Cardiff Beach are to be expended only for the acquisition of beach frontage.	
313.1—For capital outlay, Department of Parks and Recreation, payable from the State Park Contingent Fund -----	
Schedule:	
(a) Humboldt Redwoods State Park, land acquisition -----	500,000
(b) Big Basin Redwoods State Park, land acquisition -----	500,000
(c) Mount Tamalpais State Park, land acquisition -----	875,000
(e) Annadel Farms, land acquisition -----	2,500,000
(f) Los Osos Oaks, land acquisition -----	254,000
(g) Rustic-Sullivan Canyon, land acquisition -----	750,000
(h) Acquisition costs -----	100,000
(i) Reimbursements from the Federal Land and Water Conservation Fund -----	-5,479,000
provided, that the Department of Parks and Recreation shall provide the Joint Legislative Budget Committee with a report based upon the regular procedures for the development of capital outlay projects by no later than September 1, 1971, said report to detail the	

Item	Amount
way which each of the projects contained within this item conforms to the overall acquisition scheme of the state.	
314—For capital outlay, Department of Parks and Recreation, for purposes set forth in Section 5096.15(b) of the Public Resources Code, for expenditure during the 1971-72, 1972-73, and 1973-74 fiscal years, payable from the State Beach, Park, Recreational and Historical Facilities Fund -----	5,315,760
Schedule:	
(a) For stabilization, Drum Barracks -----	84,000
(ax) For development, Cardiff Beach -----	1,292,000
(b) For development, Emma Wood State Beach -----	563,560
(c) For development, Bolsa Chica Beach -----	771,008
(d) For development, including restoration, Old Sacramento State Historic Park -----	375,180
(e) For development, Pendleton Beach -----	361,700
(f) For development, Refugio State Beach -----	1,868,312
315—For capital outlay, Department of Parks and Recreation, for the purposes set forth in Sections 5096.15(a) and 5096.15(b) of the Public Resources Code, payable from the State Beach, Park, Recreational and Historical Facilities Fund -----	135,000
Schedule:	
(a) For project planning under provisions of Section 5096.15(b) of the Public Resources Code -----	135,000

REAPPROPRIATIONS

316—Notwithstanding any other provisions of law, \$2,600,000 of the undisbursed balance, on the effective date of this act, of Item 424(c), Budget Act of 1966, as amended by Item 431.5, Budget Act of 1969, is reappropriated for the same purpose and shall be available until June 30, 1972; provided, that the State Public Works Board shall not approve funds for construction of any facilities financed from this item or from any other source until

Item	Amount
the Department of Parks and Recreation has prepared a master plan development report substantially as outlined on pages 772 and 773 of the Budget Analysis for 1969-70 and such report has been approved by the Parks and Recreation Commission; provided further, that these funds shall be available only for development of a water supply and road system.	
317—Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of Items 349.1(gg) and 349.1(aaa), Budget Act of 1970, are reappropriated for the purposes provided for in said appropriation and in addition thereto are available for development. These appropriations shall be available until June 30, 1972.	
318—Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of Item 378(a), Budget Act of 1968, are reappropriated for the purposes provided for in said appropriation and shall be available for expenditure until June 30, 1972.	
319—Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of Items 362(a), 362(b), 362(c), Budget Act of 1965, are reappropriated for the purposes and with the same limitations provided for in said appropriation and shall be available for expenditure until June 30, 1972.	
320—Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of Items 423(a), 423(c), 423(f), 423(g), 423(h), 423(i), 423(m), 423(q), 423(r), 423(t), Budget Act of 1966, are reappropriated for the purposes and with the same limitations provided for in said appropriation and shall be available until June 30, 1972.	
321—Notwithstanding any other provisions of law, the undisbursed balance, on the effective date of this act, of Item 343.6(a), Budget Act of 1967, as reappropriated and amended by Item 355, Budget Act of 1970, is reappropriated for the purpose provided for in said appropriation, and furthermore, any funds received from the federal government for the purpose of matching expenditures made by	

Item	Amount
	the State Beach, Park, Recreational and Historical Facilities Fund pursuant to said appropriation are hereby appropriated for land acquisition at Torrey Pines State Reserve.
322—	Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of Items 343.7(b), 343.7(c), 343.7(e), Budget Act of 1967, are reappropriated for the purposes provided for in said appropriation and shall be available for expenditure until June 30, 1972.
323—	Notwithstanding any other provisions of law, the undisbursed balance, on the effective date of this act, of Item 377.1, Budget Act of 1968, is reappropriated for the purpose provided for in said appropriation and shall be available for expenditure until June 30, 1972.
324—	Notwithstanding any other provisions of law, the undisbursed balance, on the effective date of this act, of Item 378.3(a), Budget Act of 1968, is reappropriated for the purpose provided for in said appropriation and shall be available for expenditure until June 30, 1972.

REVERSIONS

- 325.1—Notwithstanding any other provisions of law, the undisbursed balances on the effective date of this act of Item 362(a), (b), and (c), Budget Act of 1965, related to Topanga Canyon and Marin Headlands, shall revert to the unappropriated balance of the State Beach, Park, Recreational and Historical Facilities Fund.
- 325.2—As of June 30, 1971, the unexpended balance of the appropriation made by Item 341(g), Budget Act of 1967, shall revert to the unappropriated balance of the State Beach, Park, Recreation and Historical Facilities Fund.

RECREATION AND FISH AND WILDLIFE ENHANCEMENT BOND ACT PROGRAM

SEC. 2.6. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1971-72, 1972-73, and 1973-74 fiscal years for expenditure only for programs contemplated by the Recreation and Fish and Wildlife Enhancement Bond Act. All such appropriations shall be paid out of the Recreation and Fish and Wildlife Enhancement Fund.

WILDLIFE CONSERVATION PROGRAM

Item	Amount
326—For capital outlay, Wildlife Conservation Board, Department of Fish and Game, for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund -----	450,000
Schedule:	
(a) For preliminary plans and working drawings for hatchery expansion -----	180,000
(b) For construction, Fillmore Hatchery -----	120,000
(c) For construction, Black Rock Rearing Ponds -----	150,000
326.1—For capital outlay, Wildlife Conservation Board, Department of Fish and Game, for projects developed cooperatively with and maintained by local government for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund -----	250,000

PARKS AND RECREATION ACQUISITION AND DEVELOPMENT PROGRAM

327—For capital outlay, Department of Parks and Recreation, for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund -----	7,949,540
Schedule:	
(a) For development, Castaic Reservoir -----	2,372,500
(b) For development, Del Valle Reservoir -----	1,700,000
(c) For purchase of headquarters office, Feather River Area -----	100,000
(d) For development, San Luis Reservoir State Recreation Area -----	620,592
(e) For development, Silverwood Lake -----	2,902,400
(f) For repayment to the Department of Water Resources for development -----	254,048

provided, that the facilities constructed at Del Valle Reservoir shall be subject to approval, before construction, by the East Bay Regional

Item	Amount
Park District as to general scope and operation and maintenance costs; provided further, that all facets of this project including engineering and all phases of planning shall be done by staff of the Department of Parks and Recreation.	
327.4—For payment for sanitary facilities at Silverwood Lake State Recreation Area, Department of Parks and Recreation, payable from the Recreation and Fish and Wildlife Enhancement Fund -----	402,000
328—For project planning, Department of Parks and Recreation, for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund -----	947,728
329—For project planning, to be allocated by the Department of Finance, subject to the approval by the State Public Works Board, pursuant to provisions of the Recreation and Fish and Wildlife Enhancement Act, for expenditure during 1971-72, 1972-73, and 1973-74 fiscal years, payable from the Recreation and Fish and Wildlife Enhancement Fund-- The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.	275,400
329.1—For capital outlay, Department of Navigation and Ocean Development, for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund -----	1,135,000
Schedule:	
(a) For development of boating facility, Castaic Lake-----	1,015,000
(b) Phase II development of launching facility, Oroville Lake, Lime Saddle Area----	120,000
329.2—For project planning, Department of Navigation and Ocean Development for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund -----	52,800
329.3—For project planning, to be allocated by the Department of Finance, subject to approval by the State Public Works Board, payable	

Item	Amount
from the Recreation and Fish and Wildlife Enhancement Fund -----	7,500
The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.	
329.4—As of June 30, 1971, the undisbursed balances of the appropriations made by Items 349.1(dd), Budget Act of 1970 and Item 418(cc), Budget Act of 1969, shall revert to the unappropriated balance of the State Beach, Park, Recreational and Historical Facilities Fund.	

GENERAL SECTIONS

SEC. 4. Notwithstanding any other provisions of this act, no appropriations made herein, or funds obtained from any other source, over \$10,000 may be expended by any state entity for expansion, improvement or addition to electronic data processing activities, personnel, equipment, facilities or supplies during fiscal year 1971-72, or any expenditure budgeted for fiscal year 1972-73 for electronic data processing activities, personnel, equipment, facilities and supplies unless the Director of Finance certifies that the criteria and procedures set forth in the Supplementary Report of the Committee on Conference on the Budget Act of 1970 have been met and followed.

The provisions of this section shall not apply to the University of California, the State Compensation Insurance Fund, agencies provided for by Article VI of the Constitution, or the Legislature.

SEC. 4.5. Subject to the provisions of this act, any appropriation for expenditure under this act during the 1971-72 fiscal year, may, with the approval of the Department of Finance, be encumbered prior to July 1, 1971, by incurring obligations to be paid after June 30, 1971; and in addition any appropriation for expenditure provided by the Budget Act of 1972 during the 1972-73 fiscal year, may, with the approval of the Department of Finance, be encumbered prior to July 1, 1972, by incurring obligations to be paid after June 30, 1972.

SEC. 5. Because it is necessary to insure the availability of adequate equipment for physical facilities constructed for the operation of custodial, mental health, educational, administrative, military, and other agencies of the state government; because uncertainties as to completion dates make precise advance planning of equipment purchases impossible; and since delivery of some kinds of equipment cannot be made for six months or longer from the date of ordering; state agencies are therefore authorized to incur obligations, to be met during the 1972-73 fiscal year, for the purchase of equipment related

to capital outlay projects for which the Legislature has appropriated construction funds; provided, that no obligation shall be incurred under the provisions of this section without the approval of the Department of Finance and the State Public Works Board. Purchase orders issued and contracts entered into under the provisions of this section shall not exceed a total of two million dollars (\$2,000,000) in estimated cost.

SEC. 5.1. To provide the Mental Retardation Program with the necessary flexibility to meet program goals, upon approval of the Director of Finance, the State Controller shall transfer funds between budget act items appropriating funds for mental retardation services in budgets for the Department of Mental Hygiene, the Department of Public Health, the Department of Social Welfare, and the Department of Rehabilitation.

SEC. 6. Any project, except minor projects, included in any appropriation made herein for capital outlay shall be subject to the provisions of Section 15790 of the Government Code.

SEC. 7. Any acquisition of land or other real property included in any appropriation made herein for capital outlay except appropriations from the California Water Fund or the State Highway Fund or appropriations to the Board of Governors of the California Community Colleges for allocation to the community college districts shall be subject to the provisions of the Property Acquisition Law.

All property acquisitions, notwithstanding other exemptions of this section, shall be reported to the State Public Works Board.

SEC. 8. No money appropriated herein in any item for capital outlay may be expended by any state agency, including the University of California, the State Colleges and the Community Colleges, except amounts for acquisition of land or other real property, amounts needed for equipment, minor projects and amounts appropriated specifically for preliminary surveys, studies and planning until the State Public Works Board and the Department of Finance have approved preliminary plans for the project to be financed from such item of appropriation for capital outlay with the exception that community college approvals by the Public Works Board will apply only to the allocation of state capital outlay funds appropriated heretofore and hereafter by the Legislature; including land acquisition and equipment funds; provided further, that the Public Works Board shall not approve for allocation any appropriated amounts for working drawings or construction where said working drawings or construction have been started by a community college prior to approval of the state appropriated amounts by the Public Works Board, and all such amounts not approved by the board under this

criterion shall be reverted to the unappropriated balance of the appropriate fund; provided further, no major project for which appropriation is made hereunder regarding which the Director of Finance or his authorized representative requests review of working plans shall be put out to bid until the working plans therefor have been approved by the Department of Finance; provided further, that no money appropriated herein may be spent for working drawings for any project as to which there has been made substantial change or changes from the preliminary plans as approved by the State Public Works Board and the Department of Finance unless there has first been obtained the approval of the Department of Finance to make such change or changes; provided further, that no money appropriated herein may be spent for equipment until prior approval for purchase of such equipment shall have been given by the Department of Finance.

Nothing in this section shall be construed to limit or control the Department of Public Works in the expenditure of State Highway Fund money appropriated for capital outlay purposes.

The Department of Public Works shall report to the State Public Works Board the expenditures for capital outlay, except minor projects, from appropriations contained in this act.

SEC. 8.5. In making appropriations to state agencies which are eligible for federal assistance programs, it is the intent and understanding of the Legislature that applications made by such agencies for federal funds under any such programs shall be for the maximum amount allowable under federal law.

SEC. 9. Notwithstanding any other provision of law, the portion of each sum of money heretofore appropriated or allocated, hereby appropriated or hereafter allocated to the Regents of the University of California for capital outlay which remains after the purpose for which each said sum was appropriated or allocated has been accomplished, and which have been or hereafter are withdrawn from the State Treasury by the Regents of the University of California pursuant to the provisions of Section 23201 of the Education Code, together with increments, by way of interest or otherwise, on any such appropriation or allocations, shall be used and expended by the Regents of the University of California in executing and furthering the building and improvement program of the University of California; provided, that no such sums shall be allocated by the Regents of the University of California to projects for the purpose of augmenting those projects without prior approval of the State Public Works Board of the requested augmentation. Such sums shall be available for expenditure in payment of any encumbrances heretofore or hereafter incurred without regard to fiscal years; provided, however, that any unencumbered balances existing as of the date on which each such appropriation or allocation otherwise would lapse, shall then revert.

SEC. 10. Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes provided for in said appropriations, and shall be available for expenditure until June 30, 1972:

Department of Finance:

Chapter 1455, Statutes of 1968

Department of Conservation:

Item 336(b), Budget Act of 1965

Item 344(b), Budget Act of 1968

Item 344(c), Budget Act of 1968

Item 344(d), Budget Act of 1968

Item 344(j), Budget Act of 1968

Department of Navigation and Ocean Development:

Item 287, Budget Act of 1967

Item 350(a), Budget Act of 1969

Item 350(b), Budget Act of 1969

Item 284, Budget Act of 1970

Department of Parks and Recreation:

Item 358(d), Budget Act of 1968, provided that no funds may be spent until one or more lease agreements for the concession at Pueblo de Los Angeles State Monument is approved and signed by the Director of the State Department of Parks and Recreation; provided further, that any such lease entered into shall be reviewed by the Attorney General, and Legislative Analyst, in addition to any other reviews required by law; provided further that funds subject to this provision shall be available to match federal funds granted to the state for the restoration of Pueblo de Los Angeles.

Item 358(e), Budget Act of 1968

Item 358(i), Budget Act of 1968

University of California:

Item 324(b), Budget Act of 1968

Item 324(u), Budget Act of 1968

Item 328(b), Budget Act of 1968

Item 378(d), Budget Act of 1969

Item 378(n), Budget Act of 1969

Item 378(o), Budget Act of 1969

Item 378(r), Budget Act of 1969

Item 347.10(b), Budget Act of 1970

Item 347.10(c), Budget Act of 1970

Item 347.10(cxx), Budget Act of 1970

Item 347.10(cxxx), Budget Act of 1970

Item 347.10(cxxxx), Budget Act of 1970

State Colleges:

Trustees of the California State Colleges:

Item 407(a), Budget Act of 1966

Item 330(b), Budget Act of 1968

Item 408.5, Budget Act of 1966

Chico State College :

- Item 339 (a), Budget Act of 1967
- Item 339 (b), Budget Act of 1967
- Item 339 (g), Budget Act of 1967
- Item 329 (a), Budget Act of 1968
- Item 329 (b), Budget Act of 1968

State College, Dominguez Hills :

- Item 409 (n), Budget Act of 1966
- Item 339 (l), Budget Act of 1967
- Item 339 (m), Budget Act of 1967
- Item 339 (o), Budget Act of 1967
- Item 329 (e), Budget Act of 1968
- Item 333 (u), Budget Act of 1968

Fresno State College :

- Item 339 (q), Budget Act of 1967

State College, Fullerton :

- Item 339 (t), Budget Act of 1967
- Item 329 (i), Budget Act of 1968
- Item 329 (j), Budget Act of 1968

State College, Hayward :

- Item 339 (x), Budget Act of 1967
- Item 329 (m), Budget Act of 1968
- Item 329 (n), Budget Act of 1968

Humboldt State College :

- Item 408 (z), Budget Act of 1966
- Item 339 (bb), Budget Act of 1967
- Item 339 (ff), Budget Act of 1967
- Item 329 (o), Budget Act of 1968

State College, Long Beach :

- Item 408 (ff), Budget Act of 1966
- Item 339 (jj), Budget Act of 1967
- Item 339 (kk), Budget Act of 1967
- Item 339 (ll), Budget Act of 1967
- Item 329 (r), Budget Act of 1968
- Item 329 (s), Budget Act of 1968
- Item 329 (t), Budget Act of 1968

State College, Los Angeles :

- Item 353 (y), Budget Act of 1964
- Item 352 (aa), Budget Act of 1965
- Item 339 (qq), Budget Act of 1967
- Item 339 (ss), Budget Act of 1967

Sacramento State College :

- Item 339 (uu), Budget Act of 1967
- Item 329 (w), Budget Act of 1968

State College, San Bernardino :

- Item 339 (bbb), Budget Act of 1967
- Item 333 (z), Budget Act of 1968

San Diego State College :

- Item 352 (ss), Budget Act of 1965
- Item 408 (bbb), Budget Act of 1966

- San Francisco State College :
 - Item 352(wwx), Budget Act of 1965
 - Item 408(ggg), Budget Act of 1966
 - Item 333(m), Budget Act of 1968
- San Jose State College :
 - Item 353(c), Budget Act of 1965
 - Item 408(nnn), Budget Act of 1966
 - Item 339(ppp), Budget Act of 1967
- Sonoma State College :
 - Item 408(uuu), Budget Act of 1966
 - Item 408(vvv), Budget Act of 1966
- Stanislaus State College :
 - Item 339(vvv), Budget Act of 1967
- State Polytechnic College, Kellogg-Voorhis Campus :
 - Item 329(bb), Budget Act of 1968
- Board of Governors of California Community Colleges :
 - San Diego Junior College District,
 - San Diego City College :
 - Item 369(fff), Budget Act of 1968
 - State Center Junior College District,
 - Fresno City Campus :
 - Item 369(zzz), Budget Act of 1968
 - Reedley Campus :
 - Item 369(jjjj), Budget Act of 1968
 - Item 369(kkkk), Budget Act of 1968

SEC. 10.1. As of June 30, 1971, the unexpended balance of the appropriation made by Item 250, Budget Act of 1970, shall revert to the unappropriated balance of the General Fund.

As of July 1, 1971, the amount reverted as of June 30, 1971, for Item 250, Budget Act of 1970, is reappropriated and shall be available until June 30, 1972, and may be expended on written authorization of the Department of Finance issued on or before said date, for emergencies, within the meaning of said item, occurring during the 1970-71 fiscal year.

SEC. 10.2. Notwithstanding any other provisions of law, the unexpended balance of the appropriation made by Chapter 71, Statutes of 1970, is hereby reappropriated until June 30, 1972, for the purposes specified in such chapter, provided that any expenditure for land acquisition shall be subject to the provisions of the Property Acquisition Law.

SEC. 10.3. Notwithstanding any other provisions of law, the unexpended balance of the appropriation made by Chapter 1324, Statutes of 1970, and made available to the Governors of the California Community Colleges during the 1970-71 fiscal year, is reappropriated for the same purposes, and shall be available for expenditure until June 30, 1972.

SEC. 10.4. On the effective date of this act, the unexpended balance of the appropriation made by Items 386(k) and (l), Budget Act of 1966, is hereby reappropriated until June 30, 1972; and in addition, shall be available for acquisition of the Garberville Forest Fire Station.

SEC. 10.5. Notwithstanding any other provisions of law, \$90,000 of the appropriation made by Item 324(t), Budget Act of 1968, is hereby reappropriated for the purpose provided, and shall be available for expenditure until June 30, 1972.

SEC. 10.6. Notwithstanding any other provisions of law, \$90,000 of the appropriation made by Item 357(a), Budget Act of 1968, is hereby reappropriated for the purpose provided, and shall be available for expenditure until June 30, 1972.

SEC. 10.7. On the effective date of this act, the unexpended balance of the appropriation made by Item I(e), Chapter 1393, Statutes of 1970, is hereby reappropriated for the purpose of preparing preliminary plans for the Medical Sciences Unit I project, Davis Campus, University of California.

SEC. 10.9. Notwithstanding any other provisions of law, Item 282(a) and Item 296(d), Budget Act of 1968, are reappropriated for the same purposes to the Department of Education and Department of Social Welfare, respectively, and shall be available until June 30, 1972, for expenditure adjustments relating to the 1968-69 fiscal year under the provisions of Public Law 90-248.

SEC. 10.12. On the effective date of this act, \$2,000,000 of the unexpended balance of the appropriation made by Item 288, Budget Act of 1971, is reappropriated for the purpose of the purchase of library books and book processing and shall be available until June 30, 1973.

SEC. 10.13. On the effective date of this act, the unexpended balance of the appropriation made by Item 339(j), Budget Act of 1967, is hereby reappropriated until June 30, 1972; and in addition shall be available for acquisition of the Stiles Warehouse at Chico State College.

SEC. 11. As of June 30, 1971, the unencumbered balance of the appropriations provided in the following citations shall revert to the unappropriated balance of the Capital Outlay Fund for Public Higher Education:

Intergovernmental Board on Electronic Data Processing:

Chapter 1327, Statutes of 1968

Department of Finance:

Chapter 1357, Statutes of 1968

Department of Aeronautics:

Chapter 1450, Statutes of 1969

Department of Parks and Recreation:

Item 410(c), Budget Act of 1969

Item 410(d), Budget Act of 1969

Item 344(b), Budget Act of 1970

Item 344.5, Budget Act of 1970

Department of the Youth Authority:

Chapter 934, Statutes of 1968

Item 370(a), Budget Act of 1969

Item 370(d), Budget Act of 1969

Department of Rehabilitation:
Chapter 1376, Statutes of 1968
Unallocated:

Project Planning:
Item 405, Budget Act of 1969
Increased Cost of Construction:
Government Code Section 16409

SEC. 11.1. As of June 30, 1971, the amounts set forth opposite the appropriations provided in the following citations shall revert to the unappropriated balance of the Capital Outlay Fund for Public Higher Education:

University of California:

Item 377 (b), Budget Act of 1969_____	106,000
Item 377 (h), Budget Act of 1969_____	406,000
Item 377 (i), Budget Act of 1969_____	91,400
Item 378 (g), Budget Act of 1969_____	33,000

SEC. 11.2. As of June 30, 1971, the unencumbered balance of the appropriations provided in the following citations shall revert to the unappropriated balance of the Capital Outlay Fund for Public Higher Education:

Trustees of the California State Colleges:

State College, Fullerton:
Item 387 (i), Budget Act of 1969
State College, Long Beach:
Item 383 (e) Budget Act of 1969
Sacramento State College:
Item 387 (j), Budget Act of 1969
San Diego State College:
Item 387 (k), Budget Act of 1969
Item 387 (l), Budget Act of 1969
State Polytechnic College, San Luis Obispo Campus:
Item 387 (q), Budget Act of 1969
Item 387 (r), Budget Act of 1969

SEC. 11.3. As of June 30, 1971, the unencumbered balance of the appropriations provided in the following citations shall revert to the unappropriated balance of the State Construction Program Fund:

Department of the Youth Authority:
Item 331 (c), Budget Act of 1967

SEC. 11.4. As of June 30, 1971, the unencumbered balance of the appropriation provided by Section 2 of Chapter 1242, Statutes of 1963, shall revert to the unappropriated balance of the General Fund.

SEC. 11.5. As of June 30, 1971, \$1,500,000 of the appropriation from the General Fund, provided by Chapter 52, Statutes of 1969, shall revert to the unappropriated balance of the General Fund.

SEC. 18. The Director of Finance may direct the transfer of such unexpended balances of appropriations and of other funds available for use in connection with any function or

agency affected by a reorganization plan submitted to the Legislature pursuant to Article 7 (commencing with Section 12070) of Chapter 1, Part 2, Division 3, Title 2 of the Government Code when the plan becomes effective pursuant to Section 12080.5 of the Government Code, as he deems necessary by reason of the reorganization, for use in connection with the functions affected by the reorganization, or for the use of the agency which has such functions after the reorganization plan is effective; provided that, unexpended balances so transferred shall be used only for the purpose for which the appropriation was originally made.

SEC. 18.9. The sum of \$90,000,000 reserved by Section 153 of Chapter 963, Statutes of 1967, is appropriated together with other funds available therefor, for the purposes of capital outlay under items contained within Section 2.2 of this act.

SEC. 18.10. The unappropriated balance of the \$90,000,000 in revenues made available by Section 153, Chapter 963, Statutes of 1967, for capital outlay purposes, as of June 30, 1972, is appropriated for all General Fund purposes and shall be transferred to the General Fund on June 30, 1972.

SEC. 19. On or before September 30, 1971, the State Controller shall transfer to the General Fund any amount of surplus and working capital advances in the Service Revolving Fund for the Office of State Printing which totals in excess of \$6,472,197 as of June 30, 1971, and shall apply the amount of such transfer first against any outstanding working capital advances.

No machinery or equipment shall be purchased by or for the Office of State Printing except as provided for in this act and for emergency replacements which shall be reported to the Joint Legislative Budget Committee quarterly.

No augmentation shall be made to the capital of the Service Revolving Fund for the benefit of the Office of State Printing during the 1971-72 fiscal year except as specifically provided for in this act.

Any proposed capital addition to the Service Revolving Fund for the benefit of the Office of State Printing for the 1972-73 fiscal year shall be included in the proposed budget for that fiscal year as an appropriation out of the General Fund.

SEC. 19.1. The unencumbered balance of the Department of Human Resources Development Contingent Fund, which at any time during the 1971-72 fiscal year exceeds \$1,000,000, is hereby appropriated for transfer to the General Fund; such transfer to be made from time to time by the State Controller.

SEC. 19.3. There is hereby appropriated \$20,000,000 for transfer by the State Controller during the 1971-72 fiscal year from the Motor Vehicle Transportation Tax Fund to the State School Fund.

SEC. 19.4. (a) On the effective date of this act, or as soon thereafter as money is available, the State Controller shall transfer, from the Harbors and Watercraft Revolving Fund to the California Water Fund, an amount equal to the outstanding balance on loans made pursuant to provisions of Item 421.5, Budget Act of 1958, and Section 16.5, Budget Act of 1960.

(b) When funds are received by the State of California as repayment of all or a portion of such loans, such funds shall be deposited in the Harbors and Watercraft Revolving Fund, the interest paid thereon shall be paid to the California Water Fund for the portion thereof earned prior to the transfer or transfers provided in this section and into the Harbors and Watercraft Revolving Fund as to the balance.

(c) The appropriation herein made shall be available without regard to fiscal year. The provisions for deposit of funds for loan repayment and interest shall prevail until such time as all outstanding loans and interest therefrom are repaid.

(d) The transfer made by this section shall be effective only upon enactment of AB 595 or other legislation similarly increasing the revenues of the Harbors and Watercraft Revolving Fund.

SEC. 19.5. Upon the transfer of any money from the Harbors and Watercraft Revolving Fund to the California Water Fund pursuant to provisions of Section 19.4 of this act, the amount transferred shall be retransferred by the State Controller to the unappropriated balance of the General Fund.

SEC. 19.6. (a) Since the State Scholarship Commission must announce in the spring of 1972, those individuals to whom state scholarship awards and graduate fellowship awards will be granted for the following fall semester of 1972 and, since the Budget Act of 1972 may not be enacted in adequate time, the State Scholarship Commission is authorized to incur scholarship obligations and graduate fellowship obligations for the maximum number of awards authorized by Sections 31204 and 31247 of the Education Code in an amount not to exceed \$23,290,000 during the 1971-72 fiscal year for awards to be in effect during the 1972-73 fiscal year.

(b) Since the State Scholarship and Loan Commission must announce in the spring of 1972 those individuals to whom College Opportunity Grants will be awarded for the following fall semester of 1972, and since the Budget Act of 1972 may not be enacted in adequate time, the Scholarship and Loan Commission is authorized to incur College Opportunity Grant obligations for renewal of awards to those eligible and qualified individuals receiving an award in 1971-72 as authorized by Section 31263 of the Education Code, in an amount not to exceed \$3,080,000 during the 1971-72 fiscal year for awards to be in effect during the 1972-73 fiscal year.

The intent of this authorization is to prevent the occurrence of there being insufficient funds available to support state

scholarships and graduate fellowships, or College Opportunity Grants, the recipients of which have already been notified of their award. It is necessary that the State Scholarship Commission announce awards in the spring of each year, often prior to the time the Budget Bill containing the appropriation for this purpose is enacted, in order that students receiving the scholarship awards may have sufficient time to plan for entering or returning to school the following fall.

SEC. 19.7. Notwithstanding any other provisions of law, the unencumbered balance of the State School Construction Fund, as of June 30, 1972, is hereby appropriated for transfer by the State Controller to the unappropriated surplus of the California Water Fund.

SEC. 19.8. As of June 30, 1971, the undisbursed balances of the appropriations made by Item 425.4 of the Budget Act of 1958 and Item 385 of the Budget Act of 1959 shall no longer be available for expenditure for the purposes specified in those items and are transferred to the unappropriated balance of the General Fund.

SEC. 19.9. On the effective date of this act, the State Controller shall transfer from the Special Deposit Fund to the General Fund, any funds received from the federal government as federal open-space grants, which funds were received in reimbursement for expenditures made from the General Fund and which funds were deposited in the Special Deposit Fund pursuant to the provisions of Section 508 of the Public Resources Code or Item 425.5 of the Budget Act of 1969.

SEC. 20. No money appropriated by this act shall be used to pay the salary of any authorized state position, which position was vacant continuously during the period between October 1, 1970, and July 1, 1971. The State Controller, no later than August 1, 1971, shall notify in writing the Department of Finance of any authorized state position which was vacant continuously during such period. All such positions, except those specifically exempted in writing by the Department of Finance, are abolished effective September 1, 1971.

The State Controller, not later than 30 days prior to the convening of the 1972 Regular Session of the Legislature, shall furnish the Joint Legislative Budget Committee a report on all positions as of July 1, 1971, which were unfilled continuously during the period between October 1, 1970, and July 1, 1971, identifying therein all positions authorized for continuation by the Department of Finance.

SEC. 20.1. Notwithstanding any other provisions of law; (a) expenditures under Item 14 of this act or any appropriation in augmentation of such item for salaries and wages shall be as submitted in the Governor's Budget or for such number of positions as otherwise authorized by the Joint Committee on Legislative Organization within established classifications and (b) expenditures under Item 14 of this act or any appropriation in any augmentation of such item, other than salaries

and wages, shall be as submitted in the Governor's Budget or as otherwise authorized by the Joint Committee on Legislative Organization and shall be exempt from the provisions of Sections 11033, 13320 and 13325 of and Chapter 3 (commencing with Section 14250) of Part 5 of, and Chapter 6 (commencing with Section 14780) of Part 5.5 of, Division 3 of Title 2 of the Government Code and Sections 4, 6, 8, and 25 of this act.

SEC 21.3. Since it is imperative for the Department of the California Highway Patrol to purchase special service automobiles in order to adequately patrol the highways of this state and since such automobiles can be purchased more effectively and economically on an annual basis with relation to the model year, which so-called year bridges two fiscal years, the Department of the California Highway Patrol is authorized to incur automotive equipment purchase obligations in an amount not to exceed \$1,500,000 during the 1971-72 fiscal year for delivery beginning in the 1972-73 fiscal year, and the sum of \$1,500,000 is hereby appropriated from the Motor Vehicle Fund to the Department of the California Highway Patrol. This appropriation shall be available until July 1, 1972.

SEC. 21.4. Since it is imperative that the maximum amount of time possible be provided the State Board of Education and the Curriculum Commission in the selection of textbooks and the State Printer to print the textbooks for the ensuing school year, the Department of Education and the Department of General Services are authorized to incur textbook printing obligations in an amount not to exceed \$5,000,000 during the 1971-72 fiscal year for delivery by the State Printer to the Department of Education beginning in the 1972-73 fiscal year, subject to those provisions in Item 276 of this act that pertain to the printing of textbooks.

SEC. 22. No purchase order for acquisition or replacement of motor vehicles shall be issued against any appropriation made herein until the Department of General Services has investigated and established the necessity therefor.

All passenger-type motor vehicles purchased from any appropriation made by this act for the use of state employees and officers, except constitutional officers, shall be of the light class, as defined by the State Board of Control, unless excepted by the Director of General Services on the basis of unusual requirements, such as use by the California Highway Patrol, which would justify the need for an automobile of a heavier class.

SEC. 23. All passenger-type motor vehicles purchased either from any appropriation made by this act or from any other appropriation available therefor for the use of the Department of Public Works, except for use of officers excepted in Section 22 of this act, shall be of the light class, as defined by the State Board of Control, unless excepted by the Director of General Services on the basis of unusual requirements which would justify the need for an automobile of a heavier class.

SEC. 24. None of the moneys appropriated by this act or for an expenditure which is supplemented from money appropriated by this act shall be used to purchase furnishings for any house or apartment of three or more rooms other than a dormitory which is rented to a state employee except for a superintendent of an institution, warden of a prison, or physicians. This provision shall not apply to the purchase of refrigerators, heaters, air-conditioning equipment, stoves, linoleum, or equipment normally furnished in construction of the house as may be determined by the State Board of Control. Any such funds that are appropriated by this act for this purpose shall be held intact and be reverted to the fund from which they were appropriated. It is the intent of the Legislature that no money shall be appropriated henceforth for the purpose of house furnishings. Such furnishings are not to be provided by the state nor shall any money be paid from this appropriation for their replacement, repair or otherwise except in connection with the disposal of the same.

SEC. 25. No moneys appropriated by this act shall be used, either directly or by supplementing any other appropriation, to purchase rugs or carpets for any state office except for offices used by elective officers, the President of the University of California, a Chancellor of the University of California, the Chancellor of the California State Colleges, a president of a state college, department heads and for other facilities or areas under the control of the agencies financed by this act in accordance with standards issued by the Director of General Services, such standards to be formulated by the Director of General Services with the advice and counsel of the Department of Finance and the Legislative Analyst. The Director of General Services shall furnish a detailed report annually to the Joint Legislative Budget Committee of all rugs or carpets purchased for state facilities under this section.

Approval of the Director of General Services shall be obtained prior to procurement and installation of such materials. The Director of General Services may authorize the use of carpeting in other specialized facilities not meeting the established standards 30 days after notification in writing of the proposal with justification therefor to the Joint Legislative Budget Committee.

SEC. 26. Whenever herein an appropriation is made for support it shall include salaries and all other proper expenses, including repairs and equipment, incurred in connection with the institution, department, board, bureau, commission, officer, employee, or other agency, for which such appropriation is made.

Whenever herein an appropriation is made for capital outlay, it shall include acquisition of land or other real property, major construction, improvements, equipment, designs, working plans, specifications, repairs and equipment necessary in connection with a construction or improvement project.

Whenever herein any item of appropriation contains provision for acquisition of land or other real property, it shall include all necessary expenses in connection with the acquisition of such property.

Whenever herein an appropriation is made in accordance with a schedule set forth after such appropriation, the expenditures from such item for each category or project included in the schedule shall be limited to the amount specified for such category or project, except as otherwise provided in this act. Each such schedule is a restriction or limitation upon the expenditure of the respective appropriation made by this act, does not itself appropriate any money, and is not itself an item of appropriation.

As used in this act in reference to such schedules "category" or "project" means a class of expenditures such as, but not limited to:

(a) "Personal services" which shall include all expenditures for payment of officers and employees of the state; including salaries and wages, workmen's compensation, unemployment compensation benefits (if enacted into law), insurance premiums for workmen's compensation coverage, the state's contributions to the Public Employees' Retirement Fund, the Teachers' Retirement Fund, the University of California Retirement Fund to provide for that portion of retirement costs to be provided for Hastings College of Law in Item 287 of this Budget Act, the Old Age and Survivors' Insurance Revolving Fund, the State Employees' Contingency Reserve Fund, and the state's cost of a basic health benefits plan; but do not include compensation of independent contractors rendering personal services to the state under contract;

(b) "Operating expenses and equipment" which shall include all expenditures for purchase of materials, supplies, equipment, services (other than services of state officers and employees), and all other proper expenses;

(c) "Construct" or "construction" when used in connection with a capital outlay project shall include all such related things as fixtures, installed equipment, and auxiliary facilities;

(d) "Working drawings" are defined as a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering, and landscaping systems to the degree necessary for the purposes of accurate bidding by contractors and for the use of artisans in constructing the project. All necessary professional fees and administrative service costs are included in the preparation of such drawings.

(e) "Minor projects" include construction, improvements, repairs and equipment projects not specifically set forth in the schedule.

For the purpose of further interpreting the meaning of the words, terms and phrases used in such schedules, reference is hereby made to those documents entitled, "State of California

Governor's Budget for 1971-72; State of California Budget Supplement for General Government and Agriculture and Services, 1971-72; State of California Budget Supplement for Business and Transportation and Resources, 1971-72; State of California Budget Supplement for Human Relations, 1971-72; State of California Budget Supplement for Education, 1971-72," submitted by the Governor to the Legislature at the 1971 Regular Session, the uniform accounting system prescribed by the Department of General Services under the provisions of Section 13290 of the Government Code, and the appropriate portions thereof. The State Board of Control shall establish such interpretations as are necessary to carry out the provisions of this section and shall furnish the same to the State Controller and to every state agency to whom appropriations are made under this act.

SEC. 26.5. Whenever herein an appropriation is made for support or other expenses for an institution, department, board, bureau, commission, officer, employee, or other agency, there shall be charged to such appropriation from which salaries and wages are paid: workmen's compensation, the state's contribution to the Public Employees' Retirement Fund as provided by Sections 20751 and 20752 of the Government Code, the state's contribution to the Teachers' Permanent Fund and the Retirement Annuity Fund as provided by Sections 14209 and 14210 of the Education Code, the state's contribution to the Old Age and Survivors' Insurance Revolving Fund as provided by Sections 20782 and 20783 of the Government Code, the state's contribution to the State Employees' Contingency Reserve Fund and the state's contribution for the cost of a basic health benefits plan as provided by Sections 22828 and 22829 of the Government Code.

As of the effective date of this act, the state's contributions as provided by Sections 22828 and 22829 of the Government Code for any month shall be charged to the same appropriations used for payment of salaries and wages from which the employee premium contributions for such month are deducted.

The appropriations made by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, by Sections 14209 and 14210 of the Education Code, shall continue to be available for expenditure, and shall be charged for any expenditure which is not chargeable to an appropriation for support or other expenses as provided in this section. This transfer may be chargeable to such appropriation for a previous fiscal year if there are no funds available from that fiscal year.

The State Controller may transfer to the State Payroll Revolving Fund the contributions required by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, and upon certification by the Board of Administration of the Public Employees' Retirement System in accordance with Sections 20754 and 20784 of the Government Code, may

transfer from the State Payroll Revolving Fund to the Public Employees' Retirement Fund and the Old Age and Survivors' Insurance Revolving Fund the amounts of contributions so certified.

SEC. 27. The Department of Finance may, pursuant to a request by the officer, department, division, bureau, board, commission, or other agency to whom an appropriation is made herein, authorize the augmentation of the amount available for expenditure for a category or project designated in any schedule set forth for such appropriation by transfer from any of the other designated categories or projects within the same schedule. The Department of Finance shall furnish the Joint Legislative Budget Committee a report on all authorizations given pursuant to this section during the preceding quarter.

SEC. 28. The Director of Finance may authorize the augmentation of the amount available for expenditure for any category in the schedule set forth for any appropriation in this act or any additional category in the amount of any funds which he estimates will be received by an officer, department, division, bureau, or other agency during the 1971-72 fiscal year from any other state agency, from any agency of local government or the federal government, from any appropriation made by the Legislature or from any other source which he determines has not been taken into consideration in said schedule, or is in excess of the amount so taken into consideration, except that the director may authorize expenditures for a new program not identified in the budget as such or for purposes which in his judgment constitute an increase in the level of services above that authorized by the Budget Act or other existing law not sooner than 30 days after notification in writing of the necessity therefor to the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of said committee, or his designee, may in each instance determine.

The Director of Finance may also reduce any category whenever he determines that funds to be received will be less than the amount taken into consideration in the schedule.

SEC. 28.1. Since it is the intent of the Legislature in enacting this budget that no qualified student be denied admission to the California State Colleges or to the University of California because of a budget deficiency caused by unanticipated additional enrollments, the Director of Finance may, following the adoption of a resolution by the Trustees of the California State Colleges or from the Regents of the University of California declaring an enrollment emergency, authorize the accelerated expenditure of amounts budgeted for the state colleges or the university in the form of an agreement to seek a supplementary appropriation from the General Fund to the extent necessary to insure that all qualified students can be admitted when he certifies that the systemwide enrollment of the California State Colleges or of the University of California exceeds by 2 percent or more the enrollment upon which the

budget for the state colleges or the university was based; provided that no increased expenditure may exceed \$5,000,000 in the aggregate or be authorized sooner than 30 days after notification in writing of the necessity therefor to the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of such committee, or his designee, may in each instance determine.

SEC. 28.2. The Director of General Services may not initiate a lease agreement between the state and another entity, public or private, in which the state is lessee when the agreement is to be for the lease of a building which will be for the occupancy of any agency or agencies of the state with a firm lease period of five years or longer and an annual rental in excess of \$5,000 or if the agreement contains an option for the purchase of the lease property, unless not less than 30 days prior to such authorization he notifies the Chairman of the Joint Legislative Budget Committee or his designee in writing of his intention to initiate such an agreement, or not sooner than such lesser time as the chairman of said committee, or his designee, may in each instance determine.

SEC. 28.5. Approvals by the Department of Finance to the creation of deficiencies pursuant to Section 11006 of the Government Code and approvals to expend at rates which, in the opinion of the Director of Finance, will require a deficiency appropriation shall be made in writing and filed with the Joint Legislative Budget Committee within 10 days after approval stating the reasons for and amount of such authorization.

SEC. 28.7. All appropriations for the support of the California State Colleges and the Trustees of the California State Colleges shall be subject to the provisions of Section 13320 of the Government Code and applicable budget act restrictions, with the following exceptions:

(a) The trustees may approve any transfer of funds within or between one or more of the functions for which funds are appropriated for the support of the California State Colleges. The trustees may also approve any transfer of funds between the chancellor's office and any state college, or between any state college and any other state college. In addition, the trustees may authorize the augmentation of the amount available for a category designated in any schedule set forth for such appropriation by transfer from any of the other designated categories, including additional reimbursements within the same schedule, and shall furnish the Joint Legislative Budget Committee a report of such authorizations given during the preceding quarter.

(b) The trustees may approve the substitution of one item of equipment for another within budgetary functions and the use of savings in equipment allotments.

(c) The trustees may approve travel, both within and outside the state, and the payment of allowances and expenses

related to travel, moving and the relocation of employees in accordance with the allowances established by the State Board of Control and within funds appropriated for this purpose.

(d) The trustees may, within funds appropriated for the support of the California State Colleges, establish new positions, make changes in existing positions and the position payroll roster, and temporarily reassign positions, provided that all such new positions and significant changes, as defined by the Department of Finance, in grade or class of existing positions shall be shown as administrative adjustments in the subsequent budgetary submissions and shall be subject to review during the legislative budget process.

(e) The trustees may transfer, without the approval of the Department of Finance, excess salary savings funds from the salary savings reserve allotments for expenditure, provided they do not exceed 20 percent of salary savings. Excess salary savings funds are those funds accumulated in the salary savings reserve in excess of the amount budgeted for each quarter as salary savings, provided that, the highest priority on the reallocation of any funds pursuant to this section shall be the maintenance of the Educational Opportunity Program at the 3,755 full-time equivalent program level adopted by the trustees.

SEC. 29. Premiums for official bonds may be paid out of appropriations contained in this act, notwithstanding the period covered by such bonds.

SEC. 30. Whenever an expenditure is authorized from the Emergency Fund, from price increase funds, from the salary increase funds, or from a special fund pursuant to Section 11006 of the Government Code, in addition to an appropriation made by this act, such authorized expenditures may, for accounting purposes, be deemed to be an augmentation and increase of the appropriation made by this act.

SEC. 31. The appropriations under this act, unless otherwise provided, shall be subject to the provisions of Section 13320 of the Government Code requiring expenditures to be made in accordance with the allotments and other provisions of fiscal year budgets approved by the Department of Finance.

The fiscal year budget shall authorize in such manner as the Department of Finance shall prescribe all established positions whose continuance for the year is approved and all new positions. No new positions shall be established unless authorized by the Department of Finance on the basis of work program and organization.

Each fiscal year budget shall provide for a salary savings reserve to which shall be transferred on a document initiated by the agency and submitted to the Department of Finance the unencumbered balance remaining in each allotment for salaries and wages at the close of each quarter or other period of time covered by the allotment. The unencumbered balance remaining in each budget allotment for salaries and wages shall be

computed by deducting from the amount of the allotment the expenditures and accrued obligations for salaries and wages chargeable to such allotment for the period covered thereby. The amount in the salary savings reserve shall not be available for expenditure except upon transfer to allotments for salaries and wages approved by the Department of Finance. Such transfer shall be approved only after it has been demonstrated to the satisfaction of the Department of Finance that the allotment to be augmented is insufficient to meet necessary expenditures for salaries and wages.

No money in any salary savings reserve may be expended to pay increases in salary ranges established after July 1, 1970, unless the Department of Finance certifies to the State Personnel Board, or other salary-fixing authority, prior to the adoption of such increased salary range that funds will be made available to pay the increased salaries resulting therefrom. Provided, that the provisions of this paragraph shall not apply to salaries fixed by the State Personnel Board based on prevailing rates pursuant to Government Code Section 18853.

A certification on a payroll claim that expenditures therein are in accordance with current budgetary provisions as approved by the Department of Finance shall be sufficient evidence to the State Controller that such expenditures comply with the provisions of this section.

Each agency, department, board, commission, and institution, for whose benefit and support appropriations are made in this act, shall certify to the Director of Finance that its expenditures have been made for the purposes stated in the budget, as implemented by the Budget Act, except as the purposes stated have been revised, in accordance with law, by the Department of Finance subsequent to the enactment of the Budget Act.

SEC. 32. The officers of the various departments, boards, commissions and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditures in excess of such appropriations, except the consent of the Department of Finance be first obtained, and a certificate, in writing, duly signed by the director of said department, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the state in violation of the provisions of this section shall be absolutely null and void; and shall not be allowed by the State Controller nor paid out of any state appropriation. Any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the consent of the Department of Finance and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing.

The Department of Finance shall submit copies of certificates approved by it under this section to the Joint Legislative Budget Committee quarterly, and shall indicate in the case of each certificate the code section or section of this act under which the department gave its consent to exceed the particular appropriation.

SEC. 32.5. It is the intent of the Legislature by the enactment of this section to provide a system of monitoring expenditures for public assistance. In order to insure that public assistance expenditures in 1971-72 fiscal year do not result in an increased cost to the counties, and in order to guarantee that cost savings realized through welfare reform result in reduced public assistance expenditures, the Director of the Department of Social Welfare shall report quarterly to the Chairman of the Senate Finance Committee and the Chairman of the Assembly Ways and Means Committee the following information:

1. The Director of Social Welfare shall report quarterly the actual or estimated expenditures for social welfare within 30 days following the end of each quarter in the fiscal year.

2. The Director of Social Welfare shall submit a schedule of estimated welfare payments by category prior to the beginning of the second, third and fourth quarters of the 1971-72 fiscal year. This estimate shall be reconciled to the original estimate submitted in the 1971-72 Governor's Budget. This reconciliation shall indicate changes in caseload or payments, or both, by category of aid.

3. The Director of Social Welfare also shall submit, prior to each quarter, an estimate of the projected changes in payments or caseload for the remainder of the fiscal year, as a result of any federal or state legislation, regulation or administrative action adopted between the period of January 1, 1971, and June 30, 1972. The Director of Social Welfare shall indicate how these changes affected the caseload or payments, or both, in each category of aid. Estimates of increased or decreased costs or caseload as a result of these regulations shall be detailed by each change.

4. Prior to each quarter the Director of Social Welfare shall submit estimates of the effect of these changes on the remaining quarters' caseload or payments, or both.

SEC 32.8. As of June 30, 1971, the unencumbered balance of the revenues provided by Chapter 1326, Statutes of 1965, and appropriated by Section 32.7 of the Budget Act of 1967, shall be transferred to the unappropriated balance of the General Fund.

SEC. 33. If any item of appropriation in this act is vetoed, eliminated or reduced by the Governor under Section 10 of Article IV of the Constitution while approving portions of this act, such veto, elimination or reduction shall not affect the other portions of this act and these other portions of this act, so approved, shall have the same effect in law as if any

vetoed or eliminated items of appropriation had not been present in this act and as if any reduced item of appropriation had not been reduced.

SEC. 34. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SEC. 35. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of Section 8 of Article IV of the Constitution of the State of California, take effect immediately.

SEC. 36. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There exists an extreme shortage of physical facilities for the operation of the custodial, mental treatment, educational, administrative, military and other agencies of the state government, the present facilities being entirely inadequate due to great increases in population and added governmental responsibilities. The capital outlay appropriations in this budget are all in continuation of an existing program to remedy the aforesaid shortage of facilities and to promote and sustain the economy of the state. If they are not available for expenditure on July 1, 1971, the existing program will be delayed. The expeditious correction of such condition and the efficient operation of the state's business requires the immediate availability of the new capital outlay appropriation and the uninterrupted availability of reappropriated capital outlay items contained in this measure. It is therefore necessary that this act go into immediate effect.

SEC. 37. Funds from each appropriation made in this act may be expended to pay such salary adjustments as are authorized by salary-fixing authorities to provide an increase in the compensation for officers and employees during the month of July 1971 to provide compensation equivalent to that which they would have otherwise received had this act been adopted prior to July 1, 1971.

SEC. 38. Funds from each appropriation made in this act may be expended to pay any obligation incurred between the commencement of the 1971-72 fiscal year and the effective date of this act, which would otherwise have been authorized hereunder had this act been adopted prior to July 1, 1971, subject to the same limitations, conditions and requirements.

CHAPTER 267

*An act to add Section 13607 to the Education Code,
relating to classified employees.*

[Approved by Governor July 6, 1971 Filed with
Secretary of State July 6, 1971]

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

SECTION 1. Section 13607 is added to the Education Code, to read:

13607. Upon initial employment and upon each change in classification thereafter, each classified employee shall be furnished two copies of his class specification, salary data, assignment or work location, together with duty hours and the prescribed workweek. The salary data shall include the annual, monthly or pay period, daily, hourly, overtime and differential rate of compensation, whichever are applicable. One copy shall be retained by the employee and the other copy shall be signed and dated by the employee and returned to his supervisor.

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

CHAPTER 268

*An act to amend Section 58855 of, and to add Section 58855.5
to, the Government Code, relating to the county surveyor.*

[Approved by Governor July 6, 1971 Filed with
Secretary of State July 6, 1971]

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

SECTION 1. Section 58855 of the Government Code is amended to read:

58855. Within 10 days after the filing of any proposal, the county surveyor shall give written notice as provided in Section 58855.5 by mailing notice of such filing:

(a) To each city, county, or district the boundaries of which contain all or any portion of the lands described in the proposal; and

(b) To each person who has filed a written request for special notice of such filings of such proposals with the county surveyor.

SEC. 2. Section 58855.5 is added to the Government Code, to read:

58855.5. Mailed notice of any proposal shall be sent first class and deposited, postage prepaid, in the United States mails and shall be deemed to have been given when so deposited. When notice is required to be given to:

(a) A city, county or district, it shall be addressed to the clerk thereof;

(b) Persons requesting special notice, it shall be addressed to each person who has filed a written request for special notice of filings of proposals with the county surveyor.

CHAPTER 269

An act to amend Section 23986 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 7, 1971. Filed with Secretary of State July 7, 1971.]

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

SECTION 1. Section 23986 of the Business and Professions Code is amended to read:

23986. Any applicant for an on-sale license shall cause a notice of the application, giving the name or names of the applicant and the premises where the business is to be conducted, to be published pursuant to Section 6061 of the Government Code in a newspaper of general circulation in the city in which the premises are situated, or if the premises are not in a city the publication shall be made in a newspaper of general circulation nearest the premises where the business is to be conducted. The form of the notice shall be prescribed by the department. Affidavit of publication shall be filed with the department prior to the issuance of any license. The department shall adopt rules and regulations to enforce the provisions of this section.

CHAPTER 270

An act to amend Sections 73642, 73643, 73952, 73953, 73959, 74342, 74343, 74343.1, 74343.2, 74344, 74357, 74361, 74364, 74369, and 74374 of, and to repeal Sections 73959.1 and 73959.2 of, the Government Code, relating to courts.

[Approved by Governor July 7, 1971. Filed with Secretary of State July 7, 1971.]

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

SECTION 1. Section 73642 of the Government Code is amended to read:

73642. There shall be one clerk who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 465 of the salary schedule provided in Section 74343.1. In no event shall the salary of the clerk be less than ten (10) schedule ranges higher than that specified for the position of chief deputy clerk.

SEC. 2. Section 73643 of the Government Code is amended to read:

73643. The clerk may appoint with the approval of the judges:

(a) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule No. 41.5.

(b) Six deputy clerks IV, each of whom shall receive a monthly salary at a rate specified in Schedule No. 36.

(c) Eighteen deputy clerks III, each of whom shall receive a monthly salary at a rate specified in Schedule No. 31.

(d) Eight deputy clerks II, each of whom shall receive a monthly salary at a rate specified in Schedule No. 28.

(e) Eight deputy clerks I, each of whom shall receive a monthly salary at a rate specified in Schedule No. 24. Appointments to this position shall be at step B of the schedule.

(f) One deputy clerk stenographer who shall receive a monthly salary at a rate specified in Schedule No. 30.5.

The deputy clerk stenographer who was employed in this court on July 15, 1968, shall be paid at a rate six (6) ranges higher for a period of nine months from the effective date of this act, provided that she continues to be employed as a deputy clerk stenographer for the period.

(g) Four deputy clerks who shall be keypunch operators, each of whom shall receive a monthly salary at a rate specified in Schedule No. 27. The deputy clerk assigned as supervising keypunch operator shall receive a monthly salary at a rate two (2) schedules higher than that which such deputy clerk keypunch operator was receiving prior to such assignment.

(h) Any person occupying a position specified in subdivision (b), (c), (d), or (e) and performing as a certified interpreter shall be paid at a monthly rate which shall be three salary ranges higher than that specified for the position as set forth in Section 74343.1, except that no more than two such certified interpreters shall be so compensated at any one time.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1, and the provisions of subdivisions (a), (b), (c), (d), and (e) of that section are applicable to the attachés appointed pursuant to this section.

SEC. 3. Section 73952 of the Government Code is amended to read:

73952. There shall be one clerk, who shall be appointed by the majority of judges of the court and who shall receive a monthly salary at a rate specified in Schedule No. 48 of Section 74343.1. In no event shall the salary of the clerk be less than 10 schedule ranges higher than that specified for the position of chief deputy.

SEC. 4. Section 73953 of the Government Code is amended to read:

73953. The clerk may appoint:

(a) One chief deputy who shall receive a monthly salary at a rate specified in Schedule No. 43.

(b) Eight deputy clerks IV, each of whom shall receive the monthly salary specified in Schedule No. 36.

(c) Sixteen deputy clerks III, each of whom shall receive the monthly salary specified in Schedule No. 31.

(d) Thirteen deputy clerks II, each of whom shall receive the monthly salary specified in Schedule No. 28.

(e) Eleven deputy clerks I, each of whom shall receive the monthly salary specified in Schedule No. 24. Appointments to such positions shall be at step B of the schedule.

(f) Two keypunch operators, each of whom shall receive the monthly salary specified in Schedule No. 27.

(g) One deputy clerk who shall be a stenographer and who shall receive a monthly salary at a rate specified in Schedule No. 30.5.

(h) Any person occupying a position specified in subdivision (b), (c), (d), or (e) and performing as a certified interpreter shall be paid at a monthly rate which shall be three salary ranges higher than that specified for the position as set forth in Section 74343.1, except that no more than three such certified interpreters shall be so compensated at any one time.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1. The provisions of subdivisions (a), (b), (c), (d) and (e) of that section apply to the attachés appointed pursuant to this section. In no event shall the salary of the clerk or any deputy clerk who occupied his position on the day prior to the effective date of this section be less than his salary on such day.

SEC. 5. Section 73959 of the Government Code is amended to read:

73959. Official reporters in the Municipal Court of the North County Judicial District appointed pursuant to Section 72194 shall be attachés of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court shall receive the same monthly salary or per diem as is paid the official reporters of the Superior Court in the County of San Diego. These salaries shall be a charge against the general fund of the county.

Pursuant to Section 72194, the judges of such court may appoint as many additional reporters as the business of the court may require, who shall be known as official reporters pro tempore, and who shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in such sections for reporting testimony and proceedings, the official reporters pro

tempore shall in all cases receive the same per diem as is paid the official reporters pro tempore of the Superior Court in the County of San Diego, which shall be a charge against the general fund of the County of San Diego.

Fees for transcription of testimony and proceedings in such court shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund, including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive.

Official reporters of such court shall be members of any retirement system maintained by the county. For the purpose of such retirement system the salary provided in this article for such reporters shall be deemed their entire compensation.

SEC. 6. Section 73959.1 of the Government Code is repealed.

SEC. 7. Section 73959.2 of the Government Code is repealed.

SEC. 8. Section 74342 of the Government Code is amended to read:

74342. There shall be one clerk who shall be appointed by a majority of the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 55.5 of the salary schedule provided in Section 74343.1. In no event shall the compensation of the clerk be less than 12 schedule ranges higher than that specified for the position of assistant clerk.

SEC. 9. Section 74343 of the Government Code is amended to read:

74343. The clerk may appoint:

(a) One assistant clerk, with the consent of a majority of the judges of the court, who shall be empowered to act in the place and stead of the clerk in the event that the clerk is absent or unavailable for any reason and who shall receive a monthly salary at a rate specified in Schedule 49.5. In no event shall the compensation of the assistant clerk be less than 15 schedule ranges higher than that specified for the position of chief clerk.

(b) Five deputy clerks who shall be chief clerks in the administrative, civil, criminal, traffic, and accounting divisions of the court, and who shall receive a monthly salary at the rate specified in Schedule 42.

(c) Five deputy clerks who shall be assistant chief clerks of division and who shall receive a monthly salary at a rate specified in Schedule 39.

(d) Four supervising deputy clerks who shall receive a monthly salary at a rate specified in Schedule 37.5.

(e) Thirty-nine deputy clerks IV, each of whom shall receive a monthly salary at a rate specified in Schedule 36.

(f) One deputy clerk supervising keypunch operator who shall receive a monthly salary at a rate specified in Schedule 30. Upon the effective date of this legislation the person acting in the capacity of supervising keypunch operator will succeed to the position of supervising keypunch operator.

(g) Thirty-seven deputy clerks III, each of whom shall receive a monthly salary at a rate specified in Schedule 31.

(h) Forty-three deputy clerks II, each of whom shall receive a monthly salary at a rate specified in Schedule 28.

(i) Fifty-seven deputy clerks I, each of whom shall receive a monthly salary at a rate specified in Schedule 24.

Appointments to such positions shall be at step B of the schedule. In no event shall the monthly salary of deputy clerks I holding positions on the effective date of the 1969 amendment be less than step B of the salary schedule.

(j) Eleven deputy clerks who shall be keypunch operators and who shall receive a monthly salary at a rate specified in Schedule 27.

(k) The seven deputy clerks assigned by the clerk of the court as clerks in the presiding department, traffic arraignment departments (two deputies), special proceedings department, and setting and motion department, while serving in those capacities, shall receive a monthly salary at a rate two schedules higher than that which such deputy clerks were receiving prior to such assignment. The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1.

SEC. 10. Section 74343.1 of the Government Code is amended to read:

74343.1. Whenever reference to a numbered salary schedule is made in any section of this article, the following schedule of monthly salaries shall apply:

Range and schedule number	A	B	C	D	E
22 -----	\$378	\$397	\$417	\$438	\$460
22.5 -----	387	407	427	449	471
23 -----	397	417	438	460	483
23.5 -----	407	427	449	471	495
24 -----	417	438	460	483	507
24.5 -----	427	449	471	495	519
25 -----	438	460	483	507	532
25.5 -----	449	471	495	519	545
26 -----	460	483	507	532	559
26.5 -----	471	495	519	545	573
27 -----	483	507	532	559	587
27.5 -----	495	519	545	573	601
28 -----	507	532	559	587	616
28.5 -----	519	545	573	601	631

Range and
schedule

number	A	B	C	D	E
29 -----	532	559	587	616	647
29.5-----	545	573	601	631	663
30 -----	559	587	616	647	679
30.5-----	573	601	631	663	696
31 -----	587	616	647	679	713
31.5-----	601	631	663	696	731
32 -----	616	647	679	713	749
32.5-----	631	663	696	731	767
33 -----	647	679	713	749	786
33.5-----	663	696	731	767	805
34 -----	679	713	749	786	825
34.5-----	696	731	767	805	845
35 -----	713	749	786	825	866
35.5-----	731	767	805	845	887
36 -----	749	786	825	866	909
36.5-----	767	805	845	887	931
37 -----	786	825	866	909	954
37.5-----	805	845	887	931	978
38 -----	825	866	909	954	1,002
38.5-----	845	887	931	978	1,027
39 -----	866	909	954	1,002	1,052
39.5-----	887	931	978	1,027	1,078
40 -----	909	954	1,002	1,052	1,105
40.5-----	931	978	1,027	1,078	1,132
41 -----	954	1,002	1,052	1,105	1,160
41.5-----	978	1,027	1,078	1,132	1,189
42 -----	1,002	1,052	1,105	1,160	1,218
42.5-----	1,027	1,078	1,132	1,189	1,248
43 -----	1,052	1,105	1,160	1,218	1,279
43.5-----	1,078	1,132	1,189	1,248	1,311
44 -----	1,105	1,160	1,218	1,279	1,343
44.5-----	1,132	1,189	1,248	1,311	1,376
45 -----	1,160	1,218	1,279	1,343	1,410
45.5-----	1,189	1,248	1,311	1,376	1,445
46 -----	1,218	1,279	1,343	1,410	1,481
46.5-----	1,248	1,311	1,376	1,445	1,518
47 -----	1,279	1,343	1,410	1,481	1,555
47.5-----	1,311	1,376	1,445	1,518	1,594
48 -----	1,343	1,410	1,481	1,555	1,633
48.5-----	1,376	1,445	1,518	1,594	1,674
49 -----	1,410	1,481	1,555	1,633	1,715
49.5-----	1,445	1,518	1,594	1,674	1,758
50 -----	1,481	1,555	1,633	1,715	1,801
50.5-----	1,518	1,594	1,674	1,758	1,846
51 -----	1,555	1,633	1,715	1,801	1,891
51.5-----	1,594	1,674	1,758	1,846	1,938
52 -----	1,633	1,715	1,801	1,891	1,986
52.5-----	1,674	1,758	1,846	1,938	2,035

Range and
schedule
number

	A	B	C	D	E
53 -----	1,715	1,801	1,891	1,986	2,085
53.5 -----	1,758	1,846	1,938	2,035	2,137
54 -----	1,801	1,891	1,986	2,085	2,189
54.5 -----	1,846	1,938	2,035	2,137	2,243
55 -----	1,891	1,986	2,085	2,189	2,298
55.5 -----	1,938	2,035	2,137	2,243	2,355
56 -----	1,986	2,085	2,189	2,298	2,413
56.5 -----	2,035	2,137	2,243	2,355	2,473
57 -----	2,085	2,189	2,298	2,413	2,534
57.5 -----	2,137	2,243	2,355	2,473	2,588
58 -----	2,189	2,298	2,413	2,534	2,661
58.5 -----	2,243	2,355	2,473	2,588	2,727
59 -----	2,298	2,413	2,534	2,661	2,794
59.5 -----	2,355	2,473	2,588	2,727	2,863
60 -----	2,413	2,534	2,661	2,794	2,934
60.5 -----	2,473	2,588	2,727	2,863	3,007
61 -----	2,534	2,661	2,794	2,934	3,081
61.5 -----	2,588	2,727	2,863	3,007	3,158
62 -----	2,661	2,794	2,934	3,081	3,235
62.5 -----	2,727	2,863	3,007	3,158	3,316

(a) Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first six months of service, receive monthly the rate of compensation specified in step A of the salary schedule for the position to which he is appointed. Upon the first day of the month following six months continuous service in step A, the initial rate of compensation of such person shall be increased to step B of the salary schedule for the position occupied. Upon the first day of the month following six months continuous service in step B, the initial rate of compensation of such person shall be increased to step C of the salary schedule for the position occupied. On and after the first day of the month following six months of continuous service at step C, such compensation shall be increased to step D of the salary schedule. On and after the first day of the month following 12 months of continuous service at step D, such compensation shall be increased to step E of the salary schedule.

(b) When any person in the service of the County of San Diego or in the service of another municipal court in San Diego County is appointed to a position in the service of the court compensated at a higher salary range than the salary range for the position relinquished or when any person in the service of the court is appointed or promoted to another position in such service compensated at a higher numbered schedule, he shall receive step A of such schedule if step A is at

least one step higher than the salary received in the position relinquished; but if not, he shall receive initially that step schedule pertaining to such position which will provide a one-step increase in his compensation.

(c) Officers and attachés may be voluntarily transferred from a position in the service of a court in one judicial district to a position in the service of a court in another judicial district within the County of San Diego, from a position in the service of the County of San Diego to a position in the service of a court or between the offices of clerk and marshal within the same judicial district in the same manner that classified employees of the County of San Diego may be transferred between departments of the county. In determining the step of the salary range at which such transferred employee shall be paid, the employee may be given credit for continuous prior service in the service of the court or the County of San Diego from which he was transferred.

(d) When any person in the service of the court is demoted to another position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last previously received by such person.

(e) The hereinafter enumerated classes of positions in the court are deemed to be comparable in job level to certain classifications in the classified civil service of San Diego County and whenever the salaries of such classifications in the service of San Diego County are adjusted by the board of supervisors, the salaries of the comparable classifications in the clerk's office shall be adjusted a commensurate percentage in the salary schedule. Such adjustment shall not be more than 20 percent higher or 20 percent lower than the ranges specified in this article. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications. In the event that the salary of any of the San Diego County classifications listed in this section are adjusted by the board of supervisors on any date in 1971 prior to the effective date of any amendments to this article enacted by the Legislature at the 1971 Regular Session of the Legislature, commensurate adjustments shall be applied to the salaries of the comparable classifications in the clerk's office, such adjustments to take effect on the effective date of any amendments of this article enacted at the 1971 Regular Session of the Legislature. Any salary adjustments made as a result of this section shall be effective only until 61 days after the adjournment of the Legislature at the 1973 Regular Session.

The comparable classifications are as follows:

Municipal court classification	County classification
Chief deputy	Superior court clerk
Deputy clerk, chief clerk	Superior court clerk
Deputy clerk, assistant chief clerk	Superior court clerk
Deputy clerk I	Junior clerk
Deputy clerk II	Intermediate clerk
Deputy clerk III	Senior clerk
Deputy clerk IV	Superior court clerk
Supervising deputy clerk	Superior court clerk
Supervising keypunch operator	Supervising keypunch operator
Keypunch operator	Keypunch operator
Court interpreter	Senior clerk
Deputy clerk stenographer	Senior stenographer

SEC. 11. Section 74343.2 of the Government Code is amended to read:

74343.2. There shall be three court interpreters who shall be deputy clerks to be appointed by a majority of the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 30 of the salary schedule provided in Section 74343.1.

SEC. 12. Section 74344 of the Government Code is amended to read:

74344. In no event shall the salary of the clerk or any deputy clerk who occupied his position on the day prior to the effective date of the amendments to this article enacted at the 1971 Regular Session of the Legislature be less than his salary on such day.

SEC. 13. Section 74357 of the Government Code is amended to read:

74357. By order entered upon the minutes of the court, a majority of the judges of the Municipal Court of the San Diego Judicial District may appoint as many competent judicial secretaries as the business of the court requires, not to exceed five, to be known as judicial secretaries of such court. The judicial secretaries shall hold office during the pleasure of the judges of such court. Of the judicial secretaries, one shall be appointed by the presiding judge as the chief judicial secretary, such appointment to be entered upon the minutes of the court, who, while serving in that capacity, shall receive a monthly salary at a rate comparable to senior assistant secretary of the superior court. The value in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1.

Each judicial secretary shall receive a monthly salary at the rate specified in Schedule 32.5, commencing at step D at initial employment and advancing to step E at the end of one year of continuous service. The position of judicial secretary shall

be deemed to be comparable in job level to the position of assistant secretary authorized by Section 69892. Whenever the salaries of senior assistant secretaries and assistant secretaries are adjusted by the Board of Supervisors of San Diego County, the salaries of chief judicial secretary and judicial secretaries shall be adjusted a commensurate percentage in the salary schedule. Such adjustment shall not be more than 20 percent higher or 20 percent lower than the range specified in this section and shall be effective on the same date as the effective date of the action by the board of supervisors on the positions of senior assistant secretary and assistant secretary. Any salary adjustment made as a result of this section shall be effective only until 60 days after the final adjournment of the 1973 Regular Session of the Legislature.

SEC. 14. Section 74361 of the Government Code is amended to read:

74361. There shall be one marshal for all municipal courts established in judicial districts in San Diego County who shall be appointed pursuant to this article and who shall receive the monthly compensation specified in Schedule 55.5, set forth in Section 74343.1. In no event shall the compensation of the marshal be less than 12 schedule ranges higher than that specified for the position of assistant marshal.

SEC. 15. Section 74364 of the Government Code is amended to read:

74364. The marshal may appoint:

(a) Two assistant marshals, each of whom shall receive the monthly compensation specified in Schedule 49.5, set forth in Section 74343.1. In no event shall the compensation of an assistant marshal be less than six schedule ranges higher than that specified for the position of captain.

(b) One captain, who shall receive the monthly compensation specified in Schedule 46.5, set forth in Section 74343.1.

(c) Four lieutenants, each of whom shall receive the monthly compensation specified in Schedule 43.5, set forth in Section 74343.1.

(d) Fourteen sergeants, each of whom shall receive the monthly compensation specified in Schedule 40.5, set forth in Section 74343.1.

(e) One deputy marshal IV (female), who shall receive the monthly compensation specified in Schedule 39, set forth in Section 74343.1. Upon the occurrence of a vacancy, this position shall be replaced by adding one sergeant.

(f) One hundred and three deputy marshals, each of whom shall receive monthly the compensation specified in Schedule 36.5, set forth in Section 74343.1, except that a deputy marshal shall be compensated at a monthly rate two ranges higher than prescribed in this subdivision when in possession of a basic peace officers standards and training certificate; four ranges higher than prescribed in this subdivision when in pos-

session of an intermediate peace officer standards and training certificate; and five ranges higher than prescribed in this subdivision when in possession of an advanced peace officer standards and training certificate.

(g) Nine deputy marshal-stenographers, each of whom shall receive the monthly compensation specified in Schedule 30.5, set forth in Section 74343.1. The next six vacancies occurring in this position shall cause a corresponding reduction in the number of deputy marshal-stenographers hereby authorized; provided, however, that each such vacancy shall increase by one, a position designated as senior typist.

(h) Four deputy marshal-matrons, who shall receive the monthly compensation specified in Schedule 36.5, set forth in Section 74343.1. In addition there shall be three part-time matrons who shall be employed as relief and additional help as needed.

(i) Eleven intermediate typists, who shall receive the monthly compensation specified in Schedule 26, set forth in Section 74343.1; provided that any intermediate typist while qualified and performing services as an interpreter shall be paid at a monthly rate which shall be eight salary ranges higher than that specified for the position of intermediate typist as set forth in Section 74343.1.

(j) Two senior typists, each of whom shall receive the monthly compensation specified in Schedule 30, set forth in Section 74343.1, provided that any senior typist while qualified and performing services as an interpreter shall be paid at a monthly rate which shall be four salary ranges higher than that specified for the position of senior typist as set forth in Section 74343.1.

(k) Two deputy marshal-cadets, each of whom shall receive the monthly compensation specified in Schedule 26.5, set forth in Section 74343.1.

(l) One supervising clerk who shall receive the monthly compensation specified in Schedule 33, set forth in Section 74343.1.

(m) Two junior typists, each of whom shall receive the monthly compensation specified in Schedule 22, set forth in Section 74343.1.

(n) Every person specified in subdivision (g), (i), (j), (l) or (m) who works a night shift shall be paid at the monthly rate specified in the schedule set forth in Section 74343.1 two ranges higher than the rate provided by the applicable subdivision. "Night shift" means an assigned work schedule of which not less than one-half of the total number of hours, plus one-half hour, are worked after 5 p.m. and before 8 a.m.

SEC. 16. Section 74369 of the Government Code is amended to read:

74369. All persons holding positions on the 91st day after the 1971 Regular Session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the month following completion of such required service.

SEC. 17. Section 74374 of the Government Code is amended to read:

74374. The hereinafter enumerated classes of positions in the marshal's office of the municipal courts in San Diego County are deemed to be equivalent in job and salary level to certain classifications in the classified civil service of San Diego County and whenever the salary of a classification in the service of San Diego County is adjusted by the board of supervisors, the salary of the equivalent classification in the marshal's office shall be adjusted a commensurate number of ranges in the salary schedule. Each of such adjustments shall not be more than eight ranges. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications. In the event the salary of any San Diego County classification listed in this section is adjusted by the board of supervisors on any date in 1971 prior to the effective date of the 1971 amendment of this section, said adjustment shall be applied to the salary of the equivalent classifications in the marshal's office, such adjustments to take effect on the effective date of said 1971 amendment. Any salary adjustments made as a result of this section shall be effective only until 61 days after the adjournment of the 1974 Regular Session of the State Legislature.

The equivalent classifications are as follows:

Municipal court marshal classification	County classification
Assistant marshal	Chief deputy sheriff
Captain	Deputy sheriff-captain
Lieutenant	Deputy sheriff-lieutenant
Sergeant	Deputy sheriff-sergeant
Deputy marshal and deputy marshal—female	Deputy sheriff
Deputy marshal-matron	Deputy sheriff
Deputy marshal-stenographer	Senior stenographer
Senior typist	Senior typist
Intermediate typist	Intermediate typist
Cadet	Deputy sheriff-cadet
Supervisory clerk	Supervisory clerk
Junior typist	Junior typist

CHAPTER 271

An act to amend Sections 33349 and 33452 of, and to add Section 33446 to, of the Health and Safety Code, relating to redevelopment.

[Approved by Governor July 7, 1971. Filed with Secretary of State July 7, 1971.]

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

SECTION 1. Section 33349 of the Health and Safety Code is amended to read:

33349. The agency shall publish notice of the hearing not less than once a week for four successive weeks prior to the hearing. The notice shall be published in a newspaper of general circulation, printed and published in the community, or if there is none, in a newspaper selected by the agency. The notice of hearing shall include a legal description of the boundaries of the area or areas designated in the proposed redevelopment plan and a general statement of the scope and objectives of the plan. Copies of the notices shall be mailed to the last known assessee of each parcel of land in the area designated in the redevelopment plan, at his last known address as shown on the last equalized assessment roll of the county; or where a city assesses, levies, and collects its own taxes, as shown on the last equalized assessment roll of the city; or to the owner of each parcel of land within such boundaries as such ownership is shown on the records of the county recorder 30 days prior to the date the notice is published. Copies of the notices shall also be mailed to the governing body of each of the taxing agencies which levies taxes upon any property in the project area designated in the proposed redevelopment plan. The notice shall be mailed by certified mail with return receipt requested.

SEC. 2. Section 33446 is added to the Health and Safety Code, to read:

33446. The governing board of any school district may enter into an agreement with an agency under which the agency shall construct, or cause to be constructed, a building or buildings to be used by the district upon a designated site within a project area and, pursuant to such agreement, the district may lease such buildings and site. Such agreement shall provide that the title to such building or buildings and site shall vest in the district at the expiration of such lease, and may provide the means or method by which the title to the building or buildings and the site shall vest in the district prior to the expiration of such lease, and shall contain such other terms and conditions as the governing board of the district deems to be in the best interest of the district. Such agreements and leases may be entered into by the governing board of any school district without regard to bidding, elec-

tion, or any other requirement of Article 9 (commencing with Section 15701) of Chapter 2 of Division 11 of Part 3 of the Education Code.

SEC. 3. Section 33452 of the Health and Safety Code is amended to read:

33452. Notice of such hearing shall be published pursuant to Section 6063 of the Government Code prior to the date of hearing in a newspaper of general circulation, printed and published in the community, or, if there is none, in a newspaper selected by the agency. The notice of hearing shall include a legal description of the boundaries of the project area by reference to the description recorded with the county recorder pursuant to Section 33373 and a general statement of the purpose of the amendment. Copies of the notices shall be mailed to the last known assessee of each parcel of land not owned by the agency within such boundaries, at his last known address as shown on the last equalized assessment roll of the county; or where a city assesses, levies, and collects its own taxes, as shown on the last equalized assessment roll of the city; or to the owner of each parcel of land within such boundaries as such ownership is shown on the records of the county recorder 30 days prior to the date the notice is published, and to persons, firms, or corporations which have acquired property within such boundaries from the agency, at his last known address as shown by the records of the agency. Copies of the notices shall also be mailed to the governing body of each of the taxing agencies which levies taxes upon any property in the project area designated in the proposed redevelopment plan. The notice shall be mailed by certified mail with return receipt requested.

CHAPTER 272

An act to amend Section 9791 of the Government Code, relating to distribution of legislative publications.

[Approved by Governor July 7, 1971. Filed with Secretary of State July 7, 1971.]

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

SECTION 1. Section 9791 of the Government Code is amended to read:

9791. The laws, resolutions and journals of the Legislature shall be distributed by the Department of General Services as follows:

(a) To the Library of Congress, two copies.

(b) To the Governor, Lieutenant Governor, each Member of the Legislature, the Secretary of the Senate and the Clerk of Assembly, the Legislative Auditor, one copy each.

(c) To the State Library, 60 copies or as many more as the State Librarian may require for exchange purposes, and to each county law library, one copy.

(d) To the Attorney General, six copies, and as many additional copies as may be requested, not exceeding the number necessary to supply each Assistant Attorney General, and each Deputy Attorney General with one copy of each.

(e) To the Legislative Counsel Bureau, as many copies as may be requested, not exceeding the number necessary to supply one copy of each for the use of the Legislative Counsel and each Deputy Legislative Counsel.

(f) To the State Supreme Court, 11 copies and as many additional copies as may be requested not to exceed four copies.

CHAPTER 273

An act to amend Sections 10, 14, 16, 17, and 18 of, and to add Sections 14.1, 14.2, 14.3, and 14.4 to, the Riverside County Flood Control and Water Conservation District Act (Chapter 1122 of the Statutes of 1945), relating to the Riverside County Flood Control and Water Conservation District.

[Approved by Governor July 7, 1971 Filed with
Secretary of State July 7, 1971]

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

SECTION 1 Section 10 of the Riverside County Flood Control and Water Conservation District Act (Chapter 1122 of the Statutes of 1945) is amended to read:

Sec. 10. The Board of Supervisors of the County of Riverside shall be, and said board of supervisors is hereby designated as, and empowered to act as, ex officio the Board of Supervisors of said Riverside County Flood Control and Water Conservation District and said board of supervisors is hereby vested, except as may be restricted herein, with the same powers and shall perform the same duties for and on behalf of said district, and the government thereof, to carry out the objects and purposes of this act that the Board of Supervisors of the County of Riverside now has or may hereafter have by law for said County of Riverside, and shall also have such other or additional powers for said district as may be necessary to carry out any of the objects or purposes of this act, or to exercise any of the said powers of said district; provided, that such powers and duties are not in conflict with the express terms of this act

The County Counsel, County Clerk, County Surveyor, Superintendent of County Highways, County Assessor, County Tax Collector, County Auditor, and County Treasurer of the County of Riverside, and their successors in office and all their

assistants, deputies, clerks and employees and all other officers of the said County of Riverside, their assistants, deputies, clerks and employees shall be ex officio officers, assistants, deputies, clerks and employees respectively of said Riverside County Flood Control and Water Conservation District, and shall respectively perform, as the said board of supervisors may determine, the same various duties for said district as for the said County of Riverside, in order to carry out the provisions of this act. Supervising personnel, employees, and equipment of either the County of Riverside or the district may be jointly used by the County of Riverside and the district whenever such use is determined to be necessary by their respective boards of supervisors.

Said board of supervisors may in its discretion employ counsel and appoint a chairman, a secretary and such other officers, agents and employees of said board or district as in the judgment of said board may be deemed necessary, prescribe their duties and fix their compensation, said officers, agents and employees to hold their respective offices or employment during the pleasure of said board.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the County of Riverside.

SEC. 2. Section 14 of the Riverside County Flood Control and Water Conservation District Act (Chapter 1122 of the Statutes of 1945) is amended to read:

Sec. 14. The board of supervisors of said district shall have power, in any year:

1. To levy an ad valorem tax or assessment upon all taxable property in the district to pay the costs and expenses of said Riverside County Flood Control and Water Conservation District and to carry out any of the objects or purposes of this act of common benefit to the district as a whole; provided, however, that said ad valorem tax or assessment shall not exceed two and one-half cents (\$.025) on each one hundred dollars (\$100) of assessed valuation, and

2. To levy an ad valorem tax or assessment upon all taxable property in each or any of said zones, according to the benefits derived or to be derived by said respective zones to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to said respective zones, including the constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements within said respective zones; provided, however, the tax last above mentioned, namely, a tax upon all taxable property in each or any of said zones according to the benefits derived or to be derived by said respective zones, shall not be levied for the fiscal year 1945-46. It is declared that all property within a given zone is equally benefited under this act.

Said taxes or assessments shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury to the credit of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of subdivision 2 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone except joint projects or joint works of improvement in two or more zones; and provided further, however, that the aggregate taxes or assessments levied under this act for any one fiscal year shall not exceed forty cents (\$.40) on each one hundred dollars (\$100) of assessed valuation of the taxable property in said zones exclusive of any tax levied to meet the bonded indebtedness of any of said zones and the interest thereon.

SEC. 2.1. Section 14.1 is added to the Riverside County Flood Control and Water Conservation District Act (Chapter 1122 of the Statutes of 1945), to read:

Sec. 14.1. The board of supervisors of the district may issue negotiable promissory notes, pursuant to Sections 14.2 and 14.3, bearing interest at a rate not exceeding 7 percent per annum. Such promissory notes shall be general obligations of the district or any zone or zones thereof payable from revenue or taxes, unless paid from other available funds of the district or zone or zones thereof, in the same manner as bonds of the district.

SEC. 2.2. Section 14.2 is added to the Riverside County Flood Control and Water Conservation District Act (Chapter 1122 of the Statutes of 1945), to read:

Sec. 14.2. The board of supervisors of the district may issue negotiable promissory notes pursuant to this section for any district purpose. The maturity of such promissory notes shall not be later than five years from the date thereof. The total aggregate amount of such promissory notes outstanding at any one time shall not exceed the lesser of either one million five hundred thousand dollars (\$1,500,000) or 2 percent of the assessed valuation of the taxable property in the district or zone or zones thereof as shown on the last equalized assessment roll.

SEC. 2.3. Section 14.3 is added to the Riverside County Flood Control and Water Conservation District Act (Chapter 1122 of the Statutes of 1945), to read:

Sec. 14.3. The board of supervisors of the district may issue negotiable promissory notes pursuant to this section for the purpose of acquiring funds to finance construction of administrative offices, construction of headquarters, commercial offices or facilities for similar district purposes and for acquisition of

land for any district purposes. The maturity of such promissory notes shall not be later than 10 years from the date thereof. The total aggregate amount of such promissory notes outstanding at any one time shall not exceed the lesser of either five hundred thousand dollars (\$500,000) or 1 percent of the assessed valuation of the taxable property in the district or zone or zones thereof as shown on the last equalized assessment roll. Promissory notes issued pursuant to Section 14.2 may be disregarded in computing the aggregate amount of promissory notes that may be issued pursuant to this section.

SEC. 2.4. Section 14.4 is added to the Riverside County Flood Control and Water Conservation District Act (Chapter 1122 of the Statutes of 1945), to read:

Sec. 14.4. In any year, the board of supervisors of the district shall have power to levy a tax in the district or any zone or zones thereof sufficient to pay the principal of, and interest on, any promissory note or notes issued pursuant to Section 14.2 or Section 14.3. Such tax shall be in addition to all other taxes authorized under this act, shall not be subject to any limitations in rate under this act, and shall be used solely for payment of principal of, and interest on, such promissory note or notes.

SEC. 3. Section 16 of the Riverside County Flood Control and Water Conservation District Act (Chapter 1122 of the Statutes of 1945) is amended to read:

Sec. 16. The office of zone commissioner in the Riverside County Flood Control and Water Conservation District is hereby created. In each of the separate zones constituting said district, there shall be three zone commissioners, who shall be appointed by the board of supervisors of said district. The term of office for a zone commissioner shall be three years, except that the terms of office of zone commissioners in each zone on the effective date of the amendment of this section by the 1971 Regular Session of the Legislature shall immediately be determined by the zone commissioners then holding office, by lot, so that their respective terms shall expire on the first day of November of the first, second, and third calendar years which begin after such effective date.

No person shall be appointed to the office of zone commissioner unless said person is a citizen of the United States of America, of the State of California, over the age of 21 years and resides within the zone for which he is appointed. Should a zone commissioner cease to reside in the zone for which he was appointed, either through change of his residence or change of boundaries of the zone, his office shall thereupon be vacant. The zone commissioners of said district shall have the right and privilege to attend all regular and special meetings of the board of supervisors of said district, in their official capacity as such zone commissioners. All zone commissioners shall serve without compensation unless otherwise fixed and determined by ordinance enacted by the board of supervisors of said district. In the event of a vacancy occurring in the office of

zone commissioner said vacancy shall be filled by appointment by the said board of supervisors for the unexpired portion of the term in which said vacancy exists.

SEC. 4. Section 17 of the Riverside County Flood Control and Water Conservation District Act (Chapter 1122 of the Statutes of 1945) is amended to read:

Sec. 17. The zone commissioners of each zone may hold hearings and make recommendations with regard to any projects or works of improvement in their respective zones and the zone commissioners of one or more contiguous zones may hold hearings and make recommendations with regard to joint projects or joint works of improvement of common benefit to said contiguous zones for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any joint project or joint work of improvement located or to be located in either or all of said contiguous zones and of common benefit to said participating zones.

SEC. 5. Section 18 of the Riverside County Flood Control and Water Conservation District Act (Chapter 1122 of the Statutes of 1945) is amended to read:

Sec. 18. The board of supervisors of said district, for the purpose of acquiring authority to proceed with the actual construction of any project or work of improvement or any joint project or joint work of improvement shall adopt a resolution specifying its intention to undertake such project or work of improvement or joint project or joint work of improvement, together with the engineering estimates of the cost of same and in the case of a joint project or joint work of improvement the proportionate cost to be borne by the participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project or work of improvement or joint project or joint work of improvement. Notice of such hearing shall be given by publication once a week for two successive weeks (two publications) prior to said hearing, the last publication of which notice must be at least seven days before the said hearing, in a newspaper of general circulation, circulated in each of the said zones or participating zones as the case may be, and if there be no such newspaper, then by posting notice for two consecutive weeks prior to said hearing in five public places in each of said zones or participating zones. Said notice must designate a public place in each of said zones or participating zones where a copy of the map or maps of said project or work of improvement or joint project or joint work of improvement may be seen by any interested person; said map or maps must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board of supervisors of said district shall consider all written and oral objec-

tions to the proposed project or work of improvement, or joint project or joint work of improvement. Upon the conclusion of the hearing the board of supervisors of said district may proceed with the proposed project or work of improvement, or joint project or joint work of improvement, unless prior to the conclusion of said hearing written protests against the proposed project or work of improvement, or joint project or joint work of improvement, signed by a majority in number of the registered voters, as that number appeared at the last preceding general election, residing within the said zone or participating zones as the case may be, be filed with the board of supervisors of said district, in which event the said project or work of improvement, or joint project or joint work of improvement, must be abandoned.

CHAPTER 274

An act relating to uncompleted state highway facilities damaged by earthquake, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 7, 1971. Filed with
Secretary of State July 7, 1971.]

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

SECTION 1. The Legislature finds and declares as follows:

(a) Extensive earthquake damage to state highway facilities under construction in the vicinity of the City of San Fernando has created a severe obstacle to public traffic and a continuing danger to the public welfare.

(b) The sudden earthquake action in a zone heretofore considered to be inactive requires that thorough geologic investigations be made to determine the feasibility of reconstructing the damaged work, and to determine the proper placement and construction of the highway facilities.

(c) Due to the great magnitude of observable damage, the indeterminate magnitude of concealed and subsurface damage, and the length of time which will be required for the completion of necessary investigations, the public interest and public safety would be adversely affected by an immediate attempt to resume construction.

SEC. 2. The Department of Public Works shall perform a thorough investigation of the geologic characteristics of the construction zone to ascertain the probable influence which the proximity of the earthquake fault will have upon the construction of highway facilities. Permanent reconstruction shall not be resumed before such investigation is completed.

SEC. 3. In order to prevent the performance of further construction before the completion of the necessary investiga-

tions into the sufficiency and safety of such construction, the Department of Public Works is authorized to terminate any contract for state highway construction in the vicinity of the City of San Fernando, if the work of such contract was substantially damaged or destroyed by earthquake; provided, that such termination shall be by the mutual consent of the contracting parties. Such termination shall be deemed to constitute completion of the work.

SEC. 4. The terms and conditions under which such contracts may be terminated shall be agreed upon by the contracting parties. However, it is the intent of the Legislature that the Department of Public Works be guided by the following principles in seeking to reach agreement respecting termination:

(a) The compensation received by a contractor for all work performed prior to the earthquake shall be the reasonable cost of the performance of such work as it can be reasonably ascertained without the inclusion of a profit; provided, that such cost shall not be in excess of the contract price of such work. The determination of the contract price of partially completed items of work shall be determined by apportioning such contract prices.

(b) Such termination shall not preclude payment to the contractor for work performed after the earthquake for which he would have been entitled to payment but for such termination.

(c) That the agreement of termination shall operate as a complete and final resolution of the rights of the respective parties, and as a bar to any further claims or demands between them; provided, that such agreement shall not change or affect the responsibility of the respective parties under the contract and applicable law for claims of third parties for injury to, or death of, any person or damage to property or affect the rights of third parties who are subrogated to the rights of the contractor.

(d) The Auditor General is hereby authorized and instructed to audit all financial aspects of such termination and seek from the Division of Highways such engineering representation as he may determine appropriate in order to permit expression of an opinion on the compliance with the terms of this act. Such audits shall not be so made as to delay any termination settlements hereunder and the Auditor General shall report to the Legislature not later than January 5, 1972.

SEC. 5. The Department of Public Works shall submit to the Legislature by January 5, 1972, a report on any action it has taken to preclude any necessity in the future of the Legislature having to enact legislation to authorize it to terminate construction contracts on highway projects damaged or destroyed by a natural disaster.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Various highway facilities were destroyed, or rendered unsafe and unusable, by the earthquake of February 9, 1971. Contracts are presently in effect which call for the performance of further construction in the area of greatest damage. Such contracts must either be performed or they must be terminated. It would be contrary to the public interest to continue to perform such contracts before the full extent of subsurface damage has been ascertained, or before a full investigation has been made into the geologic instability of the area, the risk of further earthquakes, and the type of construction which may be required to resist such earthquakes. The Legislature has determined that the public interest would be best served by an immediate termination of such contracts, but there is no administrative procedure presently in effect pursuant to which such termination may be accomplished.

Therefore, it is necessary that this act go into immediate effect.

CHAPTER 275

An act to amend Section 36517 of, the Government Code, relating to city officers.

[Approved by Governor July 7, 1971. Filed with Secretary of State July 7, 1971.]

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

SECTION 1. Section 36517 of the Government Code is amended to read:

36517. The city clerk and the city treasurer shall receive, at stated times, a compensation fixed by ordinance or resolution.

CHAPTER 276

An act to add Sections 2833 and 2834 to the Health and Safety Code, relating to pest abatement districts.

[Approved by Governor July 7, 1971. Filed with Secretary of State July 7, 1971.]

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

SECTION 1. Section 2833 is added to the Health and Safety Code, to read:

2833. If at any time after the board of supervisors has entered its order for organization good cause appears therefor, the district board may, by a two-thirds vote of its members, adopt a resolution reciting the facts, declaring the advisability for a change of the district's name, and setting forth therein

a new name for the district. A certified copy of such resolution shall be transmitted to the board of supervisors of the county in which the district is situated.

SEC. 2. Section 2834 is added to the Health and Safety Code, to read:

2834. Upon receipt of the certified copy of the resolution the board of supervisors shall:

(a) Enter an order changing the district's name to the name set forth in the resolution.

(b) Record a certified copy of the order in the office of the county recorder of the county in which the district is situated.

(c) File a certified copy of the order in the office of the Secretary of State.

(d) File a certified copy of the order in the office of the State Board of Equalization.

From and after the date of the filing of the certified copy with the Secretary of State the new name shall be the official name of the district.

CHAPTER 277

An act to amend Sections 69895 and 69900 of the Government Code, relating to court attachés.

[Approved by Governor July 7, 1971. Filed with Secretary of State July 7, 1971.]

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

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

69895. In any county or city and county with a population of less than 850,000 but more than 710,000, as ascertained pursuant to Section 28020, the superior court shall appoint an executive officer who shall act as secretary to the judges of the superior court and perform the duties of jury commissioner pursuant to Section 69893. The salary of the executive officer shall be a minimum salary of two thousand one hundred fifty-eight dollars (\$2,158) monthly during his first year of service, two thousand two hundred sixty-two dollars (\$2,262) monthly during his second year of service, two thousand four hundred ninety-eight dollars (\$2,498) monthly during his third year of service, and two thousand six hundred twelve dollars (\$2,612) monthly during his fourth year of service and thereafter.

In such a county or city and county, on the authorization of the judges, the executive officer shall have three administrative assistants who shall each receive a salary of one thousand three hundred seventy-eight dollars (\$1,378) monthly during his first year of service, one thousand four hundred thirty-five dollars (\$1,435) monthly during his second year of service,

one thousand five hundred eight dollars (\$1,508) monthly during his third year of service, and one thousand five hundred eighty-three dollars (\$1,583) monthly during his fourth year of service and thereafter; and one assistant secretary who shall be paid a minimum salary of one thousand forty dollars (\$1,040) monthly during his first year of service, a salary of one thousand ninety-two dollars (\$1,092) monthly during his second year of service, a salary of one thousand one hundred forty-four dollars (\$1,144) monthly during his third year of service, and a maximum salary of one thousand one hundred ninety-six dollars (\$1,196) monthly thereafter; and one assistant jury commissioner who shall be paid a minimum salary of seven hundred twenty-eight dollars (\$728) monthly during his first year of service, a salary of seven hundred ninety dollars (\$790) monthly during his second year of service, a salary of eight hundred fifty-eight dollars (\$858) monthly during his third year of service, and a maximum salary of nine hundred thirty-six dollars (\$936) monthly thereafter.

The increment shall be paid commencing on the first day of the month following the first, second, and third anniversary of the incumbent's appointment. All service included prior to the effective date of the amendment to this section enacted at the 1971 Regular Session of the Legislature shall constitute service for purpose of determining entitlement to increments.

The administrative assistants shall assist also in the performance of the duties of jury commissioner. The salaries of the executive officer and administrative assistants and such assistants shall be paid by the county or city and county in which they serve.

The court may delegate to the executive officer any administrative powers and duties as are now or hereafter by law may be vested in or required to be exercised by such court.

SEC. 2. Section 69900 of the Government Code is amended to read:

69900. In each county or city and county with a population of over 710,000 and under 850,000, as determined by the 1970 federal census, a majority of the judges of the superior court may appoint the following employees, whose monthly salaries shall be as set forth hereafter:

	Step 1	Step 2	Step 3	Step 4
Eight judicial secretaries -----	\$783	\$803	\$839	\$881
One senior clerk -----	770	791	813	854
One junior clerk-typist -----	442	478	516	554
Two information clerks -----	660	677	716	751
Calendar clerk -----	832	858	900	944
One chief calendar clerk -----	1,264	1,316	1,378	1,447
One domestic relations commissioner -----	1,435	1,472	1,544	1,621
Four deputy domestic relations commissioners -----	1,092	1,118	1,173	1,231

One counselor of conciliation_____	1,200	1,230	1,260	1,320
One counselor in mental health__	1,337	1,404	1,474	1,548
Three court commissioners _____	1,892	1,938	2,034	2,136
Four assistant court commissioners _____	1,269	1,342	1,411	1,481
Three juvenile referees _____	1,892	1,938	2,034	2,136
One traffic hearing officer _____	1,210	1,271	1,335	1,389
One administrative assistant (juvenile court) _____	1,180	1,222	1,284	1,349

All figures in the above columns represent the salaries to be paid monthly to each of the employees so appointed. All original appointments shall be at step 1, provided that on the first of the month following the first anniversary of the employee's appointment he shall advance to the second step, and thereafter on the first of the month following the second anniversary of the employee's appointment he shall advance to step 3, and thereafter on the first of the month following the third anniversary of the employee's appointment he shall advance to step 4, and thereafter shall be paid at the rate established by step 4. Service in any position enumerated herein prior to the effective date of the amendments to this section enacted at the 1971 Regular Session of the Legislature shall constitute service for the purpose of determining the step at which the attaché is to be paid. Service in any position wherein substantially the same duties have been performed shall also be deemed service for the purpose of determining at which step the attaché is to be paid.

With the approval of the board of supervisors the court may establish such additional titles and pay rates as are required and with the approval of the board of supervisors may appoint and employ such additional commissioners, officers and assistants and other employees as it deems necessary for the performance of the duties and exercise of the powers conferred by law upon it and its members. Rates of compensation of all officers and assistants and other employees, except those of the executive officer and court commissioners, may be adjusted by joint action and approval of the board of supervisors and a majority of the judges of the court. Such appointments or changes in compensation made pursuant to this paragraph shall be on an interim basis and shall expire 60 days after the final adjournment of the next regular session of the Legislature unless ratified at such session.

The salaries of such employees shall be paid by the county or city and county in which they serve.

CHAPTER 278

An act to amend Sections 1684, 1688, and 1691 of the Labor Code, relating to farm labor contractors, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 7, 1971. Filed with Secretary of State July 7, 1971.]

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

SECTION 1. Section 1684 of the Labor Code is amended to read:

1684. The Labor Commissioner shall not issue to any person a license to act as a farm labor contractor, nor shall he renew such license, until:

(a) Such person has executed a written application therefor in a form prescribed by the Labor Commissioner, subscribed and sworn to by such person, and containing (1) a statement by such person of all facts required by the Labor Commissioner concerning the applicant's character, competency, responsibility, and the manner and method by which he proposes to conduct his operations as a farm labor contractor if such license is issued, and (2) the names and addresses of all persons except bona fide employees on stated salaries, financially interested, either as partners, associates or profit sharers, in the proposed operation as a farm labor contractor, together with the amount of their respective interests;

(b) The Labor Commissioner, after investigation, is satisfied as to the character, competency, and responsibility of such person;

(c) Such person has deposited with the Labor Commissioner a surety bond in a penal sum of five thousand dollars (\$5,000) or time certificate in the sum of five thousand dollars (\$5,000). Such bond or time certificate shall be payable to the people of the State of California and shall be conditioned that said farm labor contractor will comply with all the terms and provisions of this chapter and will pay all damages occasioned to any person by failure so to do, or by any violation of the provisions of this chapter, or false statements or misrepresentations made in the procurement of his license; and

(d) Such person has paid to the Labor Commissioner a license fee of seventy-five dollars (\$75) plus a filing fee of ten dollars (\$10). However, where a timely application for renewal is filed, the ten-dollar (\$10) filing fee is not required.

(e) Such person in an oral or written examination, or both, demonstrates a degree of knowledge of the laws and administrative regulations concerning farm labor contractors as the Labor Commissioner deems necessary for the safety and protection of farmers, farmworkers and the public. The Labor Commissioner may charge a fee of not more than thirty-five dollars (\$35) to cover the cost of administration of the exami-

nation. The Labor Commissioner may also renew a license without requiring the applicant for such renewal to take an oral or written examination if he finds that the applicant has complied with the requirements of this chapter.

(f) The Labor Commissioner may charge reasonable legal fees against a time certificate for handling claims, other than wage claims filed against a time certificate deposited pursuant to subdivision (c).

SEC. 2. Section 1688 of the Labor Code is amended to read:

1688. The license when first issued shall run to the next birthday of the applicant, and each license shall then be renewed within the 30 days preceding the licensee's birthday and shall run from birthday to birthday. In case the applicant is a partnership or corporation, the license for a partnership shall be renewed within the 30 days preceding the birthday of the oldest partner, and the license for a corporation shall be renewed within the 30 days preceding the anniversary of the date the corporation was lawfully formed. Renewal shall require the filing of an application for renewal, a renewal bond or time certificate, and the payment of the annual license fee, but the Labor Commissioner may demand that a new application or a new bond or time certificate be submitted.

SEC. 3. Section 1691 of the Labor Code is amended to read:

1691. If any licensee fails to file a bond or time certificate with the Labor Commissioner within 30 days after notice of cancellation by the surety of the bond required under Section 1684, the license issued to the principal under the bond is suspended until such time as a bond or time certificate is filed. A person whose license is suspended pursuant to this section shall not operate as a labor contractor during the period of such suspension.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Chapter 1587 of the 1970 Statutes amended Sections 1684, 1687, 1688, and 1693 of the Labor Code permitting persons to submit a time certificate or a surety bond, rather than just a surety bond, as a condition to obtaining a license as a farm labor contractor. The amendments to Section 1684 and 1688 were rendered inoperative by Chapter 1588 which also amended these sections. The amendments to Sections 1687 and 1693 referring to time certificates are already in effect although they are meaningless and misleading without this act. In order to clarify this situation as quickly as possible it is necessary that this act take effect immediately.

CHAPTER 279

An act to amend Section 2123.9 of, and to repeal Sections 2124 and 2124.1 of, the Business and Professions Code, relating to disciplinary hearings conducted by the Board of Medical Examiners.

[Approved by Governor July 7, 1971. Filed with
Secretary of State July 7, 1971.]

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

SECTION 1. Section 2123.9 of the Business and Professions Code is amended to read:

2123.9. At the conclusion of any hearing which is conducted by a committee, the committee shall prepare a proposed decision, in such form that it may be adopted by the board as the decision in the case, and shall transmit it to the board. The proposed decision shall be subject to the same procedure as the proposed decision of a hearing officer under subdivisions (b) and (c) of Section 11517 of the Government Code.

SEC. 2. Section 2124 of the Business and Professions Code is repealed.

SEC. 3. Section 2124.1 of the Business and Professions Code is repealed.

CHAPTER 280

An act to amend Sections 1777.6, 3095, and 3096 of the Labor Code, relating to labor.

[Approved by Governor July 7, 1971. Filed with
Secretary of State July 7, 1971.]

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

SECTION 1. Section 1777.6 of the Labor Code is amended to read:

1777.6. It shall be unlawful for an employer or a labor union to refuse to accept otherwise qualified employees as indentured apprentices on any public works, solely on the ground of the race, religious creed, color, national origin, ancestry, or sex of such employee.

SEC. 2. Section 3095 of the Labor Code is amended to read:

3095. Every person who willfully discriminates in any recruitment or apprenticeship program on the basis of race, religious creed, color, national origin, ancestry, or sex is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than six months, or both.

SEC. 3. Section 3096 of the Labor Code is amended to read:

3096. Complaints alleging discrimination against any person in the selection or training of that person in any apprenticeship training program because of the race, religious creed,

color, national origin, ancestry, or sex of such person shall be filed with the State Fair Employment Practice Commission pursuant to Part 4.5 (commencing with Section 1410) of Division 2 of this code. Whenever such a complaint is filed with the commission, the commission shall immediately send a copy of the complaint to the Administrator of Apprenticeship for investigation and action by the Division of Apprenticeship Standards pursuant to this chapter and rules and procedures prescribed by the California Apprenticeship Council, and the division shall hold at least one open hearing relative to the complaint during the 21-day period following the day upon which the division receives a written copy of the complaint. If the commission finds that the complaint is not being processed in accordance with this chapter and such rules and procedures, or if the commission finds that the division has not taken action which has resolved the complaint within 30 days, the commission shall report such findings in writing to the administrator, who upon verification may cause the division to take conclusive action prior to the 61st day following the day upon which a written copy of the complaint was filed with the division. Notwithstanding any other provision of this section, the administrator shall, upon request of, and after written report by, the commission, relieve the division of the case and assign it to the commission, on or before the 61st day following the day upon which a written copy of the complaint was filed with the division. Upon receipt of such assignment, the commission shall immediately proceed to act upon the complaint. The commission shall hold at least one open hearing within 14 days following the day of assignment. The commission shall complete its investigations and any attempts to eliminate any unlawful practices discovered and shall issue an accusation thereon or advise the complainant that the evidence does not warrant further proceedings thereon, within 30 days after the complaint is assigned to the commission. The commission shall prepare such findings, determinations, and orders for issuance by the administrator, who shall notify the complainant and shall make available his findings within 10 days after review of such findings by the commission. Such findings, determinations and orders shall be subject to further legal processes as set forth in this chapter.

CHAPTER 281

An act to amend Section 31452.5 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor July 7, 1971. Filed with
Secretary of State July 7, 1971.]

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

SECTION 1. Section 31452.5 of the Government Code is amended to read:

31452.5. The board may comply with and give effect to a revocable written authorization signed by a retired member or beneficiary of a retired member entitled to a retirement allowance or benefit under this chapter, authorizing the treasurer to deduct a specified amount from the retirement allowance or benefit payable to any such retired member or beneficiary of a retired member for the purpose of paying premiums on any policy or certificate of group life insurance or group disability insurance issued by an admitted insurer, or for any prepaid group medical or hospital service plan, or both, approved by such board, for the benefit of such retired member or his dependents, or for the payment of premiums on national service life insurance or United States government converted insurance, or for the purchase of shares in or the payment of money to any regularly chartered credit union, or for the payment of personal income taxes to the government of the United States or of the State of California, and each month shall draw his order in favor of the insurer, institution or credit union or government named in such written authorization for an amount equal to the deductions so authorized and made during the month. The board may charge a reasonable fee for the making of such deductions and payments and such fees shall be deposited in the county fund from which salaries are paid.

CHAPTER 282

An act to amend Sections 31789 and 31790 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor July 7, 1971. Filed with
Secretary of State July 7, 1971.]

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

SECTION 1. Section 31789 of the Government Code is amended to read:

31789. Upon the death of any person after retirement and while receiving a retirement allowance from this system, or any superseded system, there shall be paid to his estate or to such beneficiary as he shall nominate by written designation duly executed and filed with the board, the sum of seven hundred fifty dollars (\$750) to be provided from contributions of the county or district.

This section applies to every member who dies after this section becomes operative whether he has retired before or after the operative date or effective date of this section.

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make the provisions of this section applicable in such county.

SEC. 2. Section 31790 of the Government Code is amended to read:

31790. Upon the death of any person before retirement which person shall have to his credit at least 10 years of service with the county or district, there shall be paid to his estate or to such beneficiary as he shall nominate by written designation duly executed and filed with the board, the sum of seven hundred fifty dollars (\$750) to be provided from the contributions of the county or district.

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make the provisions hereof applicable to the county.

CHAPTER 283

An act relating to physicians and surgeons.

[Approved by Governor July 7, 1971. Filed with
Secretary of State July 7, 1971.]

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

SECTION 1. Notwithstanding any other provision of law an otherwise qualified applicant who, within 90 days after the effective date of this act, presents evidence satisfactory to the Board of Medical Examiners of the State of California that he has completed a three-year resident course of college grade, including the subjects of chemistry and biology, or their equivalent, before commencing the study of medicine shall be permitted to take the oral, written, and clinical examinations for licensure as a physician and surgeon if he possesses all of the following qualifications:

(a) He has received an undergraduate degree from a university located within this state.

(b) He has graduated from a medical school located within the Republic of Mexico during the four years prior to the effective date of this act.

(c) He has completed at least one year of internship in a hospital located in the United States approved by the board for the training of interns.

(d) He was a clinical fellow at a hospital in a foreign country.

CHAPTER 284

An act to amend Section 6006 of, and to add Section 6010.2 to, the Revenue and Taxation Code, relating to the Sales and Use Tax Law, to take effect immediately, tax levy.

[Approved by Governor July 7, 1971. Filed with Secretary of State July 7, 1971.]

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

SECTION 1. Section 6006 of the Revenue and Taxation Code is amended to read:

6006. "Sale" means and includes:

(a) Any transfer of title or possession, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration. "Transfer of possession," includes only transactions found by the board to be in lieu of a transfer of title, exchange, or barter.

(b) The producing, fabricating, processing, printing, or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, or imprinting.

(c) The furnishing and distributing of tangible personal property for a consideration by social clubs and fraternal organizations to their members or others.

(d) The furnishing, preparing, or serving for a consideration of food, meals, or drinks, except when such food, meals, or drinks are a part of the board and care of mentally retarded persons receiving public assistance and placed in homes approved by a county for their full-time board and care.

(e) A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price.

(f) A transfer for a consideration of the title or possession of tangible personal property which has been produced, fabricated, or printed to the special order of the customer, or of any publication.

(g) Any lease of tangible personal property in any manner or by any means whatsoever, for a consideration, except a lease of:

(1) Motion picture, including television, films and tapes.

(2) Linen supplies and similar articles when an essential part of the lease agreement is the furnishing of the recurring service of laundering or cleaning the articles.

(3) Household furnishings with a lease of the living quarters in which they are to be used.

(4) Mobile transportation equipment for use in for-hire transportation of persons or property such as railroad cars and locomotives, trucks, buses, truck tractors, truck trailers,

aircraft, ships, dollies, bogies, chassis and reusable cargo shipping containers.

(5) Tangible personal property leased in substantially the same form as acquired by the lessor or leased in substantially the same form as acquired by a transferor, as to which the lessor or transferor has paid sales tax reimbursement pursuant to Section 6052 or has paid use tax measured by the purchase price of the property. For purposes hereof, transferor shall mean the following:

(A) A person from whom the lessor acquired the property in a transaction described in subdivision (b) of Section 6006.5.

(B) A decedent from whom the lessor acquired the property by will or the laws of succession.

SEC. 2. Section 6010.2 is added to the Revenue and Taxation Code, to read:

6010.2. "Purchase," for purposes of this part, does not include the furnishing, preparing, or serving for consideration of food, meals or drinks as part of the board and care of mentally retarded persons receiving public assistance and placed in homes approved by a county for their full-time board and care.

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, Section 1 of this act shall become operative on the first day of the calendar quarter following the calendar quarter in which this act becomes effective.

CHAPTER 285

An act to amend Section 11514 of the Vehicle Code, relating to automobile dismantlers.

[Approved by Governor July 8, 1971. Filed with
Secretary of State July 8, 1971.]

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

SECTION 1. Section 11514 of the Vehicle Code is amended to read:

11514. (a) An automobile dismantler's established place of business and such other sites or locations as may be operated and maintained by such automobile dismantlers in conjunction with their principal established place of business shall have posted in a place conspicuous to the public in each and every location the certificate and license issued by the department and shall have erected or posted thereon such signs or devices providing information relating to the automobile dismantler's name, the location and address of the automobile dismantler's established place of business so as to enable any

person doing business with such automobile dismantler to identify him properly. Every such sign erected or posted on an established place of business, shall have an area of not less than 32 square feet per side displayed, and shall contain lettering not less than six inches in height. The sign shall indicate the licensee is an automobile dismantler by inclusion of the term "Automobile Dismantler" or the term "Automobile Wrecker" on such sign.

(b) Any local authority may provide for a sign and lettering smaller than that specified in subdivision (a), however, no local authority shall require a sign to have an area of less than four square feet per side displayed.

CHAPTER 286

An act to repeal Section 22100 of, and to add Section 22100 to, the Vehicle Code, relating to vehicles.

[Approved by Governor July 8, 1971. Filed with
Secretary of State July 8, 1971.]

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

SECTION 1. Section 22100 of the Vehicle Code is repealed.

SEC. 2. Section 22100 is added to the Vehicle Code, to read:

22100. Except as provided in Section 22101, the driver of a vehicle intending to turn upon a highway shall do so as follows:

(a) Right Turns. Both the approach for a right-hand turn and a right-hand turn shall be made as close as practicable to the right-hand curb or edge of the roadway except:

(1) Upon a highway having three marked lanes for traffic moving in one direction which terminates at an intersecting highway accommodating traffic in both directions, the driver of a vehicle in the middle lane may turn right into any lane lawfully available to traffic moving in such direction upon the roadway being entered.

(2) When a right-hand turn is made from a one-way highway at an intersection, a driver shall approach the turn as provided in subdivision (a) and shall complete the turn in any lane lawfully available to traffic moving in such direction upon the roadway being entered.

(b) Left Turns. The approach for a left turn shall be made as close as practicable to the left-hand edge of the extreme left-hand lane or portion of the roadway lawfully available to traffic moving in the direction of travel of such vehicle and, when turning at an intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered, except:

(1) Upon a highway having three marked lanes for traffic moving in one direction which terminates at an intersecting highway accommodating traffic in both directions, the driver of a vehicle in the middle lane may turn left into any lane lawfully available to traffic moving in such direction upon the roadway being entered.

CHAPTER 287

An act to amend Section 24615 of the Vehicle Code, relating to slow-moving vehicles.

[Approved by Governor July 8, 1971. Filed with
Secretary of State July 8, 1971.]

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

SECTION 1. Section 24615 of the Vehicle Code is amended to read:

24615. It is unlawful to operate upon a public highway any vehicle or combination of vehicles, which is designed to be and is operated at a speed of 25 miles per hour or less, unless the rearmost vehicle displays a "slow-moving vehicle emblem," except upon vehicles used by a utility, whether publicly or privately owned, for the construction, maintenance, or repair of its own facilities or upon vehicles used by highway authorities or bridge or highway districts in highway maintenance, inspection, survey, or construction work, while such vehicle is engaged in work at the jobsite upon a highway. Any other vehicle or combination of vehicles, when operated at a speed of 25 miles per hour or less, may display such emblem. The emblem shall be mounted on the rear of the vehicle, base down, and at a height of not less than three nor more than five feet from ground to base. Such emblem shall consist of a truncated equilateral triangle having a minimum height of 14 inches with a red reflective border not less than $1\frac{3}{4}$ inches in width and a fluorescent orange center.

This emblem shall not be displayed except as permitted or required by this section.

CHAPTER 288

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

[Approved by Governor July 8, 1971. Filed with
Secretary of State July 8, 1971.]

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

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

74502. There shall be one clerk who shall also serve as secretary to the judges and who shall be paid a salary of one thousand nine hundred fifty dollars (\$1,950) monthly during the first year of service, a salary of two thousand forty-nine dollars (\$2,049) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of two thousand one hundred fifty-three dollars (\$2,153) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment. Whenever any vacancy occurs after the effective date hereof, the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint one clerk who shall also serve as secretary to the judges, and who shall hold office at their pleasure and who shall receive the salary hereinabove provided.

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

74503. (a) There shall be one chief deputy, who shall also serve as jury commissioner and who shall exercise the powers of jury commissioners of superior courts insofar as they are applicable to the municipal courts and who shall perform such other duties as assigned by the judges of the court and who shall be paid a minimum salary of one thousand five hundred eighteen dollars (\$1,518) monthly during the first year of service, a salary of one thousand five hundred ninety-four dollars (\$1,594) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand six hundred seventy-four dollars (\$1,674) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment. Whenever any vacancy occurs after the effective date hereof, the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint one chief deputy, who shall also serve as jury commissioner, and who shall hold office at their pleasure, and who shall perform such other duties as assigned by the judges of the court, and who shall receive the salary hereinabove provided.

(b) There shall be one assistant to the jury commissioner who shall perform such duties as assigned by the judges of the court and who shall be paid a minimum salary of one thousand two hundred sixty-six dollars (\$1,266) monthly during the first year of service, a salary of one thousand three hundred twenty-seven dollars (\$1,327) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand three hundred eighty-nine dollars (\$1,389) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment. Whenever any vacancy occurs after the

effective date hereof, the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint one assistant to the jury commissioner, and who shall hold office at their pleasure, and who shall perform such duties as assigned by the judges of the court, and who shall receive the salary hereinabove provided.

(c) Notwithstanding the provisions of Section 74507 of the Government Code, the clerk shall appoint, or a majority of the judges of the municipal court may appoint, one deputy clerk who shall be head accountant, accounting division, and who shall possess the qualifications and capable to perform the duties of class number 1656, as set forth in City and County of San Francisco class specifications on April 1, 1968, and who shall be paid a salary of one thousand three hundred eighty-two dollars (\$1,382) monthly during the first year of service, a salary of one thousand four hundred forty-nine dollars (\$1,449) monthly during the second year of service, commencing on the first day of the month following the first anniversary of his appointment, and a salary of one thousand five hundred sixteen dollars (\$1,516) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(d) The clerk shall appoint three deputy clerks who shall be the chief division clerks in the civil, criminal, and traffic departments of the court, and who shall be paid a minimum salary of one thousand three hundred eighty-two dollars (\$1,382) monthly during the first year of service, a salary of one thousand four hundred forty-nine dollars (\$1,449) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand five hundred sixteen dollars (\$1,516) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

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

74504. The clerk shall also appoint:

(a) Five deputy clerks who shall be assistant chief division clerks and who shall be paid a minimum salary of one thousand one hundred ninety-eight dollars (\$1,198) monthly during the first year of service, a salary of one thousand two hundred fifty-seven dollars (\$1,257) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment and a maximum salary of one thousand three hundred twenty-four dollars (\$1,324) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(b) Twenty-nine deputy clerks who shall be paid a minimum salary of one thousand seven dollars (\$1,007) monthly during the first year of service, a salary of one thousand seventy-three dollars (\$1,073) monthly after the first year of service, com-

mencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand one hundred sixty-one dollars (\$1,161) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(c) Seventeen deputy clerks who shall be paid a minimum salary of eight hundred sixty-seven dollars (\$867) monthly during the first year of service, a salary of eight hundred ninety-nine dollars (\$899) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment and a maximum salary of nine hundred thirty-four dollars (\$934) monthly, after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(d) Fourteen deputy clerks who shall be paid a minimum salary of eight hundred five dollars (\$805) monthly during the first year of service, a salary of eight hundred twenty-seven dollars (\$827) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of eight hundred fifty-two dollars (\$852) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(e) Three deputy clerks who shall be paid a minimum salary of seven hundred sixty dollars (\$760) monthly during the first year of service, a salary of seven hundred eighty-three dollars (\$783) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of eight hundred three dollars (\$803) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(f) Twenty-nine deputy clerks who shall be paid a minimum salary of six hundred ninety-seven dollars (\$697) monthly during the first year of service, a salary of seven hundred twenty-one dollars (\$721) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment and a maximum salary of seven hundred forty-eight dollars (\$748) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(g) Forty-seven deputy clerks who shall be paid a minimum salary of five hundred forty-six dollars (\$546) monthly during the first year of service, a salary of five hundred ninety-six dollars (\$596) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of six hundred sixty-two dollars (\$662) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(h) Three deputy clerk-information clerks who shall be paid a minimum salary of five hundred fifty-six dollars (\$556) monthly during the first year of service, a salary of six hundred forty dollars (\$640) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of seven hundred twenty-four dollars (\$724) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment. Whenever any vacancy occurs, after the effective date hereof, the clerk with the approval of the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint a deputy clerk-information clerk, who shall perform such duties as assigned by the clerk and who shall receive the salary hereinabove provided.

(i) Any deputy clerk designated in Section 74504 while assigned by the clerk of the court as administrative secretary to the clerk of the court, shall be paid in addition to the salary provided by this article, the additional sum of one hundred dollars (\$100) monthly.

(j) Any deputy clerk designated in Section 74504 while assigned by the clerk of the court as budget-purchasing deputy to the head accountant, accounting division, shall be paid in addition to the salary provided by this article, the additional sum of fifty dollars (\$50) monthly.

CHAPTER 289

An act to amend Section 32100.01 of, and to add Sections 32100.02, 32100.03, and 32100.04 to, the Health and Safety Code, relating to hospital districts.

[Approved by Governor July 8, 1971. Filed with
Secretary of State July 8, 1971.]

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

SECTION 1. Section 32100.01 of the Health and Safety Code is amended to read:

32100.01. A petition to increase the number of members of the board of directors of any district which provides at least 225 hospital beds from five to seven members may be signed and filed with the board of directors at least three months prior to any general hospital district election by registered voters residing within any such local hospital district, equal in number to at least 5 percent of the number of votes cast in that district for the office of Governor at the last preceding election at which a Governor was elected. Upon receipt of this petition the board of directors shall prepare a measure to be printed on the ballots used at the next general hospital dis-

trict election. The measure shall be printed on the ballots substantially as follows:

“Shall the number of directors of the _____ Hospital District be increased from five to seven?”, with the words “Yes” and “No” so printed in connection therewith that the voters may express their choice.

The county clerk of the organizing county shall accept arguments for and against the measure to be mailed to each registered voter in the district, in accordance with the procedure specified in Article 3 (commencing with Section 3780) of Chapter 2 of Division 4 of the Elections Code.

Under the measure, there shall be printed the names of those persons who have been nominated, in the manner provided in this article, for the additional directorships.

The returns of such election shall be canvassed and declared as at other general hospital district elections. If a majority of the votes cast in such election are in favor of said measure the board of directors shall by resolution declare that the lawful number of directors of the district has been increased by the designated number of members. If a majority of the votes cast in such election are opposed to such measure, no similar measure shall be placed on the ballot until the next general hospital district election.

SEC. 2. Section 32100.02 is added to the Health and Safety Code, to read:

32100.02. The election of directors to fill the additional vacancies on the board created by expansion shall be an election at large. The director elected at such election but receiving the lesser number of votes in such election shall hold office until the first Tuesday in January next following the next general district election and the director elected at such election receiving the greater number of votes shall hold office until two years thereafter.

SEC. 3. Section 32100.03 is added to the Health and Safety Code, to read:

32100.03. If the majority of votes cast in the election specified in Section 32100.01 are in favor of expansion of the board of directors, the board of directors of a district, which has been divided into zones pursuant to Section 32100.1, shall by resolution divide the district into seven zones. The resolution shall also specify the boundaries of each zone. At the expiration of the terms of office of the members of the board of directors then in office, and thereafter, such members of the board of directors shall be elected by the zones established by such resolution.

SEC. 4. Section 32100.04 is added to the Health and Safety Code, to read:

32100.04. A district which has added additional directors pursuant to Section 32100.01, but has not been divided into zones, may, in the manner provided by Section 32100.1, divide the district into zones, except that the resolution of the board

of directors shall divide the district into seven zones. If at the expiration of the terms of office of the members of the board, in office at the time of such division into zones, four members of the board are to be elected, those four members shall be elected from zones designated by odd numbers; if three members are to be elected, those three members shall be elected from zones designated by even numbers.

CHAPTER 290

An act to amend Section 71.8 of the Harbors and Navigation Code, relating to harbors.

[Approved by Governor July 8, 1971. Filed with Secretary of State July 8, 1971.]

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

SECTION 1. Section 71.8 of the Harbors and Navigation Code is amended to read:

71.8. Any contract or agreement for a transfer pursuant to Section 70 or a loan pursuant to Section 71.4, for which gross revenues of a small craft harbor are made the security for repayment shall include, but is not limited to, provisions requiring the governing body of the city, county, or district to:

(a) Punctually pay all installments of principal and interest on money owed to the state.

(b) Continuously operate in an efficient and economical manner all small craft harbor facilities acquired, constructed, improved or completed in full or in part as a result of transfers or loans by the state.

(c) Make all repairs, renewals and replacements necessary to the efficient operation of the small craft harbor facilities and to keep them in good repair at all times.

(d) Preserve and protect the security interest of the state in all respects by procuring insurance on such facilities in an amount and of the type approved by the department.

(e) Periodically fix, prescribe and collect fees, rentals or other charges for services and facilities of the small craft harbor facilities sufficient to produce gross revenues adequate for payment of the following in the order set forth:

(1) All installments of principal and interest on money owed the state as they come due.

(2) All expenses of operation, maintenance, and repair of the small craft harbor facilities.

(3) Such additional sums as may be required by the department for any sinking fund, reserve fund or other special fund established for the further security of the loan or transfer or as a depreciation or other charge in connection with the small craft harbor facilities.

(f) Repay loans with regard to the revenue-producing features, as determined by the department, constructed under the loan over a period not to exceed 30 years.

(g) Repay loans with regard to the non-revenue-producing features, as determined by the department, constructed under the loan over a period not to exceed 50 years.

In addition to the foregoing, the department may include in any such contract or agreement a requirement that installments of principal and interest on money owed the state shall be paid from gross revenues prior to any other expenditures from such revenues; provided; however, that if the department is satisfied that the city, county or district has sufficient financial resources to fully repay such loan without the necessity of the foregoing requirement, such requirement may be waived and such contract or agreement may then provide that installments of principal and interest on money owed the state may be repaid under such terms and conditions as may be mutually agreed upon and specifically set forth in such contract or agreement. No loan of funds shall be made to any city, county or district unless such loan is approved by the department as conforming to the policies established by the department. Such contracts and agreements shall not be effective until approved by the Department of General Services as to the legality, form and completeness thereof.

In the event of default the state shall proceed forthwith by means of legal action to recover such defaulted loans.

CHAPTER 291

An act to amend Sections 74693, 74693.1, 74693.2, 74936, 74937, 74938, 74939, and 74940 of the Government Code, relating to courts.

[Approved by Governor July 8, 1971. Filed with
Secretary of State July 8, 1971.]

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

SECTION 1. Section 74693 of the Government Code is amended to read:

74693. The clerk may appoint:

(a) One assistant municipal court clerk who shall receive a biweekly salary at the rate specified in range 51 of the salary schedule provided in Section 74693.1.

(b) One deputy court clerk grade IV who shall receive a biweekly salary at the rate specified in range 42 of the salary schedule provided in Section 74693.1.

(c) Six deputy court clerks grade III who shall receive a biweekly salary at the rate specified in range 37 of the salary schedule provided in Section 74693.1.

(d) Eleven deputy court clerks each of whom shall be either grade I or grade II. Grade II deputy clerks shall receive a biweekly salary at the rate specified in range 30 of the salary schedule in Section 74693.1. Grade I deputy clerks shall receive a biweekly salary at the rate specified in range 27 of the schedule.

The additional deputy court clerk positions authorized by this section shall be grade II positions.

SEC. 2. Section 74693.1 of the Government Code is amended to read:

74693.1. Whenever reference to a numbered salary range is made in any section of this article, the following schedule of biweekly salaries shall apply:

Range	Step 1	Step 2	Step 3	Step 4	Step 5
14	\$138.40	\$145.60	\$152.80	\$160.00	\$168.00
15	141.60	148.80	156.00	164.00	172.00
16	145.60	152.80	160.00	168.00	176.80
17	148.80	156.00	164.00	172.00	180.80
18	152.80	160.00	168.00	176.80	185.60
19	156.00	164.00	172.00	180.80	189.60
20	160.00	168.00	176.80	185.60	194.40
21	164.00	172.00	180.80	189.60	199.20
22	168.00	176.80	185.60	195.40	204.80
23	172.00	180.80	189.60	199.20	209.60
24	176.80	185.60	194.40	204.80	215.20
25	180.80	189.60	199.20	209.60	220.00
26	185.60	194.40	204.80	215.20	225.60
27	189.60	199.20	209.60	220.00	231.20
28	194.40	204.80	215.20	225.60	236.80
29	199.20	209.60	220.00	231.20	242.40
30	204.80	215.20	225.60	236.80	248.80
31	209.60	220.00	231.20	242.40	254.40
32	215.20	225.60	236.80	248.80	261.60
33	220.00	231.20	242.40	254.40	268.00
34	225.60	236.80	248.80	261.60	274.40
35	231.20	242.40	254.40	268.00	280.80
36	236.80	248.80	261.60	274.40	288.00
37	242.40	254.40	268.00	280.80	295.20
38	248.80	261.60	274.40	288.00	302.40
39	254.40	268.00	280.80	295.20	309.60
40	261.60	274.40	288.00	302.40	317.60
41	268.00	280.80	295.20	309.60	325.60
42	274.40	288.00	302.40	317.60	333.60
43	280.80	295.20	309.60	325.60	341.60
44	288.00	302.40	317.60	333.60	350.40
45	295.20	309.60	325.60	341.60	358.40
46	302.40	317.60	333.60	350.40	368.00
47	309.60	325.60	341.60	358.40	376.80
48	317.60	333.60	350.40	368.00	386.40

49	325.60	341.60	358.40	376.80	395.20
50	333.60	350.40	368.00	386.40	405.60
51	341.60	358.40	376.80	395.20	415.20
52	350.40	368.00	386.40	405.60	425.60
53	358.40	376.80	395.20	415.20	436.00
54	368.00	386.40	405.60	425.60	447.20
55	376.80	395.20	415.20	436.00	457.60
56	386.40	405.60	425.60	447.20	469.60
57	395.20	415.20	436.00	457.60	480.80
58	405.60	425.60	447.20	469.60	492.80
59	415.20	436.00	457.60	480.80	504.80
60	425.60	447.20	469.60	492.80	517.60
61	436.00	457.60	480.80	504.80	529.60
62	447.20	469.60	492.80	517.60	543.20
63	457.60	480.80	504.80	529.60	556.80
64	469.60	492.80	517.60	543.20	570.40
65	480.80	504.80	529.60	556.80	584.00

Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to a salary range set forth in this section, shall for the first six months of service, receive the rate of biweekly compensation specified in the first step of the salary range for the position to which he is appointed. On and after the first day of the pay period following each ensuing 12 months of such service such compensation shall be increased upon approval of the appointing authority to the rate specified in the next higher step of the salary range for the position occupied until such compensation equals the sum specified in step 5 of such range.

In the case of persons in the positions specified in Sections 74692 and 74693, on the effective date of the amendments to this section enacted at the 1970 Regular Session of the Legislature, they shall have their existing salaries adjusted to the same relative step in the new range, and such adjustment shall not alter the anniversary date or eligibility of the employee for consideration for a regular step increase under this section.

SEC. 3. Section 74693.2 of the Government Code is amended to read:

74693.2. Notwithstanding any other provision in this article, the salaries of municipal court employees may, upon approval by the board of supervisors, be increased in the same manner and at the same rate as a salary increase is effective for other permanent county salaried employees.

It is the purpose of this section to provide compensation for municipal court employees which is comparable to that paid to county employees of similar qualifications and experience holding equal or comparable positions in the Santa Cruz County classified service, as such comparability is determined by the Santa Cruz County Board of Supervisors.

Any adjustments of salaries made pursuant to this section shall remain in effect until the 61st day after adjournment of the next regular session of the Legislature which commences after the adjustment.

Employees of the municipal court shall be entitled to all employee benefits that are provided for or made applicable to employees within the classified service pursuant to the Santa Cruz County Code, to the extent that the benefits are not contrary to state law.

SEC. 4. Section 74936 of the Government Code is amended to read:

74936. There shall be one clerk who shall receive the salary specified in range No. 13.0.

SEC. 5. Section 74937 of the Government Code is amended to read:

74937. The clerk may appoint two typist-clerks III who shall be deputy clerks and shall receive the salary specified in range No. 10.0. There shall be one stenographer-clerk II who shall be a deputy clerk and shall receive the salary specified in range No. 9.0, and three typist-clerks II, who shall also be deputy clerks and shall receive the salary specified in range No. 8.0. Additional deputy clerks may be appointed as are required with the consent of the Board of Supervisors of the County of Butte, and shall receive the salary specified in range No. 8.0.

SEC. 6. Section 74938 of the Government Code is amended to read:

74938. There shall be one marshal who shall receive the salary specified in range No. 19.0.

SEC. 7. Section 74939 of the Government Code is amended to read:

74939. The marshal may appoint one deputy marshal who shall receive the salary specified in range No. 15.5 and one stenographer-clerk II who shall receive the salary specified in range No. 9.0, and who shall serve as clerk to the marshal, and one typist-clerk II who shall receive the salary specified in range No. 8.0 and who shall be a deputy clerk. With the consent of the Board of Supervisors of Butte County, the marshal may appoint additional deputies as is required, which additional deputies shall receive the salary specified in range No. 15.5.

SEC. 8. Section 74940 of the Government Code is amended to read:

74940. Whenever reference is made to a range in any section of this article, the following schedule of monthly salaries shall apply:

Range number	Step A	Step B	Step C	Step D	Step E
8.0 -----	415	435	457	480	505
8.5 -----	425	446	469	492	517
9.0 -----	435	457	480	505	530
9.5 -----	446	469	492	517	543
10.0 -----	457	480	505	530	556
10.5 -----	469	492	517	543	571
11.0 -----	480	505	530	556	584
11.5 -----	492	517	543	571	599
12.0 -----	505	530	556	584	614
12.5 -----	517	543	571	599	628
13.0 -----	530	556	584	614	644
13.5 -----	543	571	599	628	660
14.0 -----	556	584	614	644	676
14.5 -----	571	599	628	660	692
15.0 -----	584	614	644	676	710
15.5 -----	599	628	660	692	728
16.0 -----	614	644	676	710	746
16.5 -----	628	660	692	728	764
17.0 -----	644	676	710	746	783
17.5 -----	660	692	728	764	801
18.0 -----	676	710	746	783	821
18.5 -----	692	728	764	801	842
19.0 -----	710	746	783	821	863
19.5 -----	728	764	801	842	884
20.0 -----	746	783	821	863	905

CHAPTER 292

An act to repeal Chapter 3 (commencing with Section 27951) of Part 4 of Division 12 of the Agricultural Code, relating to eggs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1971. Filed with Secretary of State July 8, 1971.]

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

SECTION 1. Chapter 3 (commencing with Section 27951) of Part 4 of Division 12 of the Agricultural Code is repealed.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the provisions of this act become operative on or before the date that the affected federal law becomes operative, it is necessary that this act go into immediate effect.

CHAPTER 293

An act to dissolve the Talbert Drainage District in Orange County and to provide for the transfer of all the property, assets, powers, duties, and functions of the district to the Cities of Huntington Beach and Fountain Valley.

[Approved by Governor July 8, 1971. Filed with Secretary of State July 8, 1971.]

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

SECTION 1. The Talbert Drainage District in Orange County may be dissolved pursuant to the provisions of this act; provided, however, that no action may be taken pursuant to this act to dissolve the Talbert Drainage District unless the local agency formation commission of Orange County first approves the dissolution of the district.

SEC. 2. The Board of Directors of the Talbert Drainage District may by resolution duly adopted declare its intention that the Talbert Drainage District shall be dissolved pursuant to the provisions of this act.

SEC. 3. After the adoption pursuant to Section 2 of a declaration of intention to dissolve the district, and upon the filing with the Secretary of State of an agreement by the City of Huntington Beach, duly adopted and ratified by the City Council of the City of Huntington Beach, to assume all powers, duties, and functions of the Talbert Drainage District for the purpose of winding up the affairs of the district, the Talbert Drainage District is dissolved, and no further actions or proceedings of any kind whatsoever shall be necessary to dissolve the Talbert Drainage District.

SEC. 4. Upon the dissolution of the Talbert Drainage District pursuant to Section 3, all real property of the district is transferred to the City of Fountain Valley, and all property and assets of the district, other than real property, are transferred to the City of Huntington Beach, and the City of Huntington Beach shall succeed to all powers, duties, and functions of the district for the purpose of winding up the affairs of the district.

SEC. 5. The provisions of this act are necessary because the cost of a dissolution election within the Talbert Drainage District in Orange County would be prohibitive in comparison with the limited assets of the district and because the urbanization of land within the district makes the continued existence of the district no longer useful or necessary. This problem is not common to all districts formed under the Drainage District Act of 1903. It is therefore hereby declared that a general law cannot be made applicable and that the enactment of this act as a special law is necessary to provide for the dissolution of the Talbert Drainage District.

CHAPTER 294

An act to amend Section 14204 of the Elections Code, relating to polling procedures.

[Approved by Governor July 8, 1971. Filed with Secretary of State July 8, 1971.]

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

SECTION 1. Section 14204 of the Elections Code is amended to read:

14204. The precinct board shall maintain the copies of the index posted during the whole time of voting. These copies shall not be marked in any manner except by a member of the precinct board acting pursuant to Section 14203.

Any person who removes, tears, marks or otherwise defaces such index with the intent to falsify or prevent others from readily ascertaining the name, address or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor.

A member of the precinct board shall post a notice on each index which reads as follows: "This index shall not be marked in any manner except by a member of the precinct board acting pursuant to Section 14203 of the Elections Code. Any person who removes, tears, marks or otherwise defaces this index with the intent to falsify or prevent others from readily ascertaining the name, address or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor."

CHAPTER 295

An act to add Chapter 15.5 (commencing with Section 19280) to Part 4 of Division 14 of the Streets and Highways Code, relating to lighting districts.

[Approved by Governor July 8, 1971. Filed with Secretary of State July 8, 1971.]

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

SECTION 1. Chapter 15.5 (commencing with Section 19280) is added to Part 4 of Division 14 of the Streets and Highways Code, to read:

CHAPTER 15.5. DISSOLUTION UPON ANNEXATION
TO MAINTENANCE DISTRICT

19280. A district organized under this part may be dissolved by resolution of the board of supervisors as provided in this chapter if the following facts exist:

(a) The district has been in existence for more than 25 years.

(b) The total annual budget of the district has been less than three thousand dollars (\$3,000) for each of the last five consecutive years.

(c) All of the territory in the district has been annexed to a maintenance district for street lighting organized pursuant to Chapter 26 (commencing with Section 5820), Part 3, Division 7 and which shall provide service to the area and shall assume all of the assets and liabilities of the dissolved district.

19281. If the board of supervisors finds that all of the facts set forth in Section 19280 exist, the board may dissolve the district by adopting a resolution which sets forth such facts. In the resolution, the board may fix a date upon which the dissolution shall become effective.

19282. The dissolution shall be effective upon the filing with the State Board of Equalization and the county assessor of a copy of the resolution of the board of supervisors declaring the district dissolved, or on such later date as may be fixed by the board of supervisors in such resolution.

CHAPTER 296

An act to add Sections 25503.10, 25503.11, and 25503.12 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 8, 1971. Filed with Secretary of State July 8, 1971.]

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

SECTION 1. Section 25503.10 is added to the Business and Professions Code, to read:

25503.10. (a) Notwithstanding any other provision of this division, the department may approve a lease or sublease, or amendments to such lease or sublease, where a manufacturer, manufacturer's agent, winegrower, rectifier, importer, or wholesaler is the lessor and a retailer is the lessee when each of the following conditions are incorporated in the lease:

(1) The lease is confined to real property and improvements thereon which have become part of the real property.

(2) No trade fixtures or other personal property are included in the lease.

(3) The rent to be paid by the lessee is not less than the current value for such a lease, which the lessor shall establish by submission of competent proof to the department.

(4) The rent is due and payable monthly beginning with the first month of occupancy.

(5) Any money received by the lessor from the lessee when the rent is due shall be first applied by the lessor to the payment of the rent.

(6) The lessee shall purchase from the lessor no more than 10 percent of his yearly supply of the type of alcoholic beverages sold on his licensed premises. The percentage shall be computed on a calendar-year basis.

(b) The original lease and any amendments to the original lease or to an amended lease shall be submitted to the department for its approval.

(c) The department may suspend or revoke the license of the lessor or the lessee for violations of any of the above conditions or for any misrepresentation in the terms of the lease.

(d) The ownership of shares of stock in a corporation licensed as a retailer under the provisions of this division, when such shares of stock are sold to the general public on any national or local stock exchange, shall not be deemed to be the ownership, either in whole or in part, of the land upon which a retail license issued to such corporation is located. The person who holds such shares of stock shall not be held to be a lessor under the provisions of this section.

SEC. 2. Section 25503.11 is added to the Business and Professions Code, to read:

25503.11. Notwithstanding any other provision of this division, a manufacturer, manufacturer's agent, winegrower, rectifier, importer, or wholesaler may hold a diminutive amount of stock in a corporate retail licensee, provided such stock ownership, as determined by the department, does not result in the exercise of control over the retail licensee's business and does not result in the exclusion of any competitor's brand of alcoholic beverages, and provided further that such stock is listed on the New York Stock Exchange or on the American Stock Exchange, and the department is notified of such stock ownership.

SEC. 3. Section 25503.12 is added to the Business and Professions Code, to read:

25503.12. Notwithstanding any other provision of this division, a retail licensee may hold a diminutive amount of stock in a corporate licensed manufacturer, manufacturer's agent, winegrower, rectifier, importer, or wholesaler, provided that the purpose of such stock ownership by the retail licensee, as determined by the department, is not to violate any of the provisions of this chapter, and provided further that such stock is listed on the New York Stock Exchange or on the American Stock Exchange, and the department is notified of such stock ownership.

CHAPTER 297

An act to amend Section 29122 of the Government Code, relating to county service areas.

[Approved by Governor July 8, 1971. Filed with Secretary of State July 8, 1971.]

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

SECTION 1. Section 29122 of the Government Code is amended to read:

29122. The board shall approve no claim and the auditor shall issue no warrant for any expenditure in excess of the budget appropriation therefor, except upon an order of a court of competent jurisdiction, for an emergency, or as otherwise provided by law. Provided, further, with respect to a newly created special district or county service area, whenever it is desired to commence operations prior to the time for adoption of a budget for such district or service area, any money advanced or transferred to such district or service area under authority of law is hereby appropriated for the payment of expenses of the district or service area until such time as a budget is formally adopted and becomes effective for such district or service area.

CHAPTER 298

An act to amend Section 12403 of the Penal Code, relating to destructive devices.

[Approved by Governor July 12, 1971. Filed with Secretary of State July 12, 1971.]

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

SECTION 1. Section 12403 of the Penal Code is amended to read:

12403. After January 1, 1969, nothing in this chapter shall prohibit any person who is a sheriff; undersheriff; deputy sheriff; policeman; reserve or auxiliary deputy sheriff or policeman; marshal; deputy marshal; constable; deputy constable; member of the California Highway Patrol; member of the California State Police Division; Chief, Assistant Chief, or special agent of the Bureau of Criminal Identification and Investigation; Chief, Assistant Chief, or narcotics agent of the Bureau of Narcotics Enforcement; investigator who is regularly employed and paid as such in the office of the Attorney General and is designated by the Attorney General; investigator who is regularly employed and paid as such in the office of a district attorney and is designated by the district attorney; deputy of the Department of Fish and Game; hospital admin-

istrator or police officer of the Department of Mental Hygiene; warden, superintendent, supervisor, or guard of the Department of Corrections; enforcement officers of the Department of Alcoholic Beverage Control described in subdivision (c) of Section 830.3; any superintendent, assistant superintendent, supervisor, or employee having custody of wards, of each institution of the Department of the Youth Authority; or any transportation officer of the Department of the Youth Authority, from purchasing, possessing, or transporting any tear gas weapon for official use in the discharge of their duties, if such weapon has been certified as acceptable under Article 5 (commencing with Section 12450) of this chapter and if such person has satisfactorily completed a course of instruction approved by the Commission on Peace Officers Standards and Training in the use of tear gas.

CHAPTER 299

An act to amend Section 16603 of the Education Code, relating to children's centers.

[Approved by Governor July 12, 1971. Filed with Secretary of State July 12, 1971.]

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

SECTION 1. Section 16603 of the Education Code is amended to read:

16603. The need of a parent and child for service in a children's center shall be determined upon one of the following conditions:

(a) There is but one parent in the home and such parent supports or cares, or both, for the child, or the parent is physically or mentally unable either to support the family or care for the child, or there is but one parent in the home and this parent requires education or training to qualify for entrance upon employment that will make the family economically self-sufficient.

(b) There are two parents in the home, each of whom is either working or is physically or mentally unable to either support the family or care for the child.

(c) A child is in need of a preschool educational program before entrance to kindergarten because of disadvantage arising from home and community environmental conditions.

(d) Either parent is attending school or receiving instruction, and the other parent, if any, is gainfully employed.

(e) The services of the parent having care of the child are necessary as a qualified and acceptable teacher in a public school or as a qualified and acceptable supervisor to serve in the supervision and instruction of children in a children's center or a supervisor of a children's center program, or as a qualified and acceptable aide in such program, as shall be evi-

denced by a statement from the employing authority of the public school to the governing body of the children's center.

(f) The services of the parent having care of the child are necessary as a registered nurse, or licensed vocational nurse, as evidenced by a statement from the responsible employer to the governing body of the children's center.

(g) The services of the parent having care of the child are necessary to meet an emergency arising from the necessity of harvesting or processing crops, or as an agricultural worker.

(h) The parent or parents having care of the child are attending school or receiving instruction under the state vocational rehabilitation program or under the Manpower Development and Training Act or under other programs authorized for a parent or parents in families qualifying for aid to families with dependent children other than a program described in (i), as evidenced by a statement from any one of such agencies, or that one parent in a two-parent family is attending school or receiving instruction under any one of such programs, and the other parent is employed or mentally or physically incapacitated, or the parent or parents could enter into a program such as is described in this section if children's center services were available to the family.

(i) The parent or parents having care of the child are participating under a work incentive program established pursuant to Section 432 of the Social Security Act, as evidenced by a statement from the Secretary of Labor or his representative, or that one parent in a two-parent family is so participating and the other parent is either employed or mentally or physically incapacitated to the extent that he is unable to care for the child, or the parent or parents could participate in such a program if children's center services were available to the family. A person continuously employed or engaged in on-the-job training for one year under a program described in Section 432(b)(1) of that act shall, for the purposes of this section, be deemed to be participating under a work incentive program during that year, unless federal law or regulations shall prescribe a different period.

CHAPTER 300

An act to add Section 69899.5 to the Government Code, relating to courts.

[Approved by Governor July 12, 1971. Filed with Secretary of State July 12, 1971.]

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

SECTION 1. Section 69899.5 is added to the Government Code, to read:

69899.5. In the County of Orange, a majority of the judges of the superior court may appoint the following officers and employees whose monthly salaries shall be:

Number of Positions	Title	Salary Range
1	Superior court administrator/jury commissioner -----	72
1	Assistant superior court administrator/jury commissioner -----	58
1	Administrative services assistant II -----	58
1	Master calendar assistant -----	50
1	Jury services supervisor -----	50
1	Court accounts technician -----	31
1	Executive secretary to presiding judge ----	42
1	Supervising judicial stenographer -----	39
3	Secretary II—judicial -----	35
5	Judicial stenographer -----	35
1	Court information clerk -----	29
5	Juvenile court referee -----	\$1,973
1	Juvenile traffic hearing officer -----	59
1	Legal research assistant -----	56
2	Probate examiner -----	54

The references to a numbered salary range in this section are to the salary schedule in the salary resolution of the County of Orange, as effective on June 30, 1970.

All personnel appointed pursuant to this section shall serve at the pleasure of the majority of the judges and may at any time be removed by the majority of the judges in their discretion.

With the approval of the board of supervisors, the majority of the judges may establish such additional titles and pay rates as are required, and, with the approval of the board of supervisors, may appoint and employ such additional commissioners, officers, assistants, and other employees as it deems necessary for the performance of the duties and exercise of the powers conferred by law upon the court and its members. Rates of compensation of all officers, assistants, and other employees, except those of court commissioners, may be adjusted by joint action and approval of the board of supervisors and a majority of the judges of the court.

Such appointments or changes in compensation made pursuant to this section shall be on an interim basis and shall expire 61 days after the adjournment of the next regular session of the Legislature, unless ratified at such session.

All personnel shall be entitled to such step advancement, vacation, sick leave, holiday benefits, other leaves of absence, and other benefits as may be directed by rules adopted by a majority of the judges. Where statutes require implementation by local ordinances for the extension of benefits to local officers and employees, these may be made applicable, by rule, to such personnel.

Such benefits shall also include the same lump sum payments for sick leave and vacation for such personnel when they are separated from the service as are made to county employees of such county.

Rules of the court may include other matters pertaining to the general administration of the court, including conditions of employment of such personnel. When such rules are adopted by a majority of the judges and filed with the Judicial Council they shall have the same status as other rules of court adopted pursuant to Section 68070.

When requested to do so by the court, the county shall furnish to the judges such services as may be required in connection with the recruitment and employment of such personnel.

All such personnel and judges shall be allowed actual traveling and necessary expenses incurred while engaged in the duties of their employment or office outside of the county.

All such personnel shall be included in the retirement system of the County of Orange, subject to the provisions of such system.

CHAPTER 301

An act to add Section 13075 to the Public Resources Code, relating to resort improvement districts.

[Approved by Governor July 12, 1971. Filed with Secretary of State July 12, 1971.]

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

SECTION 1. Section 13075 is added to the Public Resources Code, to read:

13075. (a) No district shall engage in any activity or provide any service not already engaged in or provided, or budgeted for, as of July 1, 1970. Whenever any activity or service of a district is terminated, it shall not be reactivated.

(b) Notwithstanding the provisions of subdivision (a), any obligations of a district which are outstanding as of the effective date of this section shall be considered exceptions to subdivision (a) and may be fully performed, and the provisions of this section shall not be construed in any manner so as to impair the contractual rights of any person.

(c) On or before January 1, 1972 the district board shall certify in writing to the Secretary of State any and all activities and services being engaged in or provided, or budgeted for, as of July 1, 1970, and all outstanding obligations of the district as of the effective date of this section, and shall transmit a copy of such certification to the State Controller, which shall be presumptive evidence of the activities authorized to be performed by the district.

CHAPTER 302

An act to amend Sections 69955 and 72197 of the Government Code, relating to court reporters.

[Approved by Governor July 12, 1971. Filed with Secretary of State July 12, 1971.]

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

SECTION 1. Section 69955 of the Government Code is amended to read:

69955. (a) The reporting notes of both official and pro tempore court reporters are official records of the court. Such notes shall be kept by the reporter taking the notes in such place or places as may be designated by the court, or, upon order of the court, delivered to the county clerk.

(b) If the reporting notes of an official court reporter have not been delivered to the county clerk, they shall be delivered by the reporter to the county clerk upon the reporter's retirement, resignation, dismissal, or in the case of any other absence for a period of more than 30 days. Upon the order of the court, the notes shall be returned to the reporter upon his return from such absence. In the event of the reporter's death, the notes shall be delivered to the county clerk by the reporter's personal representative.

(c) If the reporting notes of a pro tempore court reporter have not been delivered to the county clerk, they shall be delivered to the county clerk upon the termination of the reporter's appointment.

(d) No official or pro tempore court reporter may destroy the reporting notes taken by him, and no county clerk may destroy the reporting notes delivered to him until after five years from the taking of the notes and upon the order of the court.

(e) If reporting notes which have been delivered to the county clerk are to be transcribed, the court reporter who took the notes shall be given the first opportunity to make the transcription, unless he is unavailable for any reason or has been dismissed.

SEC. 2. Section 72197 of the Government Code is amended to read:

72197. Whenever such request has been granted and any official reporter of the superior court has been assigned to act as a pro tempore phonographic reporter of the municipal court, such reporter shall, during the period of such assignment to the municipal court, perform the duties of an official reporter of such municipal court and during the time of any such assignment such reporter shall be subject to the provisions of Sections 69942 to 69955, inclusive, and Sections 273 and 274c of the Code of Civil Procedure.

CHAPTER 303

An act to add Article 2.5 (commencing with Section 270) to Chapter 1 of Part 2 of Division 1 of, to amend and renumber Section 272 of, and to repeal Sections 269, 270, 271.3, 271.4, 277 and 278 of, the Revenue and Taxation Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1971. Filed with Secretary of State July 12, 1971.]

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

SECTION 1. Section 269 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 270 of the Revenue and Taxation Code is repealed.

SEC. 3. Article 2.5 (commencing with Section 270) is added to Chapter 1 of Part 2 of Division 1 of the Revenue and Taxation Code, to read:

Article 2.5. Late Exemption Claims

270. (a) With respect to property as to which the college, cemetery, church, exhibition, orphanage or welfare exemption was available but for which a timely application for exemption was not filed—

(1) Ninety percent of any tax or penalty or interest thereon shall be canceled or refunded provided an appropriate application for exemption is filed on or before the first day of March of the calendar year next succeeding the calendar year in which the exemption was not claimed by a timely application; or, if the application is filed thereafter,

(2) Eighty-five percent of any tax or penalty or interest thereon shall be canceled or refunded provided an appropriate application for exemption is filed and relief is not authorized under Section 214.01 or 271.

(b) Notwithstanding the provisions of subdivision (a), any tax or penalty or interest thereon exceeding two hundred fifty dollars (\$250) in total amount shall be canceled or refunded provided it is imposed upon property entitled to relief under subdivision (a) for which an appropriate claim for exemption has been filed.

(c) With respect to property as to which the welfare exemption was available, all provisions of Section 254.5, other than the specified dates for the filing of affidavits and other acts, are applicable to this section.

271. (a) Provided that an appropriate application for exemption is filed on or before the first day of March of the calendar year next succeeding the calendar year in which the property was acquired, any tax or penalty or interest thereon—

(1) Imposed upon property owned by any organization qualified for the college, cemetery, church, exhibition, orphanage or welfare exemption which is acquired by such organization during a given calendar year, after the lien date but prior to the first day of the fiscal year commencing within that calendar year, when the property is of a kind which would have been qualified for the college, cemetery, church, exhibition, orphanage or welfare exemption if it had been owned by such organization on the lien date, shall be canceled or refunded;

(2) Imposed upon property owned by any organization which would have qualified for the college, cemetery, church, exhibition, orphanage or welfare exemption had the organization been in existence on the lien date, which was acquired by it during that calendar year after the lien date in that year but prior to the commencement of such fiscal year, and of a kind that presently qualifies for such exemption and that would have so qualified for such fiscal year had it been owned by such organization on such lien date and had the organization been in existence on such lien date, shall be canceled or refunded;

(3) Imposed upon property acquired after the beginning of any fiscal year by an organization qualified for the college, cemetery, church, exhibition, orphanage or welfare exemption and the property is of a kind which would have qualified for an exemption if it had been owned by such organization on the lien date, whether or not that organization was in existence on the lien date, shall be canceled or refunded in the proportion that the number of days for which the property was so qualified during the fiscal year bears to 365.

(b) Eighty-five percent of any tax or penalty or interest thereon imposed upon property which would be entitled to relief under the provisions of subdivision (a) or Section 214.01, except that an appropriate application for exemption was not filed within the time required by the applicable provision, shall be canceled or refunded provided that an appropriate application for exemption is filed after the last day on which relief could be granted under subdivision (a) or Section 214.01.

(c) Notwithstanding the provisions of subdivision (b), any tax or penalty or interest thereon exceeding two hundred fifty dollars (\$250) in total amount shall be canceled or refunded provided it is imposed upon property entitled to relief under subdivision (b) for which an appropriate claim for exemption has been filed.

(d) With respect to property acquired after the beginning of the fiscal year for which relief is sought, the provisions of subdivisions (b) and (c) shall apply only to that pro rata portion of any tax or penalty or interest thereon which would have been canceled or refunded had the property qualified for relief under paragraph 3 of subdivision (a).

272. Notwithstanding any other provision of law, whenever a valid application for exemption is filed pursuant to Section 270 or 271 and the assessor receives the board finding pursuant to Section 254.5 prior to the completion of the roll for the year for which the exemption is claimed, the assessor shall enroll the property so as to provide for the amount of exemption on the property's assessed value as provided by the applicable section.

When the application for exemption or the finding of the board for such application is received after completion of the roll, the assessor shall initiate an action to the board of supervisors to correct the roll by addition of the appropriate amount of exemption on the property. If approved, the auditor shall make the appropriate adjustment on the roll.

Where authorized under the provisions of this article, the tax, penalty or interest thereon subject to cancellation or refund shall be canceled pursuant to Article 1 (commencing with Section 4985) of Chapter 4 of Part 9 of this division, as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected. The amount of tax, penalty or interest which is not canceled or refunded under this article with respect to property tax exemptions covered by this article and filed late may be paid in installments as provided in Chapter 3 (commencing with Section 4186) of Part 7 of Division 1.

SEC. 4. Section 271.3 of the Revenue and Taxation Code is repealed.

SEC. 5. Section 271.4 of the Revenue and Taxation Code is repealed.

SEC. 6. Section 272 of the Revenue and Taxation Code is amended and renumbered to read:

273. If a claimant for the veterans' exemption fails to file the required affidavit pursuant to Section 255 because he was in the military service of the United States and serving outside of the continental limits of the United States between the lien date and 5 o'clock p.m. on April 15 of any year, the veterans' exemption may be claimed pursuant to Section 252 or 253 without regard to the time limit specified in Section 255 and any tax or penalty or interest thereon for any fiscal year commencing during that calendar year on property to the amount of one thousand dollars (\$1,000) owned by such person as to which the veterans' exemption was available for such fiscal year, shall be canceled or refunded.

SEC. 7. Section 277 of the Revenue and Taxation Code is repealed.

SEC. 8. Section 278 of the Revenue and Taxation Code is repealed.

SEC. 9. The repeals effected by this act shall not be construed to deprive any person or public agency of any substantial right which would have existed or hereafter exists had such repeals not been effected.

SEC. 10. The provisions of this act shall be operative for property taxes for the 1970-1971 fiscal year and fiscal years thereafter.

SEC. 11. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Legislature has attempted to deal in a variety of ways with the recurring problem of churches, colleges, and other organizations which inadvertently fail to file the affidavits required for property tax exemptions in a timely manner. Even the small percentage of tax required by Section 277 or 278 of the Revenue and Taxation Code can impose a substantial and unexpected burden on some of those organizations and severely impair their ability to adequately carry out their functions. This act will remedy the situation by enacting a fair and comprehensive system of refunds and cancellations for such exemptions. In so doing, the public policy of the state as expressed in the Constitution will be entirely fulfilled and the state as a whole will benefit. In order to provide this remedy at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 304

An act to amend Sections 12, 15, 25, 30, 34, 52, and 53 of, and to add Sections 15.3, 51.1, 51.2, and 53.3 to, the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961), relating to the Desert Water Agency.

[Approved by Governor July 12, 1971. Filed with
Secretary of State July 12, 1971.]

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

SECTION 1. Section 12 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961) is amended to read:

Sec. 12. The board of directors shall act only by ordinance, resolution, or motion. On all ordinances the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and orders may be adopted by voice vote, but on demand of any member the roll shall be called. No ordinance, motion, or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Desert Water Agency as follows:" The board of directors may enact any ordinance which adopts any code by reference following the procedures, definitions, and provisions of Article 2 (commenc-

ing with Sec. 50020) of Chapter 1, Part 1, Division 1, Title 5 of the Government Code so far as they may be applicable. Each of the members of the board of directors shall receive for each attendance at the meetings of the board fifty dollars (\$50) for attendance at any regular, special or adjourned meeting, but shall receive pay for not more than three such meetings in any calendar month. A director shall be compensated for a meeting of the board if at the time of the holding of such meeting he is on other business of the district, at the request of the board. Any vacancy in the board of directors shall be filled by a majority of the remaining directors, the person so chosen shall be a resident of and otherwise qualified to be a director of the agency and shall hold office for the remainder of the unexpired term.

SEC. 2. Section 15 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961) is amended to read:

Sec. 15. The Desert Water Agency incorporated as herein provided, shall have the power:

1. To have perpetual succession;
2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;
3. To adopt a seal and alter it at pleasure;
4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the Desert Water Agency;
5. To acquire, or contract to acquire, waterworks or a water-work system, waters, water rights, lands, rights and privileges and construct, maintain and operate conduits, pipelines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a waterworks plant or system for the benefit of the agency, and to complete, extend, add to, repair or otherwise improve any waterworks or waterworks system acquired by it as herein authorized.
6. To construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the Desert Water Agency, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities including regulations imposing reasonable charges for the use thereof. Violation of any such regulation shall be a misdemeanor.
7. To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the agency to cities, and to other public corporations and public agencies within the agency, and to the inhabitants of

such cities and of other territory within the agency, and to persons, corporations, and other private agencies within the agency for use within said agency without any preference; also to sell water outside the boundaries of the agency to the extent that the lands and inhabitants so served are southerly and westerly of the White Water River and northerly of the township line between Township 4 South and Township 5 South, S.B.B. & M., and exclusive of that certain subdivision known as Palm Springs Outposts Estates situated in Section 21, Township 4 South, Range 5 East, S.B.B. & M. and it may, whenever the board shall find that there is a surplus of water above that which may be required by such consumers within said agency, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers;

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

9. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the agency or any portion thereof with water, whether such property be already devoted to the same use or otherwise, and may condemn any existing waterworks or system, or any portion thereof, or any waters or water rights owned by any person, firm or private corporation. In proceedings relative to the exercise of such right, the agency shall have all of the rights, powers and privileges of a city; provided, the agency in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location. The agency shall have or exercise no power of eminent domain with respect to property situated outside the boundaries of the agency other than the power to acquire by eminent domain any integrated water production, transmission and distribution facilities located partially within and without the boundaries of the agency, provided such integrated facilities are located southerly and westerly of the White Water River and northerly of the township line between Township 4 South and Township 5 South, S.B.B. & M., and exclusive of that certain subdivision known as Palm Springs Outposts Estates situated in Section 21, Township 4 South, Range 5 East, S.B.B. & M. The agency shall not have or exercise power of eminent domain as to any property belonging to a county water district which has more than 50,000 acres of land within its boundaries.

10. To issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided; also to refund (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist

against the agency or property thereof; also to issue warrants to pay the formation expenses of the agency, which warrants may bear interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings.

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

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

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

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

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

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

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

18. To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses and protection of the agency or its inhabitants or the owners of rights to water therein; provided, however, that all waters of the Whitewater River System are excluded from the provisions hereof, except such waters of said system as may be lawfully acquired by the Desert Water Agency; provided further that rights to any water made available by the Desert Water Agency are owned and controlled exclusively by the agency, and no person within or outside of the boundaries of the Desert Water Agency shall acquire any property or other right in such water, except as provided by contract with the agency, or pursuant to such rules and regulations as the agency may from time to time establish and enforce.

19. Subject to the limitations in subdivision 9 of this section, to join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation, the Metropolitan Water District of Southern Cali-

fornia, or other public district of this state. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the Desert Water Agency, or an improvement district thereof, incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the agency, or an improvement district thereof, voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the agency. The exact form of such contract need not be available at the time of the special election, but the (1) purpose of the contract; (2) maximum amount of the indebtedness created thereby; (3) maximum term of repayment, and (4) maximum interest rate on such indebtedness shall be known and included in the proposition or measure submitted to the qualified electors of the agency, or an improvement district thereof, at such special election.

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

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

21. Distribute water to persons in exchange for ceasing or reducing ground water extractions and to fix the terms and conditions of any contract under which producers may agree voluntarily to use replenishment water from a nontributary

source in lieu of ground water, and to such end an agency may become a party to such contract and pay from the agency funds such portion of the cost of such replenishment waters as will encourage the purchase and use of such water in lieu of pumping so long as the persons or property within the agency are directly or indirectly benefited by the resulting replenishment.

22. To issue bonds under Section 28 of this act for the purpose of providing money required to be paid by this agency as all or part of the terms and conditions under which the corporate area of the Desert Water Agency may be annexed to and become a part of any metropolitan water district organized under the Metropolitan Water District Act. The amount of said bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

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

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

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

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

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

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

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

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

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

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

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

SEC. 3. Section 15.3 is added to the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961), to read:

Sec. 15.3. (a) Any person who intends to dig, bore or drill a water well as defined in Section 13710 of the Water Code, and any person who intends to cause to have such a well dug, bored or drilled within the territory of the agency, shall file with the agency at least 15 days before the commencement of such construction a "Notice of Intent to Extract Groundwater," hereinafter called "notice."

(b) The notice shall contain such information as the agency may require, including, but not limited to (1) the location of the well site; (2) a description of the type of construction to be used; (3) the proposed uses of the extracted water, including the lands to be served thereby; and (4) the proposed date of construction. Both the owner of the land on which the construction is proposed and the person who will construct the well must sign and verify the notice. The agency may prepare and make available to interested persons a form setting forth such information and such other information as it may require under the provisions of this section, in which case all persons required to report under this section may satisfy the requirements of this section by filing such notice on such form.

(c) Failure to file a notice required by this section shall be punishable by a civil penalty of not exceeding five hundred dollars (\$500). Both the owner of the land and the constructor of the well shall be assessed under this subdivision.

(d) "Person," as used in this section, includes any local governmental agency, except that any such agency shall not be subject to any civil penalty under subdivision (c) for failure to file a notice required by this section.

SEC. 4. Section 25 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961) is amended to read:

Sec. 25. The board of directors, so far as practicable, shall fix such rate or rates for water in the agency and in each improvement district therein as will result in revenues which will pay the operating expenses of the agency, and the improvement district, provide for repairs and depreciation of works, provide a reasonable surplus for improvements, extensions and enlargements, pay the interest on any bonded debt, provide a sinking or other fund for the payment of the principal of such debt as it may become due, and repay advances, together with interest at a rate not to exceed the interest value of money to the agency, made from the agency to an improvement district. Said rates for water in each improvement district may vary from the rates of the agency and from other improvement districts therein.

SEC. 5. Section 30 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961) is amended to read:

Sec. 30. Any portion of the Desert Water Agency whether contiguous or not to an improvement district thereof may be annexed to said improvement district in the following manner. A petition, which may consist of any number of separate in-

struments, shall be filed with the secretary of the agency, signed by holders of title to sixty percent (60%) or more of the land in the portion proposed to be annexed, which land as so represented in said petition shall have an assessed valuation of not less than fifty percent (50%) of the land so proposed to be annexed. The petition shall contain the following: (a) a description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the area proposed to be annexed, or in any other definite manner; (b) the terms and conditions upon which said proposed area may be annexed as theretofore determined by resolution adopted by the board of directors of the agency; and (c) a prayer that the board of directors declare such area to be annexed to the improvement district. Said petition shall be accompanied by a certified check payable to the order of the agency in sufficient sum to reimburse said agency for expenses of processing and publishing the petition and preparing and making the filings required by law.

Within 10 days of the date of the filing of such petition the secretary of the agency shall examine the same and ascertain whether or not such petition is signed by the required number of property owners; and, if requested by the secretary of the agency, the board of directors shall authorize him to employ persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the secretary of the agency has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of property owners, or is not so signed, he shall certify that the same is sufficient, or insufficient, as the case may be.

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

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

The text of said petition shall be published pursuant to Section 6066 of the Government Code prior to the time at which the same is to be presented to the board of directors of the agency in at least one newspaper printed and published in the Desert Water Agency, if there is a newspaper printed and published in such agency; together with a notice stating the

time and place of the meeting at which the same will be presented. When contained upon one or more instruments one copy only of such petition need be published. No more than five of the names attached to said petition need appear in said publication of said petition and notice, but the number of signers shall be stated. Said notice and petition shall also be posted in three public places in the improvement district and three public places in the area proposed to be annexed, at least two weeks prior to the hearing.

The board of directors of the agency shall proceed to hear the petition at the time and place fixed therefor and any person residing within the agency or improvement district or owning taxable property in said agency or improvement district shall be entitled to appear and be heard at such hearing: Such hearing may be continued from time to time by the board of directors of the agency. At the conclusion of the hearing, and if the board of directors finds and determines from the evidence presented at said hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which said area proposed to be annexed will also be benefited thereby and will not be injured thereby, then and in such case the board of directors of the agency may, by resolution, approve such annexation, describing the territory so annexed, which may be by reference to a map on file with the secretary of the agency shall govern for all details as to the extent of the annexed area, or in any other definite manner, and the terms and conditions of annexation as theretofore determined by resolution of the board of directors.

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

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

Sec. 6. Section 34 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961) is amended to read:

Sec. 34. The board of directors may advance general funds of the agency to accomplish the purposes of an improvement district formed in accordance with Sections 29 or 33. If the improvement district is formed under Section 33, the board may provide that the district shall be repaid for any advance of funds, with interest at a rate not to exceed the interest value of money to the district, from the taxes levied exclusively upon the taxable property in the improvement district. If the improvement district is formed under Section 29 the board may repay the agency for any advance of funds from the proceeds of the sale of bonds authorized for the purposes of such improvement district or as provided in Section 25. To the extent that advances made for improvements for which such bonds were authorized are repaid from funds other than the proceeds of the sale of bonds of the improvement district, the authority of the board to issue bonds of the improvement district in a like amount or amounts shall terminate. The treasurer shall maintain proper records and accounts in which there shall be set forth all repayments of advances to the extent that such advances are made for the improvements for which such bonds were authorized and, to the extent that such repayments reduce the amount of bonds which may be issued on behalf of any improvement district, the net principal amount of authorized but unissued bonds of such improvement district.

Sec. 7. Section 51.1 is added to the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961), to read:

Sec. 51.1. The agency may borrow money in anticipation of the sale of, but not in excess of the principal amount of, authorized bonds of any improvement district formed pursuant to Section 29 which have not yet been sold and delivered, and for that purpose may issue and sell negotiable bond anticipation notes, and may refund such notes from time to time, but the maximum maturity of any such notes, as originally issued or as refunded, shall not exceed five years from the date of the original notes. The notes shall be sold in such manner as the board may determine, and such notes and the resolution providing for the issuance of such notes may contain any provision, condition or limitation which a bond, or any resolution or ordinance providing for the issuance of bonds, may contain. The interest on bond anticipation notes shall be payable at the time or times provided in such notes and may be represented by interest coupons attached to the notes and shall be payable from the same funds from which the interest on bonds of the improvement district are payable. The principal of such notes may be paid from any moneys of the improvement district available for such purpose. If such notes, or any portion thereof, have not been previously paid, they shall be paid from the proceeds of the next sale of bonds in anticipation of which the notes were issued. The resolution providing for the issuance of bond anticipation notes may contain a provision

that, if for any reason bonds of the improvement district are not sold in time to provide funds to pay any unpaid note, and, if other funds of the improvement district are not available for such payment, taxes shall be levied upon the taxable property in the improvement district for such payment in the same manner provided for the payment of bonds in such amount each year for such period of years as may be set forth in such resolution. To the extent bond anticipation notes are paid from a tax levy, authorized bonds in a corresponding amount shall be canceled and not issued thereafter. When bonds of the improvement district are issued and any portion of the proceeds of the sale are to be used to pay bond anticipation notes, such bonds shall mature not later than the maximum permissible years for such bonds from the date of such notes as originally issued.

SEC. 8. Section 51.2 is added to the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961), to read:

Sec. 51.2. The agency may borrow money in anticipation of the sale of, but not in excess of the principal amount of, authorized bonds of the agency which have not yet been sold and delivered, and for that purpose may issue and sell negotiable bond anticipation notes, and may refund such notes from time to time, but the maximum maturity of any such notes, as originally issued or as refunded, shall not exceed five years from the date of the original notes. The notes shall be sold in such manner as the board may determine, and such notes and the resolution providing for the issuance of such notes may contain any provision, condition or limitation which a bond, or any resolution or ordinance providing for the issuance of bonds, may contain. The interest on bond anticipation notes shall be payable at the time or times provided in such notes and may be represented by interest coupons attached to the notes and shall be payable from the same funds from which the interest on bonds of the agency are payable. The principal of such notes may be paid from any moneys of the agency available for such purpose. If such notes, or any portion thereof, have not been previously paid, they shall be paid from the proceeds of the next sale of bonds in anticipation of which the notes were issued. The resolution providing for the issuance of bond anticipation notes may contain a provision that, if for any reason bonds of the agency are not sold in time to provide funds to pay any unpaid note, and, if other funds of the district are not available for such payment, taxes shall be levied upon the taxable property in the agency for such payment in the same manner provided for the payment of bonds in such amount each year for such period of years as may be set forth in such resolution. To the extent bond anticipation notes are paid from a tax levy, authorized bonds in a corresponding amount shall be canceled and not issued thereafter. When bonds of the agency are issued and any portion of the proceeds of the sale are to be used to pay bond anticipation

notes, such bonds shall mature not later than the maximum permissible years for such bonds from the date of such notes as originally issued.

SEC. 9. Section 52 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961) is amended to read:

Sec. 52. Whenever the board deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works, or property mentioned in this law and to provide for such bonded indebtedness to be payable from taxes levied upon an uninhabited portion of the agency, the board shall, by resolution, declare its intention to form an uninhabited improvement district in such portion of the agency and to incur such indebtedness.

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

The resolution of intention shall state that the board intends to form an improvement district of an uninhabited portion of the agency which in the opinion of the board will be benefited, and to incur indebtedness by the issuance of bonds of the agency for such uninhabited improvement district.

The resolution of intention shall also state:

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

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

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

The resolution of intention shall also state that a general description of the proposed improvement, together with a map showing the exterior boundaries of the proposed uninhabited improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed uninhabited improvement district.

The resolution of intention shall also state:

(a) The time and place for a hearing by the board on the questions of the formation and extent of the proposed uninhabited improvement district, the proposed improvement, and the amount of debt to be incurred.

(b) That at the time and place specified in the resolution any person interested will be heard, and that any owner of property within the proposed uninhabited improvement district may file with the secretary at any time prior to the time set for the hearing thereon written protest to the formation of the proposed uninhabited improvement district.

Notice of the hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper circulated in the agency, if there is a newspaper circulated in the agency. Such notice shall also be given by posting a copy of the resolution of intention in three public places within the proposed uninhabited improvement district for at least two weeks before the time fixed for the hearing.

A copy of the resolution of intention shall also be mailed, postage prepaid, to each person to whom land in the proposed uninhabited improvement district is assessed as shown on the last equalized county assessment roll, at his address as shown upon the roll, and to any person, whether owner in fee or having a lien upon, or legal or equitable interest in, any land within the proposed uninhabited improvement district, whose name and address and a designation of the land in which he is interested is on file with the secretary.

At the time and place fixed in the resolution of intention, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested may appear and present any matters material to the questions set forth in the resolution. Also at the hearing the board shall hear and pass upon all written protests filed by the owners of property within the proposed uninhabited improvement district.

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

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

(b) The amount of the proposed debt.

(c) That the exterior boundaries of the portion of the agency which will be benefited are set forth on a map on file with the secretary, which map shall govern for all details as to the extent of the uninhabited improvement district.

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

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

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

of the bonds and the interest thereon shall be levied exclusively upon the taxable property in the uninhabited improvement district.

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

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

The board may repay the agency for any advance of funds from the proceeds of the sale of bonds authorized for the purposes of such improvement district. To the extent that advances made for improvements for which such bonds were authorized are repaid from the funds other than the proceeds of the sale of bonds of the improvement district, the authority of the board to issue bonds of the improvement district in a like amount or amounts shall terminate. The treasurer shall maintain proper records and accounts in which there shall be set forth all repayment of advances to the extent that advances are made for the improvements for which such bonds were authorized and, to the extent that such repayments reduce the amount of bonds which may be issued on behalf of any improvement district, the net principal amount of authorized but unissued bonds of such improvement district.

SEC. 10. Section 53 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961) is amended to read:

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

The resolution proposing annexation shall:

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

(b) State the reason for proposing the annexation.

(c) Set forth a description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the agency which map shall govern for all details as to the extent of the area proposed to be annexed.

(d) State the terms and conditions of the annexation.

(e) State that the holders of title to any of the land sought to be annexed may file written protests with the secretary to the annexation or the annexation upon such terms and conditions.

(f) Fix the time and place of a meeting at which the board will receive written protests theretofore filed with the secretary, receive additional written protests, and hear from any and all persons interested in the annexation.

The text of the resolution proposing annexation shall be published, pursuant to Section 6066 of the Government Code, prior to the time of hearing in at least one newspaper printed and published in the agency, if there is a newspaper published and printed in the agency.

A copy of the resolution proposing annexation shall also be posted in three public places within the improvement district and three public places in the area proposed to be annexed at least two weeks prior to the hearing.

The board shall proceed with the hearing at the time and place fixed therefor and may continue the hearing, if need be, from time to time. All interested persons will be heard at the hearing.

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

If written protest is not made by the owners of one-half of the value of the territory proposed to be annexed, and if, at the conclusion of the hearing, the board finds and determines from the evidence presented at the hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which the area proposed to be annexed will also be benefited thereby and will not be injured thereby, the board may, by resolution, approve such annexation.

The resolution shall describe the territory annexed, which may be by reference to a map on file with the secretary, which map shall govern for all details as to the extent of the annexed area. The resolution shall also state the terms and conditions of annexation as theretofore determined by resolution of the board.

If the board finds and determines that either the area proposed to be annexed to the improvement district will not be benefited thereby or that the improvement district to which the area is proposed to be annexed will not be benefited thereby and will be injured thereby, the board shall by resolution disapprove such annexation.

From and after the date of the adoption of the resolution approving the annexation, the area described therein is added to and forms a part of the improvement district.

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

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

Any action or proceeding in which the validity of an annexation to an improvement district pursuant to this section is contested, questioned, or denied shall be commenced within three months after the date of the resolution of the board approving the annexation of the territory to an improvement district; otherwise, the annexation shall be held valid and in every respect legal and incontestable.

SEC. 11. Section 53.3 is added to the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961), to read:

Sec. 53.3. If territory is excluded from an improvement district as a result of being detached from the agency after bonds have been authorized at an election held in such improvement district, but before any of such bonds have been issued and sold, the board of directors may modify the proposed improvement to take into consideration any change in circumstances resulting from such detachment, and may issue bonds in an amount not exceeding the amount authorized at such election for the purpose of paying the cost of the improvement as modified, without any further election, but only after notice and hearing in the same manner as provided in Section 53.2, and provided that at the conclusion of the hearing the board of directors shall by resolution determine that the remaining territory within the improvement district will be benefited by the improvement as modified.

CHAPTER 305

An act to amend Section 5602 of the Financial Code, relating to savings and loan associations.

[Approved by Governor July 12, 1971. Filed with
Secretary of State July 12, 1971.]

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

SECTION 1. Section 5602 of the Financial Code is amended to read:

5602. Neither the commissioner, nor any person employed by the commissioner nor any conservator, receiver, or liquidator who has participated in the reorganization, merger or rehabilitation of an association under Chapter 17 (commencing with Section 9000) or 19 (commencing with Section 9500) of Part 1 of this division, shall become for a period of two years from and after the effective date of such reorganization, merger or rehabilitation, an officer or director of, or serve as officer or director of, or serve in any position of gain or profit in any company or association formed in whole or in part of the assets or funds of the reorganized, merged, or rehabilitated association.

CHAPTER 306

*An act to add Section 65909 to the Government Code,
relating to zoning and use permits.*

[Approved by Governor July 12, 1971. Filed with
Secretary of State July 12, 1971.]

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

SECTION 1. Section 65909 is added to the Government Code, to read:

65909. No local governmental body, or any agency thereof, may condition the issuance of any building or use permit or zone variance on any or all of the following:

(1) The dedication of land for any purpose not reasonably related to the use of the property for which the variance, building, or use permit is requested.

(2) The posting of a bond to guarantee installation of public improvements not reasonably related to the use of the property for which the variance, building, or use permit is requested.

CHAPTER 307

*An act to amend Section 70059.7 of the Government Code,
relating to superior court reporters.*

[Approved by Governor July 12, 1971. Filed with
Secretary of State July 12, 1971.]

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

SECTION 1. Section 70059.7 of the Government Code is amended to read:

70059.7. In a county with a population of not less than 168,500 and not more than 169,000, as determined by the 1960 federal census, each regular official reporter shall be paid an annual salary of thirteen thousand five hundred dollars (\$13,500), which salary shall include payment for his services in reporting all proceedings in the superior court and before the grand jury.

Reporters pro tempore shall be paid at the rate of fifty-five dollars (\$55) a day for the days they are actually on duty under order of the court, and shall receive from the county their necessary traveling and other expenses when necessarily called from other counties.

In such a county, the fee required by Section 70053 shall be ten dollars (\$10).

In addition to any fee otherwise required, in civil cases that last longer than five judicial days, a fee per day equal to the per diem rate for official reporters pro tempore shall be charged to the parties for the services of an official reporter for the sixth and each succeeding day a reporter is required.

CHAPTER 308

An act to add Section 39 to the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959), relating to the Mojave Water Agency.

[Approved by Governor July 12, 1971. Filed with Secretary of State July 12, 1971.]

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

SECTION 1. Section 39 is added to the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959), to read:

Sec. 39. (a) Any person who intends to dig, bore, or drill a water well, as defined in Section 13710 of the Water Code, any person who intends to cause to have such a well dug, bored or drilled, and any person who intends to divert or cause to be diverted any surface water, within the territory of the agency or such portion thereof as the agency may delineate by ordinance, shall file with the agency at least 15 days before commencement of such construction a "Notice of Intent to Extract or Divert Water" (hereinafter called "notice").

(b) The notice shall be submitted on a form prepared by the agency and shall contain such information as the agency may require, including, but not limited to: (1) the location of the well site or diversion; (2) a description of the type of construction to be used; (3) the proposed uses of the extracted or diverted water, including the lands to be served thereby; and (4) the proposed date of construction. Both the person owning the land or an interest therein and the person who will construct the well or diversion facility shall sign and verify the notice.

(c) Failure to file the notice required by this section shall be punishable by a civil fine of not exceeding five hundred dollars (\$500). Both the person owning the land or an interest therein and the person constructing the well or diversion facility shall be assessed under this subdivision.

 CHAPTER 309

An act to amend Section 11 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962, First Extraordinary Session), relating to the Crestline-Lake Arrowhead Water Agency.

[Approved by Governor July 12, 1971. Filed with Secretary of State July 12, 1971.]

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

SECTION 1. Section 11 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 11. The Crestline-Lake Arrowhead Water Agency incorporated as herein provided, shall have all of the following powers:

(1) To have perpetual succession.

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

(3) To adopt a seal and alter it at pleasure.

(4) To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the Crestline-Lake Arrowhead Water Agency.

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

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

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

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

(9) To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the agency or any portion thereof with water, whether

such property be already devoted to the same use or otherwise, and may condemn any existing waterworks or system, or any portion thereof, or any waters or water rights owned by any person, firm or private corporation. In proceedings relative to the exercise of such right, the agency shall have all of the rights, powers and privileges of a city; provided, the agency in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location. No action in eminent domain to acquire property or interests therein outside the boundaries of the agency shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

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

(11) To issue negotiable promissory notes bearing interest at a rate not exceeding 6 percent per annum; provided, however, that said notes shall be general obligations of the agency payable from revenues and taxes in the same manner as bonds of said agency; and provided further, that the maturity shall not be later than three years from the date thereof and that the total aggregate amount of such notes outstanding at any one time may be at least equal to seventy-five thousand dollars (\$75,000) but shall not otherwise exceed the lesser of either five hundred thousand dollars (\$500,000) or 2 percent of the assessed valuation of the taxable property in the Crestline-Lake Arrowhead Water Agency or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate.

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

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

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

(15) To make contracts, to employ labor, and do all acts necessary for the full exercise of the agency's powers.

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

(17) To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the agency, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of such officers or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them.

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

(19) To join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or

any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation, the Metropolitan Water District of Southern California, or other public district of this state. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the Crestline-Lake Arrowhead Water Agency or improvement district thereof incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the agency or improvement district voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the agency or improvement district.

(20) To commence, maintain, intervene in, and compromise, in the name of the agency, any action or proceeding involving or affecting the ownership or use of water or water rights within the agency, used or useful for any purpose of the district, or a common benefit to lands within the agency or its inhabitants.

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

(22) To issue bonds under Section 18 of this act for the purpose of providing money required to be paid to the agency organized under the Metropolitan Water District Act by the board of directors of the agency as all or part of the terms and conditions upon which the corporate area of the Crestline-Lake Arrowhead Water Agency may be annexed to and become a part of said metropolitan water district. The amount of said bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

(23) To issue revenue bonds for any purpose for which such bonds could be issued under the provisions of the Revenue

Bond Law of 1941 or any other law which by its terms is applicable to districts formed under this act.

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

(a) "City Council" and "council" shall mean the board of directors of the Crestline-Lake Arrowhead Water Agency.

(b) "Municipality" and "city" shall mean the Crestline-Lake Arrowhead Water Agency.

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

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

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

(f) "Treasurer" and "city treasurer" shall mean the treasurer of the Crestline-Lake Arrowhead Water Agency.

(g) "Mayor" shall mean the president of the board of directors of the Crestline-Lake Arrowhead Water Agency.

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

Any certificates or documents required to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed or recorded in the office of the secretary of the Crestline-Lake Arrowhead Water Agency.

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

(26) In connection with the construction and operation of the works of the agency, the agency shall have the power to contract for the sale of the right to use falling water for electric energy purposes with any public agency or private entity engaged in the retail distribution of electric energy, for a term not to exceed 50 years.

CHAPTER 310

An act to amend Sections 52170, 52172, 52173, 52175, 52176, 52178, 52179, 71052, 71071, 71072, 71073, 71074, 71078, 71080, 71081, 71631, and 71813 of, to add Sections 51301.5, 71596, and 71814 to, to add Article 5 (commencing with Section 71689 20) to Chapter 3 of Part 5 of Division 20 of, to repeal Sections 71075, 71076, and 71077 of, and to repeal Chapter 3 (commencing with Section 71100) of Part 2 of Division 20 of, the Water Code, relating to water districts.

[Approved by Governor July 12, 1971. Filed with Secretary of State July 12, 1971.]

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

SECTION 1. Section 51301.5 is added to the Water Code, to read:

51301.5. Whenever the board shall call for redemption any bonds which by their terms are subject to call and redemption at the option of the district at a premium, then, unless district funds are otherwise available for payment of such premium, the board shall request the board of supervisors to order an additional or supplemental assessment to be made as provided in Section 51300 sufficient to pay the premium on the bonds so called for redemption.

SEC. 1.1. Section 52170 of the Water Code is amended to read:

52170. The board may provide at any time before the sale of the bonds that the bonds shall be callable at face value, plus accrued interest, on any interest payment date, with or without a premium to be specified by the board, and inserted in the bonds. All other terms and conditions of the call shall be as provided by the board.

SEC. 1.2. Section 52172 of the Water Code is amended to read:

52172. Less than all of the bonds of any maturity may be called in inverse numerical order or by lot and, if called by lot, the board shall ascertain by a drawing the bonds to be called in such maturity by lot.

SEC. 1.3. Section 52173 of the Water Code is amended to read:

52173. The order calling bonds shall specify the bonds to be called by number, maturity or such other designation as may be provided by the board.

SEC. 1.4. Section 52175 of the Water Code is amended to read:

52175. The county treasurer shall add the principal of the bonds so called for redemption specified in the order, and any premium provided by those bonds to be paid upon such call, to the amount which he is required to collect for payment of the next maturing principal and interest of the outstanding bonds.

SEC. 1.5. Section 52176 of the Water Code is amended to read:

52176. The county treasurer, in his notice of call of assessment, shall specify the amount which is included for payment of principal of and interest on the bonds to be called and premium thereon.

SEC. 1.6. Section 52178 of the Water Code is amended to read:

52178. The notice of the call of bonds shall contain a reference to the order of the board calling the bonds and a notification to all holders of bonds so called to present the bonds for payment on the date specified in the notice. The notice of call shall further state that whenever, on or after the call date specified in the notice, funds are received by the county treasurer for payment of the bonds, coupons and premium, all interest thereon shall cease.

SEC. 1.7. Section 52179 of the Water Code is amended to read:

52179. In the event the bonds are callable at a premium, the board shall draw a warrant or warrants in favor of the county treasurer from time to time as bonds are called for redemption in an amount equal to the amount of the premium required to be paid on the bonds then called for redemption. Each such warrant shall be drawn against funds derived from the additional or supplemental assessment required to be levied pursuant to Section 51301.5. The amounts collected on such additional or supplemental assessment shall be used by the county treasurer for the payment of the premium on the bonds then called for redemption and, to the extent of such payment, such warrant shall be reduced or canceled by endorsement on the reverse thereof.

SEC. 1.8. Section 71052 of the Water Code is amended to read:

71052. As used in this part, "application" means an application for the initiation of proceedings for the formation of a district under the provisions of the Knox-Nisbet Act, Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5 of the Government Code.

SEC. 2. Section 71071 of the Water Code is amended to read:

71071. Except as otherwise provided in this article, if an application includes any portion of a city, the entire territory of the city, at the time of filing the application, shall be included within the boundaries of the proposed district.

SEC. 3. Section 71072 of the Water Code is amended to read:

71072. If an application includes any territory within the boundaries of a proposed city for which a valid petition for incorporation has been filed with the board of supervisors of the affected county, the entire area of the proposed city, at the time of filing the application, shall be included within the boundaries of the proposed district.

SEC. 4. Section 71073 of the Water Code is amended to read:

71073. If an application is filed, and proceedings for the formation of the district are commenced and prosecuted, in the manner and within the time specified by this part, the inclusion within the boundaries of the proposed district of any city to which territory is annexed, pursuant to proceedings which were not commenced by the filing of a valid petition prior to the approval of the application, shall not prevent or invalidate the formation of the district even though the territory annexed to the city pursuant to the annexation proceedings is not included in the district.

SEC. 5. Section 71074 of the Water Code is amended to read:

71074. If an application is filed, and proceedings for the formation of the district are commenced and prosecuted, in the manner and within the time specified by this part, the inclusion within the boundaries of the proposed district of territory formed into a new city or annexed to an existing city, pursuant to proceedings which were not commenced by the filing of a valid petition prior to the approval of the application, shall not prevent or invalidate the formation of the district even though the remainder of the corporate area of the city is not included in the district.

SEC. 6. Section 71075 of the Water Code is repealed.

SEC. 7. Section 71076 of the Water Code is repealed.

SEC. 8. Section 71077 of the Water Code is repealed.

SEC. 9. Section 71078 of the Water Code is amended to read:

71078. The inclusion within the boundaries of a proposed district of territory formed into a new city or annexed to an existing city, pursuant to proceedings which were not commenced by the filing of a valid petition prior to the filing of the formation petition, shall not prevent or invalidate the formation of the district even though the remainder of the corporate area of the city is not included in the district.

SEC. 10. Section 71080 of the Water Code is amended to read:

71080. If, subsequent to the approval of an application which includes a portion of the corporate area of a city, but prior to the filing of the formation petition, such portion of the corporate area of the city is included within an existing municipal water district so that the entire corporate area of the city is included within such existing district, such portion of the corporate area of the city shall be omitted from the formation petition. Such omission shall not invalidate the approval of the application as to the remaining area of the proposed district.

SEC. 11. Section 71081 of the Water Code is amended to read:

71081. If, subsequent to the approval of an application of intention, but prior to circulating the formation petition, a

valid petition is filed with, or a resolution is adopted by, the governing body of a city, the corporate area of which is included in a metropolitan water district organized under the Metropolitan Water District Act, to initiate formal proceedings for the annexation to the city of territory within the proposed municipal water district, in a manner which would result in automatic annexation to the metropolitan water district of the territory annexed to the city, the proponents of the formation of the municipal water district may omit from the proposed municipal water district all territory included in the petition or resolution for annexation. If such territory is omitted, no part of the city shall be included within the proposed municipal water district.

SEC. 12. Chapter 3 (commencing with Section 71100) of Part 2 of Division 20 of the Water Code is repealed.

SEC. 13. Section 71596 is added to the Water Code, to read:

71596. A district may disseminate information concerning the rights, properties, and activities of the district. Such power shall not be construed as an exception to the California Public Records Act.

SEC. 14. Section 71631 of the Water Code is amended to read:

71631. The standby assessment or availability charge shall not exceed ten dollars (\$10) per acre per year for each acre of land on which the charge is levied or ten dollars (\$10) per year for a parcel less than one acre.

SEC. 15. Article 5 (commencing with Section 71689.20) is added to Chapter 3 of Part 5 of Division 20 of the Water Code, to read:

Article 5. Sanitation Service

71689.20. A district may acquire, construct, and operate facilities for, or may contract with others for, the collection and disposal of the garbage, waste, and trash of the district and its inhabitants. A district may not engage in, or contract with others for, the collection and disposal of garbage, waste, and trash in competition with any existing county franchise for the collection and disposal of garbage, waste, and trash.

71689.21. The district may prescribe, revise, and collect rates or other charges for the services furnished pursuant to this article.

71689.22. The district may provide that such rates or charges may be collected with the water or sewer rates, or both, of the district and that all rates shall be billed upon the same bill and collected as one item, and that in the event of failure to pay the whole or any part thereof, the district may discontinue any and all services for which such bill is rendered.

71689.23. The district may determine whether sanitary service is necessary or feasible for all residents or properties within the district and shall thereupon make a finding as to

which type of customer or area shall be excluded from service.

71689.24. The district shall determine the types of wastes to be excluded from service.

71689.25. Any contract with other parties for the supplying of this service for the district shall be granted by public bid for such periods as the district determines is in the best interests of the district. In the event of failure to receive a suitable bid, the district may negotiate a contract for service.

71689.26. A district may adopt ordinances relating to the provision of sanitation services and the regulation of such services. Every such ordinance shall be in full force and effect forthwith upon adoption, but shall be published once in full in a newspaper of general circulation, printed, published and circulated in the district within 10 days after adoption, or if there be no newspaper it shall be posted within such time in three public places within the district.

71689.27. From and after the posting or publication of any ordinance as provided in Section 71689.26, it shall be a misdemeanor for any person to violate any ordinance of the district adopted pursuant to Section 71689.26, and upon conviction thereof, such person shall be punished by being imprisoned in the county jail for not more than 30 days, or by fine of not more than three hundred dollars (\$300), or by both such fine and imprisonment.

SEC. 16. Section 71813 of the Water Code is amended to read:

71813. A district may borrow money in anticipation of the sale of, but not in excess of the principal amount of, authorized bonds of an improvement district formed pursuant to Chapter 3 (commencing with Section 71870) or Chapter 4 (commencing with Section 71920) of Part 7 of this division which have not yet been sold and delivered, and for that purpose may issue and sell negotiable bond anticipation notes, and may refund such notes from time to time, but the maximum maturity of any such notes, as originally issued or as refunded, shall not exceed five years from the date of the original notes. The notes shall be sold in such manner as the board may determine, and such notes and the resolution providing for the issuance of such notes may contain any provision, condition or limitation which a bond, or any resolution or ordinance providing for the issuance of bonds, may contain. The interest on bond anticipation notes shall be payable at the time or times provided in such notes and may be represented by interest coupons attached to the notes and shall be payable from the same funds from which the interest on bonds of the improvement district are payable. The principal of such notes may be paid from any moneys of the improvement district available for such purpose. If such notes, or any portion thereof, have not been previously paid, they shall be paid from the proceeds of the next sale of bonds in anticipation of which the notes were issued. The resolution providing for the issuance of bond anticipation notes may contain a provision that, if for any reason bonds of the improvement district are not sold in time to

provide funds to pay any unpaid note, and, if other funds of the improvement district are not available for such payment, taxes shall be levied upon the taxable property in the improvement district for such payment in the same manner provided for the payment of bonds in such amount each year for such period of years as may be set forth in such resolution. To the extent bond anticipation notes are paid from a tax levy, authorized bonds in a corresponding amount shall be canceled and not issued thereafter. When bonds of the improvement district are issued and any portion of the proceeds of the sale are to be used to pay bond anticipation notes, such bonds shall mature not later than the maximum permissible years for such bonds under Section 71951 from the date of such notes as originally issued.

Sec. 17. Section 71814 is added to the Water Code, to read:

71814. A district may may borrow money in anticipation of the sale of, but not in excess of the principal amount of, authorized bonds of the district which have not yet been sold and delivered, and for that purpose may issue and sell negotiable bond anticipation notes, and may refund such notes from time to time, but the maximum maturity of any such notes, as originally issued or as refunded, shall not exceed five years from the date of the original notes. The notes shall be sold in such manner as the board may determine, and such notes and the resolution providing for the issuance of such notes may contain any provision, condition or limitation which a bond, or any resolution or ordinance providing for the issuance of bonds, may contain. The interest on bond anticipation notes shall be payable at the time or times provided in such notes and may be represented by interest coupons attached to the notes and shall be payable from the same funds from which the interest on bonds of the district are payable. The principal of such notes may be paid from any moneys of the district available for such purpose. If such notes, or any portion thereof, have not been previously paid, they shall be paid from the proceeds of the next sale of bonds in anticipation of which the notes were issued. The resolution providing for the issuance of bond anticipation notes may contain a provision that, if for any reason bonds of the district are not sold in time to provide funds to pay any unpaid note, and, if other funds of the district are not available for such payment, taxes shall be levied upon the taxable property in the district for such payment in the same manner provided for the payment of bonds in such amount each year for such period of years as may be set forth in such resolution. To the extent bond anticipation notes are paid from a tax levy, authorized bonds in a corresponding amount shall be cancelled and not issued thereafter. When bonds of the district are issued and any portion of the proceeds of the sale are to be used to pay bond anticipation notes, such bonds shall mature not later than the maximum permissible years for such bonds under Section 71951 from the date of such notes as originally issued.

CHAPTER 311

An act providing for the disposition of the San Francisco Palace of Fine Arts, relating to state property.

[Approved by Governor July 12, 1971 Filed with
Secretary of State July 12, 1971]

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

SECTION 1. Upon the effective date of this act, all the land and improvements in the City and County of San Francisco known as the San Francisco Palace of Fine Arts, totaling 13½ acres, more or less, and acquired by the State of California from the City and County of San Francisco pursuant to Chapter 2386, Statutes of 1957, shall be relinquished by the State Parks and Recreation Commission and the Department of Parks and Recreation and shall thereafter be the property of the City and County of San Francisco.

SEC. 2. The Legislature hereby finds and declares that the property described in Section 1 is a substandard unit of the state park system, is primarily of local or single region interest and use, and is surplus to the needs of the state.

SEC. 3. The property described in Section 1 is to be used for park, cultural, recreational, educational, museum, artistic, and musical purposes, or any one or more of such purposes.

CHAPTER 312

An act to amend Sections 2 and 3 of Chapter 378 of the Statutes of 1969, relating to previously state-owned land.

[Approved by Governor July 12, 1971 Filed with
Secretary of State July 12, 1971]

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

SECTION 1. Section 2 of Chapter 378 of the Statutes of 1969 is amended to read:

Sec. 2. The Legislature hereby finds and declares that the property described in Section 1 is surplus to the needs of the state and cannot be used by the state. Such property, however, would be of value to the City of Millbrae for street and highway use and for park and open-space purposes.

SEC. 2. Section 3 of Chapter 378 of the Statutes of 1969 is amended to read:

Sec. 3. If the property, or any portion thereof, is sold by the City of Millbrae, the city shall use the proceeds for street and highway purposes or for park and open-space purposes.

CHAPTER 313

An act to authorize general law cities to provide for the levy and collection of city property taxes by counties, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1971 Filed with
Secretary of State July 12, 1971]

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

SECTION 1. Notwithstanding the provisions of Section 43091 of the Government Code, if a general law city did not levy a property tax for the 1970-1971 fiscal year, the legislative body of such city may elect for the 1971-1972 fiscal year to proceed under Article 2 (commencing with Section 43090) of Chapter 1 of Division 4 of Title 4 of the Government Code by passing an ordinance to that effect prior to July 15, 1971, and filing a certified copy of such ordinance with the auditor of the county in which the city is situated on or before July 15, 1971.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Some general law cities have not been required to impose a property tax for the support of city government in recent years, as they had adequate financial resources from other means. However, at least one such city now finds that it will have insufficient funds to finance city operations for the 1971-1972 fiscal year without the imposition of the property tax, but the city has neglected to pass the ordinance required by Section 43091 of the Government Code to provide for the levy and collection of such tax by the county. In order to remedy this problem for all general law cities similarly situated, it is necessary that this act go into immediate effect.

CHAPTER 314

An act to amend Section 21151 of the Education Code, relating to school district warrants.

[Approved by Governor July 12, 1971 Filed with
Secretary of State July 12, 1971]

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

SECTION 1. Section 21151 of the Education Code is amended to read:

21151. Unless otherwise provided by county ordinance, any school warrant not presented to the county treasurer

within six months after it was issued is void and any order issued by the governing board of a school district, but not approved by the county superintendent of schools for want of funds, is void if not presented to the county superintendent of schools within two years after notice has been given that the order will be approved on presentation. The county auditor shall each month inform the county superintendent of schools of warrants which have become void during the preceding month and the county superintendent of schools shall transmit such information to the governing board of the school district together with information as to orders which have become void.

Any time within two years from the date on which the original warrant became void, the payee, assignee, or the legal representative or heir of a deceased payee of any warrant which is void as provided in this section may present such warrant to the governing board of the school district which issued the order on which the warrant was drawn, or declare by affidavit that such warrant has been lost or destroyed, and the governing board may adopt an order instructing the county auditor to draw a new warrant in favor of the payee in the same amount as the original warrant, or the governing board may by resolution authorize the county auditor to draw new warrants within the limitations prescribed by the resolution without prior individual order of the governing board, provided the limitations prescribed by this section have been complied with. Any such new warrant shall be subject to the same limitations as the original warrant which it replaces.

CHAPTER 315

An act to amend Section 770.3 of the Insurance Code, relating to insurance.

[Approved by Governor July 12, 1971 Filed with
Secretary of State July 14, 1971]

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

SECTION 1. Section 770.3 of the Insurance Code is amended to read:

770.3. No state department or agency shall negotiate any life or disability insurance or require the placing of such insurance through a particular agent, broker or company, except to the extent that the state has a direct financial interest in the subject of the insurance. The state has no financial interest in an annuity purchased for an employee where the premium therefor is paid from a deduction from or reduction in the employee's salary, and any annuity paid for through such a deduction or reduction shall not be deemed to have been provided by the state for its employees for purposes of this sec-

tion, and the state shall not negotiate or require the placing of such annuity through a particular agent, broker, or company. Nothing herein contained shall affect the program of life and disability insurance in connection with veterans' farm and home purchases through the Department of Veterans Affairs except that the total life insurance benefit under said program shall in no event exceed one hundred twenty percent (120%) of the unpaid contract balance. Except in those cases where the premium for an annuity is paid entirely from a deduction from or reduction in an employee's salary, nothing contained herein shall affect life or disability insurance programs which may be provided by the state for its employees.

As used in this section, "state department or agency" shall include, but not be limited to, school districts.

SEC. 2. This act shall not be construed to prohibit a school district from meeting and conferring on proposals by public school employee organizations with respect to insurance benefits to be provided public school employees, or from adopting proposals made by such organizations.

SEC. 3. Section 770.3 of the Insurance Code is amended to read:

770.3. No state department or agency shall negotiate any life or disability insurance or require the placing of such insurance through a particular agent, broker or company, except to the extent that the state has a direct financial interest in the subject of the insurance. The state has no financial interest in an annuity purchased for an employee where the premium therefor is paid from a deduction from or reduction in the employee's salary, and any annuity paid for through such a deduction or reduction shall not be deemed to have been provided by the state for its employees for purposes of this section, and the state shall not negotiate or require the placing of such annuity through a particular agent, broker, or company. Nothing herein contained shall affect the program of life and disability insurance in connection with veterans' farm and home purchases through the Department of Veterans Affairs except that the total life insurance benefit under said program shall in no event exceed one hundred twenty percent (120%) of the unpaid contract balance. Except in those cases where the premium for an annuity is paid entirely from a deduction from or reduction in an employee's salary, nothing contained herein shall affect life or disability insurance programs which may be provided by the state for its employees.

As used in this section, "state department or agency" shall include, but not be limited to, school districts.

This section shall apply to all local governmental agencies, as well as state departments and agencies.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No 1372 are both chaptered and amend Section 770.3 of the Insurance Code and this bill is chaptered after Assembly Bill No 1372, that the amendments to Section 770.3

proposed by both bills be given effect and incorporated in Section 770.3 in the form set forth in Section 3 of this act. Therefore, if Assembly Bill No. 1372 is chaptered before this bill and amends Section 770.3, Section 1 of this act shall not become operative.

CHAPTER 316

An act to amend Section 21365.5 of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor July 12, 1971. Filed with Secretary of State July 12, 1971.]

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

SECTION 1 Section 21365.5 of the Government Code is amended to read:

21365.5. Upon the death of a member who has attained the minimum age for voluntary service retirement applicable to him in his last employment preceding death, and who is credited with five or more years of state service and in circumstances in which the basic death benefit is payable other than solely that of membership in a county retirement system, or a retirement system maintained by the university, a monthly allowance equal to one-half of and derived from the same source as the unmodified retirement allowance which the member would have been entitled to receive if he had retired for service on the date of his death shall be payable:

(a) To the surviving wife of a male member as long as she lives or until her remarriage; or

(b) To a dependent surviving husband of a female member as long as he lives or until remarriage; or

(c) To the children under age 18 collectively if there is no surviving spouse or if the surviving spouse dies or remarries before all children of the deceased member attain age 18, until every child dies or attains age 18; provided, that no child shall receive any allowance after marrying or attaining the age of 18.

Where a member does not have a surviving spouse nor any children under the age of 18 years at the time of death, no allowance shall be payable under this section.

No allowance shall be payable under this section if a special death benefit or a benefit under Section 21337 is payable.

The allowance provided by this section shall be paid in lieu of the basic death benefit but a person, or such person's guardian, qualifying for the allowance may elect before the first payment on account of it to receive such basic death benefit in lieu of the allowance.

Any person who is receiving the allowance under this section on October 1, 1959, shall have the right to elect, not later than ninety (90) days after the date upon which notice of such

right is mailed to him by this system. to receive in lieu of further payments of the allowance, a sum equal to the excess of the basic death benefit which was otherwise payable on account of the member's death over the sum of the monthly payments made prior to such election.

If the total of the payments made hereunder is less than the basic death benefit which was otherwise payable on account of the member's death, the amount of the basic death benefit less any payments made pursuant to this section shall be paid in a lump sum as follows:

(a) If the person last entitled to the allowance is the remarried spouse of such member, to such spouse;

(b) Otherwise, to the surviving children of the member, share and share alike, or if there are no such children, to the estate of the person last entitled to the allowance.

The board shall compute the amount by which benefits paid pursuant to this section exceed the benefits which would otherwise be payable and shall charge any such excess against the contributions of the state so that there shall be no increase in contributions of members by reason of benefits paid pursuant to this section. As used in this section, "a surviving wife" means a wife that was married to the member for at least one year prior to his death, a "dependent surviving husband" means a dependent husband that was married to the member for at least one year prior to the member's death, and "child" includes a posthumously born child of the member.

On and after the operative date of the amendment to this section at the 1971 Regular Session, this section shall apply to all contracting agencies and to the employees of such agencies with respect to deaths occurring after such operative date, whether or not such agencies have previously elected to be subject to this section.

SEC. 2. Section 1 of this act shall become operative on the first day of the month following the month in which statutes enacted at the 1971 Regular Session of the Legislature become effective.

CHAPTER 317

An act to add Section 13583.1 to, and to amend Section 13737 of the Education Code, relating to classified employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1971 Filed with
Secretary of State July 12, 1971]

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

SECTION 1. Section 13583.1 is added to the Education Code, to read:

13583.1. Notwithstanding the provisions of Section 13583, the governing board may lay off and reemploy classified employees only in accordance with procedures provided by

Sections 13737 and 13746, except the term "personnel commission" therein shall be construed to mean the governing board. "Governing board" as used in this section shall include districts governed by a common board or by different boards but with a common administration. Employees in common board or common administration districts shall, for the purpose of layoff or for lack of work or funds, be considered as having been employed in a single district.

SEC. 2. Section 13737 of the Education Code is amended to read:

13737. Persons laid off because of lack of work or lack of funds are eligible to reemployment for a period of 39 months and shall be reemployed in preference to new applicants. In addition, such persons laid off have the right to participate in promotional examinations within the district during the period of 39 months.

Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff or to remain in their present positions rather than be reclassified or reassigned, shall be granted the same rights as persons laid off and shall retain eligibility to be considered for reemployment for an additional period of up to 24 months; provided, that the same tests of fitness under which they qualified for appointment to the class shall still apply. The personnel commission shall make the determination of the specific period of eligibility for reemployment on a class-by-class basis.

SEC. 3. The provisions of this act shall apply to affected employees who become subject to layoff after June 1, 1971.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act applies to school classified employees who become subject to layoff on and after June 1, 1971. In order to facilitate the orderly implementation of this act, it is necessary that this act take effect at the earliest possible time.

CHAPTER 318

*An act to amend Section 855 of the Education Code,
relating to certificated school employees.*

[Approved by Governor July 12, 1971 Filed with
Secretary of State July 12, 1971]

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

SECTION 1. Section 855 of the Education Code is amended to read:

855. Each person employed by a county superintendent of schools in a position requiring certification qualifications, except employees included in the civil service system or in any merit system, or any person who holds an office by virtue of an election conducted under the provisions of the Elections Code or the Education Code, and whose salary is paid from the county school service fund, has the same right with respect to leaves of absence, sick leave, and bereavement leave as a person employed by a school district in a position requiring certification qualifications.

The provisions of Sections 13262, 13263, 13443, 13447, 13453 to 13466, inclusive, and Sections 13467, 13468, 13468.1, 13469, 13469.1, and 13470 apply to persons so employed by a county superintendent of schools and so paid from the county school service fund. Whenever, in such provisions, a duty or power is imposed upon or granted to the governing board of a school district or an employee thereof, such power or duty shall, for the purposes of this section, be deemed to be granted to or imposed on the county superintendent of schools or his employee, respectively. When "district" is used in such provisions, it shall, for the purposes of this section, be deemed to mean "county superintendent of schools." Compensation paid to such employees during such leaves shall be paid from the county school service fund.

The granting of leaves of absence to such employees pursuant to Section 13457 shall be by the county superintendent of schools, upon approval by the county board of education.

CHAPTER 319

An act to amend Sections 20012, 20038, 20498, 20786.5, and 20804 of, and to repeal Section 20038.5 of, the Government Code relating to the Public Employees Retirement System.

[Approved by Governor July 12, 1971 Filed with
Secretary of State July 12, 1971]

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

SECTION 1. Section 20012 of the Government Code is amended to read:

20012. "Employee" means:

(a) Any person in the employ of the state or the university whose compensation, or at least that portion of his compensation which is provided by the state or the university, is paid out of funds directly controlled by the state or the university, excluding all other political subdivisions, municipal, public and quasi-public corporations. "Funds directly controlled by the state" includes funds deposited in and disbursed from the State Treasury in payment of compensation, regardless of their source.

(b) Any person in the employ of any contracting agency, and for the purposes of the Public Employees' Retirement Law, and where a county or city and county becomes a contracting agency, the employees and attachés of the superior court of the State of California in and for said county or city and county shall be considered employees of the contracting agency.

SEC. 2. Section 20038 of the Government Code is amended to read:

20038. "Industrial" in reference to the death or disability of any member of this system who is in a membership category under which special benefits are provided by this part because the death or disability is industrial means disability or death as a result of injury or disease arising out of and in the course of his employment as such a member.

SEC. 3. Section 20038.5 of the Government Code is repealed.

SEC. 4. Section 20498 of the Government Code is amended to read:

20498. If the effective date of coverage under the federal system of members who are employees of a contracting agency under the Public Employees' Retirement System is prior to the time employee federal contributions are first deducted from the salaries and wages of such employees and a reduced benefit is provided with respect to service from and after said effective date of coverage, retroactive employee and employer contributions may be paid on the contracting agency's election in the manner provided in this section.

Employee and employer federal contributions for such retroactive period shall be paid from the Public Employees' Retirement Fund and charged to the account of the employer. There shall be transferred to the employer account from the member's accumulated contributions an amount equal to employee federal contributions charged to the account of the employer for such member. The amount so transferred shall not exceed the difference between the total normal contributions of the member and the normal contributions which would have been credited to his account had the reduced rate of contribution provided in the amended contract with the public agency been in effect from and after the effective date of coverage, assuming that contributions in any year were made in equal monthly installments.

The amount by which such retroactive employee contributions for a member charged to the account of the employer exceeds the amount transferred from the employee account shall constitute an indebtedness of the member to the employer and a lien on any salary or wages payable to such employee or on his account.

Notwithstanding Sections 20654, 20932, and 20935, the amount of contributions under any election to deposit

contributions for service described in subdivisions (a), (b), and (c) of Section 20930 or redeposit contributions under this part with respect to service for which retroactive employee contributions are transferable to the employer account and which election is then not fully paid or is made thereafter, shall be adjusted so that the total accumulated contributions in the member's account upon completion of the deposit will equal the total accumulated contributions which would be in the member's account had the deposit or redeposit been completed when amounts became transferable from the member's account under this section. Such adjustment shall be accomplished by whichever of the following means is appropriate under the facts and the provisions of this section: (1) transfer to the employer account of amounts deposited where such account has not been fully reimbursed for retroactive employee contributions on account of the member paid from it, (2) reduction of the amount to be deposited under the election, or (3) refund to the member of the adjustment in his account.

If said contract is or has been amended to provide for the payment of retroactive employee and employer contributions in the manner provided in this section, it may be further amended to provide that the amount by which (1) the total normal contributions of each member for the period subsequent to the effective date of coverage under the federal system less the total normal contributions which would have been credited to the account of such member had the reduced rate of contribution provided in the amended contract with the public agency been in effect from and after the aforesaid date of coverage exceed (2) the employee federal contributions for such member for the period after said date of coverage shall be paid to such member.

This section shall apply to the county superintendent of schools as a contracting agency without election. Any excess normal contributions, determined in the manner prescribed in the preceding paragraph, of a member under a contract with a county superintendent of schools or a contract of a school district, whose services were included in the federal system, shall be refunded to the member.

SEC. 5. Section 20786.5 of the Government Code is amended to read:

20786.5. Notwithstanding Sections 20654, 20932, and 20935, the amount of contributions under any election to deposit contributions for service described in subdivisions (a), (b), and (c) of Section 20930 or redeposit contributions under this part with respect to service for which retroactive employee contributions are transferable under this article from the member's accumulated contributions to the state's account for accumulated contributions for current service, and which election is then not fully paid or is made thereafter, shall be

adjusted so that the total accumulated contributions in the member's account upon completion of the deposit will equal the total accumulated contributions which would be in the member's account had the deposit or redeposit been completed when amounts became transferable from the member's account under this article. Such adjustment shall be accomplished by whichever of the following means is appropriate under the facts and the provisions of this section: (1) transfer to the employer account of amounts deposited where such account has not been fully reimbursed for retroactive employee contributions on account of the member paid from it, (2) reduction of the amount to be deposited under the election, or (3) refund to the member of the adjustment in his account.

SEC. 6. Section 20804 of the Government Code is amended to read:

20804. "Current service" means all state service rendered by a member on and after the date upon which he first became a member, service in employment while not a member but after persons employed in the status of the member were eligible for membership, and public service designated as current service under Section 20933.

CHAPTER 320

An act to add Sections 6735.1 and 6735.2 to the Business and Professions Code, relating to professional engineers.

[Approved by Governor July 12, 1971. Filed with
Secretary of State July 12, 1971.]

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

SECTION 1. Section 6735.1 is added to the Business and Professions Code, to read:

6735.1. All electrical engineering plans, specifications, reports or documents prepared by a registered electrical engineer or by a subordinate under his direction shall be signed by him to indicate his responsibility for them. In addition to his signature, he shall show his registration number or the stamp of his seal.

SEC. 2. Section 6735.2 is added to the Business and Professions Code, to read:

6735.2. All mechanical engineering plans, specifications, reports or documents prepared by a registered mechanical engineer or by a subordinate under his direction shall be signed by him to indicate his responsibility for them. In addition to his signature, he shall show his registration number or the stamp of his seal.

CHAPTER 321

An act to amend Section 6703 of the Business and Professions Code, relating to professional engineers.

[Approved by Governor July 12, 1971 Filed with
Secretary of State July 12, 1971.]

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

SECTION 1. Section 6703 of the Business and Professions Code is amended to read:

6703. The phrase "responsible charge of work" means the independent control and direction, by the use of initiative, skill, and independent judgment, of the investigation or design of professional engineering work or the direct engineering control of such projects.

CHAPTER 322

An act to add Section 6703.1 to the Business and Professions Code, relating to professional engineers.

[Approved by Governor July 12, 1971 Filed with
Secretary of State July 12, 1971.]

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

SECTION 1. Section 6703.1 is added to the Business and Professions Code, to read:

6703.1. The phrase "supervision of the construction of engineering structures" means the periodic observation of materials and completed work to observe their general compliance with plans, specifications, and design and planning concepts, and does not include responsibility for the superintendence of construction processes, site conditions, operations, equipment, personnel, or the maintenance of a safe place to work or any safety in, on, or about the site of work.

CHAPTER 323

An act to amend Section 6700 of the Business and Professions Code, relating to professional engineers.

[Approved by Governor July 12, 1971 Filed with
Secretary of State July 12, 1971]

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

SECTION 1. Section 6700 of the Business and Professions Code is amended to read:

6700. This chapter of the Business and Professions Code constitutes the chapter on professional engineers in the

branches of chemical, civil, electrical, industrial, mechanical, metallurgical, and petroleum engineering and in such other engineering disciplines as are approved by the board as necessary for the protection of the public health and safety. It may be cited as the Professional Engineers Act.

CHAPTER 324

An act to amend Section 6753 of the Business and Professions Code, relating to professional engineers.

[Approved by Governor July 12, 1971. Filed with Secretary of State July 12, 1971.]

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

SECTION 1. Section 6753 of the Business and Professions Code is amended to read:

6753. With respect to applicants for registration as professional engineers, the board:

(a) May at its discretion give credit as experience not in excess of one year, for satisfactory postgraduate work in a school of engineering where the curriculum has been approved by the board;

(b) May consider engineering teaching, if of a character satisfactory to the board, as engineering experience not in excess of one year.

CHAPTER 325

An act to amend Section 9165 of the Elections Code, relating to the Republican State Central Committee.

[Approved by Governor July 12, 1971. Filed with Secretary of State July 12, 1971.]

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

SECTION 1. Section 9165 of the Elections Code is amended to read:

9165. Appointments of members to this committee shall be made in writing signed by the member under penalty of perjury and delivered to the Secretary of State not later than 5 o'clock of the afternoon of the 10th day immediately preceding the Sunday in which the first meeting of this committee is to be held.

CHAPTER 326

An act to add Section 54938.5 to the Government Code, relating to fire protection districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1971 Filed with
Secretary of State July 12, 1971]

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

SECTION 1. Section 54938.5 is added to the Government Code, to read:

54938.5. Notwithstanding any other provision of this chapter or of Section 56457, any annexation to a fire protection district, with respect to which a statement, map, or plat required by this chapter was filed with the State Board of Equalization and the county assessor on or before January 1, 1971, shall be effective for assessment and taxation purposes for the 1971-1972 fiscal year and thereafter, if the statement, map, or plat was filed on or before January 1, 1971, with the State Board of Equalization and the county assessor and the certificate of completion of the clerk of such fire protection district was filed with the Secretary of State prior to February 2, 1971. All such fire protection districts shall be deemed to have completed such annexation for all purposes upon filing the statement, map, or plat with the State Board of Equalization and the county assessor.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Unless this act takes immediate effect, because of a procedural defect certain fire protection districts will be unable to levy taxes for the 1971-1972 fiscal year which are necessary to cover costs of services provided to the district.

CHAPTER 327

An act to add Section 54938 to the Government Code, relating to annexation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1971 Filed with
Secretary of State July 12, 1971.]

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

SECTION 1. Section 54938 is added to the Government Code, to read:

54938. Notwithstanding any other provision of this chapter, any annexation by a city, the proceedings for which were completed on February 10, 1971, and the detachment of the territory included within such annexation from a community services district and from a fire protection district shall be effective for assessment and taxation purposes for the 1971-72 fiscal year if the statements and maps or plats required by Sections 54900 and 54901 are filed with the assessor and the State Board of Equalization on or before June 1, 1971, and the certificate of completion of proceedings for detachment of territory from a community services district required by Section 56454 is filed with the Secretary of State on or before June 1, 1971.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Unless this act takes effect immediately a city which has annexed territory and otherwise qualifies to levy taxes in the territory except for a procedural filing defect will not be able to levy taxes in the annexed territory for the 1971-1972 fiscal year to cover the costs of services being furnished the territory and a community services district and fire district from which the territory has been detached and which have been relieved of responsibility for providing services within the annexed territory will receive taxes from the territory for the 1971-72 fiscal year.

CHAPTER 328

An act to add Section 2553.7 to the Business and Professions Code, relating to dispensing opticians operations.

[Approved by Governor July 12, 1971. Filed with Secretary of State July 12, 1971.]

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

SECTION 1. Section 2553.7 is added to the Business and Professions Code, to read:

2553.7. During the time an individual or firm is authorized to engage in business at an address for which a separate certificate is issued pursuant to Section 2553, the person in charge of and managing the dispensing operations at that address must possess all of the qualifications specified in Section 2552 and must not be in charge of or manage dispensing operations at any other address.

A certificate of registration issued for a particular address shall automatically expire 90 days after the time the dispensing operations at that address cease for any reason to be under the charge of and managed by the person so designated in the registrant's previously filed application or re-

newal application, unless within 90 days from the date of such cessation the registrant submits and the board approves a new application form containing all of the information specified in Section 2552 including the affidavits referred to in subdivision (b) of Section 2552.

No earlier than January 1 and no later than January 31 of each odd-numbered year, each registrant shall file with the board the name of the person who at the time of filing has charge of and manages the registrant's dispensing operations at each address for which a separate certificate has previously been issued by the board.

In addition to any other remedies or penalties provided by law, the board may, in accordance with Section 2555, suspend, revoke, or refuse to renew the certificate of any individual or firm who has violated any provision of this section.

CHAPTER 329

An act to amend Section 922.4 of the Insurance Code, relating to financial statements of insurers.

[Approved by Governor July 12, 1971 Filed with
Secretary of State July 12, 1971.]

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

SECTION 1. Section 922.4 of the Insurance Code is amended to read:

922.4. Credit in accounting and financial statements on account of reinsurance ceded to a nonadmitted reinsurer other than an alien reinsurer shall be allowed only:

(a) Where it is demonstrated by the ceding insurer to the satisfaction of the commissioner that such reinsurer maintains the standards and meets the financial requirements applicable to an admitted insurer, or

(b) To the extent of deposits by, or funds withheld from, such reinsurer pursuant to express provision therefor in the reinsurance contract as security for the payment of the obligations thereunder if such deposits or funds are held subject to withdrawal by, and under the control of, the ceding insurer or are placed in trust for such purposes in a bank which is a member of the Federal Reserve System if withdrawals from such trust cannot be made without the consent of the ceding insurer. With respect to credit life insurance and credit disability insurance, such deposits or funds shall be deposited in a bank located in California, notwithstanding the fact that such deposits or funds are held subject to withdrawal by, and under the control of, the ceding insurer.

As used in this section, the terms "deposits" and "funds" include securities authorized as general investments by Article 3 (commencing with Section 1170) of Chapter 2 of this part, but not to exceed current market value.

CHAPTER 330

An act to amend Section 17507.3 of the Education Code, relating to the public school system, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1971 Filed with
Secretary of State July 12, 1971]

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

SECTION 1. Section 17507.3 of the Education Code is amended to read:

17507.3. During the 1970-1971 fiscal year and the six subsequent fiscal years thereafter, the governing board of a unified school district may apply to the Superintendent of Public Instruction for exemption from the penalty provisions of Sections 17507 and 17507.1, in order that a pilot program of team instruction in reading or mathematics, or both, may be conducted only in such elementary schools within the district as may be approved by the Superintendent of Public Instruction. The pilot program shall be conducted in such a manner that, insofar as practicable, one certificated employee and necessary instructional aides remain with the same students from kindergarten through grade 6 for instruction in reading or mathematics, or both.

The Superintendent of Public Instruction may grant the exemption pursuant to this section on a yearly basis, but not beyond the 1976-1977 fiscal year, and only after approval by the Superintendent of Public Instruction of justification documents presented by the district relating to the pilot program.

School districts operating programs under this section shall submit annual evaluations to the Superintendent of Public Instruction as to the academic progress of students enrolled in such programs. The evaluations shall be based on a comparison of pilot program students to a statistically valid control group using pretest and posttest scores as a measurement of achievement.

The State Board of Education shall annually review the pilot program.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the pilot program authorized by this act can become operative at the commencement of the 1971-1972 fiscal year, it is necessary that this act take immediate effect.

CHAPTER 331

An act to add Section 20017.9 to, and to amend Section 21252.6 of, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor July 13, 1971 Filed with
Secretary of State July 13, 1971]

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

SECTION 1. Section 20017.9 is added to the Government Code, to read:

20017.9. Notwithstanding the provisions of Section 20017.75, "law enforcement member" shall also include persons employed to perform full-time active firefighting duties performed on the effective date of this section under the titles of "institution fire chief" and "institution fireman" by state agencies other than the Division of Forestry of the Department of Conservation.

SEC 2. Section 21252.6 of the Government Code is amended to read:

21252.6. The combined prior and current service pension for a law enforcement member as defined in Sections 20017.77 and 20017.9 and a local safety member with respect to service to a contracting agency subject to this section upon retirement after attaining age 55, is a pension derived from contributions of an employer sufficient, when added to that portion of the service retirement annuity which is derived from the accumulated normal contributions of the member at the date of his retirement, to equal one-fiftieth of his final compensation multiplied by the number of years of law enforcement service which is credited to him as a law enforcement member as defined in Sections 20017.77 and 20017.9 or as a local safety member subject to this section at retirement.

In no event shall the total pension for all service under this section exceed an amount which, when added to the service retirement annuity related to such law enforcement service, equals 75 percent of final compensation. If the pension relates to service to more than one employer and would otherwise exceed such maximum, the pension payable with respect to each employer shall be reduced in the same proportion as the allowance based on service to such employer bears to the total allowance computed as though there were no limit, or that the total of such pensions shall equal the maximum.

This section shall not apply to a person whose effective date of retirement is prior to the operative date of this section or to a person who retires after such operative date and following reinstatement from a retirement having an effective date prior to such operative date and before rendering during such reinstatement at least one year of such law enforcement service. The operative date of this section, with respect to law

enforcement members as defined in Section 20017.9 shall be the operative date of the amendments to this section at the 1971 Regular Session.

The Legislature reserves, with respect to any member subject to this section, the right to provide for such adjustment of industrial disability retirement allowances because of earnings of a retired person and modification of the conditions and qualifications required for retirement for disability as it may find appropriate because of the earlier age of service retirement made possible by the benefits under this section.

The percentage of final compensation provided in this section shall be reduced by one-third as applied to that part of the member's final compensation which does not exceed four hundred dollars (\$400) per month for service after the effective date of coverage of a member under the federal system.

This section shall not apply to a contracting agency nor its employees unless and until the agency elects to be subject to it by amendment to its contract made in the manner prescribed for approval of contracts or in the case of a new contract, by express provision of the contract. The operative date of this section with respect to a local safety member shall be the effective date of the amendment to his employer's contract electing to be subject to this section.

Upon such election by a contracting agency subject to Section 21252.1, this section shall not apply to a local safety member then employed who entered such employment after attaining age 30, and Section 21252.1 shall continue to apply to such member unless and until he terminates such employment and more than 30 days thereafter enters employment otherwise subject to this section. Upon such later entry into employment, the member will be subject to this section with respect to all service as a local safety member rendered to any employer subject to this section.

SEC. 3. This act shall become operative on the first day of the month following the month in which statutes enacted at the 1971 Regular Session of the Legislature are effective.

CHAPTER 332

An act to add Section 30112 to the Streets and Highways Code, relating to toll bridges.

[Approved by Governor July 14, 1971 Filed with Secretary of State July 14, 1971.]

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

SECTION 1. Section 30112 is added to the Streets and Highways Code, to read:

30112. Other than the southern crossing, the department and authority shall consider the inclusion of bicycle and pedes-

trian facilities on each new toll bridge designed and constructed pursuant to this division, including appropriate connections thereto. Such facilities shall be included on each such new bridge if the authority finds that they are economically and physically feasible. If the authority finds such facilities are not feasible, it shall report its findings to the Legislature at least one year prior to commencement of construction, including the facts on which the authority based its decision.

The cost of the bicycle and pedestrian facilities on the approaches to the toll bridge shall be paid by the authority as a part of the cost of construction of the toll bridge, unless the cost of such facilities is to be paid by a governmental agency other than a state agency. The feasibility study for such facilities shall reflect whether the authority or a governmental agency other than a state agency shall pay the cost of such facilities.

The Legislature finds that the increased use of the bicycle is a desirable activity which should be encouraged by the improvement of access available to that mode of transportation. It is the intent of the Legislature, in enacting this section, to provide for the use of toll bridges by both pedestrians and bicycles, wherever this is economically and physically feasible.

CHAPTER 333

An act to amend Section 1203.4 of the Penal Code, relating to probation.

[Approved by Governor July 14, 1971 Filed with
Secretary of State July 14, 1971]

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

SECTION 1. Section 1203.4 of the Penal Code is amended to read:

1203.4. (a) In any case in which a defendant has fulfilled the conditions of probation for the entire period of probation, or has been discharged prior to the termination of the period of probation, or in any other case in which a court, in its discretion and the interests of justice, determines that a defendant should be granted the relief available under this section, the defendant shall, at any time after the termination of the period of probation, if he is not then serving a sentence for any offense, on probation for any offense, or charged with the commission of any offense, be permitted by the court to withdraw his plea of guilty or plea of nolo contendere and enter a plea of not guilty; or, if he has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and, in either case, the court shall thereupon dismiss the accusations or information against the defendant

and he shall thereafter be released from all penalties and disabilities resulting from the offense of which he has been convicted. The probationer shall be informed of this right and privilege in his probation papers. The probationer may make such application and change of plea in person or by attorney, or by the probation officer authorized in writing; provided, that, in any subsequent prosecution of the defendant for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed.

Dismissal of an accusation or information pursuant to this section does not permit a person to own, possess, or have in his custody or control any firearm capable of being concealed upon the person or prevent his conviction under Section 12021.

This subdivision shall apply to all applications for relief under this section which are filed on or after November 23, 1970.

(b) Subdivision (a) of this section does not apply to any misdemeanor which is within the provisions of subdivision (b) of Section 42001 of the Vehicle Code, or to any infraction.

CHAPTER 334

An act to amend Section 34500 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 14, 1971. Filed with
Secretary of State July 14, 1971.]

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

SECTION 1. Section 34500 of the Vehicle Code is amended to read:

34500. The Department of the California Highway Patrol shall regulate the safe operation of the following vehicles:

- (a) Motortrucks of three or more axles.
- (b) Truck tractors.
- (c) Buses.
- (d) Trailers, semitrailers, pole or pipe dollies, auxiliary dollies and logging dollies used in combination with (a), (b), or (c) above.
- (e) Any combination of a two-axle truck and any vehicle or vehicles set forth in (d) above, exceeding 40 feet in length when coupled together.

(f) Any truck, or any combination of truck and any other vehicle, transporting materials defined and classified as hazardous by the United States Department of Transportation (49CFR, Parts 172 and 173), unless the transportation of such materials is subject to other provisions of this code.

CHAPTER 335

An act to add Section 11110.5 to the Vehicle Code, relating to driving schools and instructors.

[Approved by Governor July 14, 1971 Filed with
Secretary of State July 14, 1971]

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

SECTION 1. Section 11110.5 is added to the Vehicle Code, to read:

11110.5. The department may cancel any license issued under the provisions of this chapter when such license has been issued in error or voluntarily surrendered to the department for cancellation. Whenever a driving school operator's license or a driving instructor's license is canceled, it shall be without prejudice and shall be surrendered to the department. Any person whose license has been canceled may immediately apply for a license and such application may be accepted without additional fee or examination under rules and regulations adopted by the department.

CHAPTER 336

An act to amend Sections 1750, 1751, 1758.1, 1758.2 of, to add Section 1758.3 to, and to repeal Sections 1758.3, 1758.6, and 1758.7 of, the Insurance Code, relating to insurance.

[Approved by Governor July 14, 1971 Filed with
Secretary of State July 14, 1971.]

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

SECTION 1. Section 1750 of the Insurance Code is amended to read:

1750. The commissioner shall require in advance as a fee for filing application for the hereinafter designated licenses, renewals thereof, or changes in outstanding licenses, an amount calculated as set forth herein. The fee is determined by multiplying the number of natural persons to be licensed or to be named on or added to the license by the amounts specified as to each such license multiplied by the number of license years in the period of the license applied for or the remaining period of an existing license counting any initial fractional license year of such period as one year for such purpose, as follows:

- (a) Insurance agent, seven dollars (\$7).
- (b) Insurance broker, eighteen dollars (\$18).
- (c) Insurance solicitor, seven dollars (\$7).
- (d) Life agent, resident, seven dollars (\$7).

(e) Life agent, nonresident:

(1) In the case of an applicant residing within 50 miles of the border of the State of California whose normal operations would include the transaction of insurance on both sides of that border, seven dollars (\$7).

(2) In all other cases, ten dollars (\$10).

(f) Variable annuity agent, twenty-five dollars (\$25).

SEC. 2. Section 1751 of the Insurance Code is amended to read:

1751. The commissioner shall require in advance as a fee for filing the following documents:

(a) Application for registration of change in membership of a copartnership licensed as:

(1) Insurance agent, seven dollars (\$7).

(2) Insurance broker, eighteen dollars (\$18).

(3) Life agent, resident, seven dollars (\$7).

(4) Life agent, nonresident:

(A) In the case of a licensee maintaining an office within 50 miles of the border of the State of California whose normal operation would include the transaction of insurance on both sides of that border, seven dollars (\$7).

(B) In all other cases, ten dollars (\$10).

(b) Application for endorsement removing from any life agent's, insurance agent's or insurance broker's license issued to an organization the name of any natural person named thereon, two dollars (\$2).

(c) First amendment to an application, two dollars (\$2); a second and each subsequent amendment to an application, four dollars (\$4).

(d) Original application to be given the qualifying examination for a license of a fire and casualty licensee, ten dollars (\$10) for each person to be examined.

(e) Original application to be given the qualifying examination for a license of a life licensee, or a license as a variable annuity agent, ten dollars (\$10) for each person to be examined.

(f) Application for reexamination for any of the licenses mentioned in this section, fifteen dollars (\$15) for each person to be reexamined.

(g) Application which includes a request for a certificate of convenience pursuant to Article 8 of this chapter, ten dollars (\$10) in addition to, and not in lieu of, fees otherwise required.

(h) Application or request for approval of true or fictitious name pursuant to Section 1724.5 of this chapter, five dollars (\$5), except that there shall be no fee when such name is contained in an original application.

(i) "A ratification of appointments of agents" whereby the surviving insurer in a merger or consolidation assumes responsibility for all agents then lawfully appointed for one of the constituent insurers and makes each its agent, fifty dollars (\$50).

(j) An application or request for approval of:

(1) A training course pursuant to Section 1689 or 1690, except when filed by a degree-conferring college or university, a public educational institution, or by a private nonprofit educational institution, fifty dollars (\$50).

(2) An arrangement whereby an insurer may qualify trainees pursuant to Section 1689 or 1690 by means of an approved course given on the insurer's behalf by a school or organization other than itself, twenty-five dollars (\$25).

(k) A broker's bond, pursuant to Article 5 (commencing with Section 1662) of this chapter or Section 1760 5 or 1765, except when such bond constitutes part of an original application filing, five dollars (\$5).

(l) An application or request for a copy of, or a duplicate license, issued pursuant to Chapters 5 (commencing with Section 1621), 6 (commencing with Section 1760), 7 (commencing with Section 1800), or 8 (commencing with Section 1831) of this division or Sections 12280 and 12280.2, five dollars (\$5).

SEC. 3. Section 1758.1 of the Insurance Code is amended to read:

1758.1. For the purpose of making provision for the issuance of policies or contracts authorized by Article 5 (commencing with Section 10506) of Chapter 5 of Division 2, the commissioner may license as a variable annuity agent a natural person or a natural person named on a license of an organization licensed as a life and disability agent or as a life only agent and which is appointed by an admitted insurer which is required to register itself or to register a separate account or fund with the United States Securities and Exchange Commission under the Federal Investment Company Act of 1940 and has complied with such requirement.

No person shall act as an agent of such insurer in the transaction of such policies or contracts unless he holds a valid license under this article.

SEC. 4. Section 1758.2 of the Insurance Code is amended to read:

1758.2. Any license issued pursuant to the provisions of this article shall be effective only while a permanent underlying life and disability or life only license remains in full force and effect. The provisions of subdivision (b) of Section 1704 relating to the inactivation and reactivation of the underlying life agent's license, and the renewal thereof, shall apply to any license issued pursuant to this article, except that references to agency appointments and terminations shall relate only to such underlying life agent's license. Such license may be revoked, suspended, or otherwise affected for the same reasons and by the same procedures as a life and disability or life only agent's license.

SEC. 5. Section 1758.3 of the Insurance Code is repealed.

SEC. 6. Section 1758.3 is added to the Insurance Code, to read:

1758.3. The commissioner shall not issue a variable annuity agent's license to an applicant therefor unless such applicant furnishes proof that he is registered to sell securities in accordance with the rules of the United States Securities and Exchange Commission or the National Association of Securities Dealers, and has, within the 12 months' period next preceding the date of issue of the license, taken and passed a written qualifying examination for such variable annuity agent's license prescribed by the commissioner. In lieu of requiring an applicant to pass such examination, the commissioner may accept proof that the applicant has been licensed to transact variable annuity contracts in another state or commonwealth during any part of the license year in which the application is filed or the immediately preceding license year.

SEC. 7. Section 1758.6 of the Insurance Code is repealed.

SEC. 8. Section 1758.7 of the Insurance Code is repealed.

CHAPTER 337

An act to amend Section 1101 of the Insurance Code, relating to insurers.

[Approved by Governor July 14, 1971 Filed with
Secretary of State July 14, 1971.]

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

SECTION 1. Section 1101 of the Insurance Code is amended to read:

1101. (a) An admitted insurer's officers, directors, trustees and any persons who have authority in the management of the insurer's funds, shall not, unless otherwise provided in this code:

(1) Receive any money or valuable thing for negotiating, procuring, recommending or aiding in, any purchase by or sale to such insurer of any property, or any loan from such insurer.

(2) Be pecuniarily interested as principal, coprincipal, agent, attorney or beneficiary, in any such purchase, sale or loan.

(3) Directly or indirectly purchase, or be interested in the purchase of, any of the assets of the insurer.

(b) This section shall not apply to:

(1) The purchase or exchange of stock of an admitted insurer by an admitted insurer or between admitted insurers nor to any merger, consolidation or corporate reorganization of such insurers, and shall not apply as to such purchase, merger, exchange, consolidation or reorganization, nor to the officers, directors, trustees or any persons having authority in the management of such insurers funds in respect to any such

transaction and no such transaction shall be either void or voidable, if:

(i) The transaction is just and reasonable as to the insurers involved at the time it is authorized or approved and if no such officer, director, trustee or other person having authority in the management of such insurers funds receives any money or other valuable thing, other than his usual compensation for his regular duties, for negotiating, procuring, recommending or aiding in such transaction, and, either

(ii) Any interest in such transaction on the part of any officers, directors, trustees, or persons who have authority in the management of any such insurer's funds is disclosed or known to its board of directors or committee, authorizing, approving or ratifying the transaction, and noted in the minutes thereof, and the board or committee authorizes, approves or ratifies the transaction in good faith by a vote sufficient for the purpose without counting the vote or votes of any interested officers, directors, trustees, or persons who have authority in the management of the funds of any such insurer, or

(iii) The fact of such interest is disclosed or known to the shareholders in the case of a stock insurance company, or in the case of a mutual insurer to the policyholders, and they approve or ratify the transaction in good faith by a vote or written consent of a majority of the shares or policyholders, as the case may be, entitled to vote, unless the consent or vote of more than a majority is otherwise required, in which event the vote or written consent shall be that so otherwise required.

Any such officer, director, trustee, or other person who has such interest may be counted in determining the presence of a quorum at any meeting which authorizes, approves or ratifies such transaction.

(2) Any transaction relating to an insurer if the transaction meets the other requirements of subdivision (b) and such officers, directors, and trustees of the insurer do not in the aggregate own more than 5 percent of the stock of any corporation with which the insurer is entering into a transaction.

(3) Any transaction if prior to its consummation the insurer has applied for and obtained from the commissioner a certificate of exemption in respect to the specific transaction therein described and such transaction is consummated in conformity with such certificate and the representations and disclosures made in or in connection with the application therefor.

(i) To obtain the certificate of exemption the insurer shall file with the commissioner a written application, accompanied by a filing fee of two hundred fifty dollars (\$250). Such application shall be verified as provided in Section 834, be in such form as the commissioner shall require and shall contain all of the following:

(A) A specific description of the particular transaction for which the certificate is sought.

(B) Copies of all contracts and other legal documents involved or to be involved in the transaction.

(C) A description of all assets involved in the transaction.

(D) The names, titles, capacities and business relationships of all persons in any way involved in the transaction who are connected with the insurer or any of its affiliates, officers, directors, managers, or controlling persons or entities in any of the capacities described in this section.

(E) A description of any and all considerations on either or any side of the transaction.

(F) Evidence that its governing board has specifically authorized the filing of the application.

(G) Such other information, opinions, or matters as the commissioner may require.

The commissioner may issue such certificate of exemption if he finds, with or without a hearing, that the transaction is fair, just and equitable and not hazardous to policyholders, stockholders or creditors. The commissioner may impose such conditions, including but not limited to disclosure of the circumstances and terms of the transaction either before or after its consummation either publicly or to such persons and entities as he may designate and the approval of the transaction by such persons or entities as he may designate. He may also require that a report of the transaction be filed with him subsequent to its consummation in such form and containing such information as he may prescribe.

The certificate of exemption issued pursuant to subparagraph (3) of subdivision (b) shall only exempt the transaction from the prohibitions of this section and shall not affect the rights or remedies of any persons under any other law.

The amendment made to this section at the 1955 General Session shall not apply to contracts, sales, transfers or other transactions entered into prior to the effective date hereof.

The commissioner shall not issue a certificate of exemption under subparagraph (3) of subdivision (b) in respect to any transaction consummated prior to the effective date of the amendment made to this section at the 1967 Regular Session.

CHAPTER 338

An act to amend Sections 1774 and 1775.5 of the Insurance Code, relating to surplus line brokers.

[Approved by Governor July 14, 1971. Filed with Secretary of State July 14, 1971.]

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

SECTION 1. Section 1774 of the Insurance Code is amended to read:

1774. On or before the first day of May of each year the surplus line broker shall file with the commissioner a sworn statement of all business transacted under his license during the last preceding calendar year. Such statement shall contain accounts of the gross premiums received and return premiums, separately stated.

SEC. 2. Section 1775.5 of the Insurance Code is amended to read:

1775.5. Every surplus line broker shall annually, on or before the first day of May of each year pay to the Insurance Commissioner for the use of the State of California a tax of 3 percent of the gross premiums upon business done by him under authority of his license during the preceding calendar year, less 3 percent of return premiums paid by him in that year by reason of cancellation or reduction of premium, excluding gross premiums paid and return premiums paid by him upon business governed by the provisions of Section 1760.5. If during any calendar year 3 percent of such return premiums paid by a surplus line broker exceed 3 percent of the gross premiums upon such business done by him in that year, then he may either carry forward such excess to the next succeeding year and apply it as a credit against 3 percent of gross premiums on such business done by him in such succeeding year, or he may elect to receive, and thereupon be paid a refund equal to the amount of taxes theretofore paid by him on such excess of return premiums paid over gross premiums received.

For the purpose of determining such tax, the total premium charged for all such nonadmitted insurance placed in a single transaction with one underwriter or group of underwriters, whether in one or more policies, shall be allocated to this state in such proportion as the total premium on the insured properties or operations in this state, as computed on the exposure in this state on the basis of any single standard rating method in use in all states or countries where such insurance applies, bears to the total premium so computed in all states or countries in which such nonadmitted insurance may apply. This provision shall not apply to interstate motor transit operations conducted between this and other states. With respect to such operations surplus line tax shall be payable on the entire premium charged on all nonadmitted insurance, less

A. Such portion of the premium as is determined, as herein provided, to have been charged for operations in other states taxing such premium on operations in such states of an insured maintaining its headquarters office in this state;

B. The premium for any operations outside of this state of an insured who maintains a headquarters operating office outside of this state and a branch office in this state.

A penalty of 1 percent shall be added for each calendar month or fraction thereof after said first day of May during which such tax or any portion thereof remains unpaid, except that the commissioner may remit the penalty in a case

where the commissioner finds, as a result of examination or otherwise, that the failure of or delay in payment arose out of excusable mistake or excusable inadvertence.

CHAPTER 339

An act to amend Section 1718 of the Insurance Code, relating to insurance.

[Approved by Governor July 14, 1971. Filed with Secretary of State July 14, 1971.]

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

SECTION 1. Section 1718 of the Insurance Code is amended to read:

1718. (a) On or before March 15th of the year in which a permanent license will expire, the commissioner shall mail, to the latest address on file with his office, an application to the licensee, or to the employer in the case of a solicitor, to renew such license for the appropriate succeeding license year or term. Failure to mail such application, due to clerical error or inadvertence, shall not continue the right to a license.

(b) Application for renewal of a license may be filed on or before April 15th prior to the termination of the license year or term upon payment of the fee for filing specified in Section 1750.

(c) Such application for renewal of a license may be filed between April 15th and July 1st of such year upon payment of the fee specified in subdivision (b) and an additional penalty fee in the amount specified for a one-year period in Section 1750 for such filing, but in no case shall such additional penalty fee exceed twenty-five dollars (\$25) for any one such application.

(d) Upon failure to file application as provided in either (b) or (c) hereof, the license shall expire on July 1st of the applicable year, but the holder may file an application for a new license. Until June 30th of the next succeeding year, the fee shall be the total fee specified in subdivision (c) for such filing.

CHAPTER 340

An act to amend Section 22170 of the Water Code, relating to irrigation districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 14, 1971. Filed with Secretary of State July 14, 1971.]

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

SECTION 1. Section 22170 of the Water Code is amended to read:

22170. This article applies only if an election is called and held as provided in this article and a majority of the votes cast on the proposal are "Yes."

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Irrigation districts follow the Uniform District Election Law. If the contemplated proposition cannot be submitted at this fall's election, it will be two more years before the proposition can be submitted since elections are held only in November of odd-numbered years. It is therefore necessary that this act go into immediate effect.

CHAPTER 341

An act to amend Sections 1281, 1300 and 1311, to add Section 1282, and to repeal Sections 1282, 1304, 1351, and 1352, of the Insurance Code, relating to insurance.

[Approved by Governor July 14, 1971 Filed with
Secretary of State July 14, 1971]

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

SECTION 1. Section 1281 of the Insurance Code is amended to read:

1281. Reciprocal or interinsurance contracts, the exchange thereof, the subscribers, attorneys in fact, agents, and representatives, and all matters incident to or concerned with such contracts and relationship, shall be subject to and regulated by all of the provisions of this code, whether or not such provisions specifically refer to reciprocals or interinsurance exchanges, except as otherwise exempted in this chapter.

When any provision of this code, other than in this chapter, is made applicable to reciprocal insurers, such provision shall be construed in accordance with the fundamental nature of a reciprocal insurer. In the event of any direct conflicts between such other law and the provisions of this chapter, the latter shall prevail. Such other law may, however, be used to supplement or explain the provisions of this chapter.

SEC. 2. Section 1282 of the Insurance Code is repealed.

SEC. 3. Section 1282 is added to the Insurance Code, to read:

1282. (a) The following provisions of this code shall not be applicable to reciprocal or interinsurance exchanges and

their contracts, subscribers, attorneys in fact, agents, and representatives, unless such provisions are referred to and specifically made applicable or incorporated by reference by other portions of this code, and, in such event, such provisions shall be applicable only to the extent required by such reference or incorporation:

- (1) Sections 700.01, 700.02, 700.03 and 700.04;
- (2) Sections 707, 708, 709, 710 and 711;
- (3) Section 760.5;
- (4) Sections 984, 986 and 987 of Article 13 (commencing with Section 980) of Chapter 1, Part 2, Division 1, relating to insolvency;
- (5) Sections 1044, 1045, and 1047;
- (6) Sections 1104.2, 1104.3, 1104.4, 1104.5, 1104.6, 1104.7, and 1104.8, except with respect to incorporated attorneys in fact;
- (7) Section 1140;
- (8) Section 1140.5, except with respect to incorporated attorneys in fact;
- (9) Section 1152;
- (10) Sections 1153, 1153.5, and 1154;
- (11) Article 2.5 (commencing with Section 1160.1) of Chapter 2, Part 2, Division 1, relating to life insurer investments in housing projects;
- (12) Section 1194.8;
- (13) Article 5 (commencing with Section 1220) of Chapter 2, Part 2, Division 1, relating to investments in loans on life insurance policies;
- (14) Article 2 (commencing with Section 1580) of Chapter 4, Part 2, Division 1, relating to alien insurers;
- (15) Article 3 (commencing with Section 1600) of Chapter 4, Part 2, Division 1, relating to agent for service of process;
- (16) Article 16 (commencing with Section 1758.1) of Chapter 5, Part 2, Division 1, relating to variable annuity agents;
- (17) Chapter 6 (commencing with Section 1760) of Part 2, Division 1, relating to surplus line brokers;
- (18) Chapter 8 (commencing with Section 1831) of Part 2, Division 1, relating to life insurance analysts;
- (19) Articles 1 (commencing with Section 3010) and 2 (commencing with Section 3030) of Chapter 3, Part 1, Division 2, relating to incorporated fire and marine insurers;
- (20) Chapter 4 (commencing with Section 4010) of Part 1, Division 2, relating to general mutual insurers;
- (21) Chapter 5 (commencing with Section 5050) of Part 1, Division 2, relating to county mutual fire insurers;
- (22) Chapter 6 (commencing with Section 7080) of Part 1, Division 2, relating to county mutual fire reinsurers;
- (23) Chapter 7 (commencing with Section 9080) of Part 1, Division 2, relating to fraternal fire insurers;
- (24) Articles 3 (commencing with Section 10150) and 3a (commencing with Section 10159.1) of Chapter 1, Part 2, Division 2, relating to life insurance policies;

(25) Sections 10170, 10171, 10172, and 10173, relating to payment and proceeds of life insurance policies;

(26) Chapter 2 (commencing with Section 10200) of Part 2, Division 2, relating to group life policies;

(27) Chapter 2.5 (commencing with Section 10220) of Part 2, Division 2, relating to blanket life policies;

(28) Chapter 3 (commencing with Section 10240) of Part 2, Division 2, relating to burial contracts;

(29) Sections 10430, 10431, 10432, and 10433, relating to restrictions on business of life insurers;

(30) Articles 1a (commencing with Section 10440), 2 (commencing with Section 10450), 3 (commencing with Section 10478), 3a (commencing with Section 10489.1), 4 (commencing with Section 10490), and 5 (commencing with Section 10506) of Chapter 5, Part 2, Division 2, relating to internal affairs of mutual insurers, registration and valuation of life policies, standard valuation law, exempt societies, pension funds and separate accounts;

(31) Chapter 6 (commencing with Section 10510) of Part 2, Division 2, relating to incorporated life insurers issuing policies on a reserve basis;

(32) Chapter 10 (commencing with Section 10970) of Part 2, Division 2, relating to fraternal benefit societies;

(33) Chapter 10A (commencing with Section 11400) of Part 2, Division 2, relating to firemen's, policemen's, or peace officers' benefit and relief associations;

(34) Chapter 11 (commencing with Section 11420) of Part 2, Division 2, relating to change by assessment plan life insurers to reserve plan;

(35) Chapter 11A (commencing with Section 11491) of Part 2, Division 2, relating to nonprofit hospital service plans;

(36) Chapter 12 (commencing with Section 11520) of Part 2, Division 2, relating to grants and annuities societies;

(37) Chapter 13 (commencing with Section 11525) of Part 2, Division 2, relating to voluntary mutualization of certain incorporated insurers;

(38) Article 3 (commencing with Section 11600), of Chapter 1, Part 3, Division 2, relating to capital requirements of incorporated insurers;

(39) Chapter 4 (commencing with Section 11770) of Part 3, Division 2, relating to the State Compensation Insurance Fund;

(40) Sections 12050, 12051, 12052 and 12110, relating to incorporated surety insurers;

(41) Part 5 (commencing with Section 12140) of Division 2, relating to motor clubs;

(42) Part 6 (commencing with Section 12340) of Division 2, relating to insurance covering land, but not including Sections 12640.19, 12660, and 12661.

SEC. 4. Section 1300 of the Insurance Code is amended to read:

1300. Any persons may exchange reciprocal or interinsurance contracts with one another providing insurance, other

than life, title, mortgage, mortgage guaranty, or insolvency insurance, among themselves against any loss which may be insured against under other provisions of law.

SEC. 5. Section 1304 of the Insurance Code is repealed.

SEC. 6. Section 1311 of the Insurance Code is amended to read:

1311. A reciprocal or interinsurance exchange may engage in the surety insurance business in this state only provided its surplus is at least twice the amount required as paid-in capital of an incorporated insurer writing the same classes of insurance by the provisions of Section 700 01. Paid-in capital as used in this section shall not include any of the surplus amounts required of incorporated insurers by the provisions of Sections 700 02, 700 03 and 700.05 of this code.

Any such reciprocal or interinsurance exchange shall be subject to such of the provisions of Chapter 1, except Sections 12050, 12051, and 12052, Part 4, Division 2, as can be made applicable to the nature of a reciprocal or interinsurance exchange.

SEC. 7. Section 1351 of the Insurance Code is repealed.

SEC. 8. Section 1352 of the Insurance Code is repealed.

CHAPTER 342

An act to amend Section 28105 of the Corporations Code, and to amend Sections 5003 and 5501.5 of the Financial Code, relating to savings and loan associations.

[Approved by Governor July 14, 1971 Filed with
Secretary of State July 14, 1971]

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

SECTION 1. Section 28105 of the Corporations Code is amended to read:

28105. The administrator of every retirement system shall annually file with the commissioner a report setting forth all investment transactions conducted during the preceding calendar or fiscal year, and at the time of such filing pay to the commissioner a filing fee of twenty-five dollars (\$25). The commissioner shall receive these reports and hold them available for inspection by participants and beneficiaries of the retirement system.

The provisions of this section shall not apply to any of the following:

(a) A retirement system in which all such contributions are paid to a trustee or cotrustee qualified and doing business in this state and subject to the supervision of the Superintendent of Banks or the Comptroller of the Currency, or in which all such contributions are paid to a trustee or cotrustee that is a bank and a member of a Federal Reserve bank.

(b) A retirement system in which all contributions are paid to an insurer authorized to do business in this state.

(c) A retirement system which furnishes to all of its participants annually a statement in writing setting forth all investment transactions conducted during the preceding calendar or fiscal year.

(d) A retirement system in which all contributions are paid to a trustee or cotrustee qualified and doing business in this state and subject to the supervision of the Savings and Loan Commissioner or the Federal Home Loan Bank Board.

SEC. 2. Section 5003 of the Financial Code is amended to read:

5003. No association shall have or carry upon its books for any investor or other person any demand, commercial or checking account, or any credit to be withdrawn upon the presentation of any negotiable check or draft. No association shall advertise or hold itself out to the public as a bank, whether commercial or savings, or as a trust company. No association shall do a trust business, except as otherwise provided in this division. Nothing in this section prevents any association from acting as trustee under deeds of trust given solely for the purpose of securing obligations for the repayment of money, other than corporation bonds.

SEC. 3. Section 5501.5 of the Financial Code is amended to read:

5501.5. Notwithstanding any other provision of this code and without limitation upon any rights, powers and privileges which it may otherwise have, a domestic association may do all of the following:

(a) Act as escrow holder in connection with the sale, transfer, encumbering or leasing of real property.

(b) Make collections upon and otherwise service promissory notes and loans, whether for itself or for others.

(c) Disburse funds for itself or for others in connection with loans, escrows or other transactions.

(d) Act as trustee, and receive reasonable compensation for so acting, of any trust created or organized in the United States and forming part of a stock bonus, pension, or profit-sharing plan which qualifies or qualified for specific tax treatment under Section 401(d) of the Internal Revenue Code of 1954 or any statute amendatory thereof or supplementary thereto, if the funds of such trust are invested only in savings accounts in such association, or in obligations or securities issued by such association, or in savings accounts in any other savings and loan association having its home office in this state. All funds held in such fiduciary capacity by any such association may be commingled for appropriate purposes of investment, but individual records shall be kept by the fiduciary for each participant and shall show in proper detail all transactions engaged in under the authority of this subsection.

(e) As an incident to its principal activities and for the convenience of its account holders, borrowers and others, pro-

vide for the sale of checks, including travelers checks and money orders, on which the drawee is a federal home loan bank, commercial bank or other organization engaged in the business of handling such instruments.

CHAPTER 343

An act to add Section 204c to the Labor Code, relating to wages.

[Approved by Governor July 14, 1971. Filed with Secretary of State July 14, 1971.]

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

SECTION 1. Section 204c is added to the Labor Code, to read:

204c. Section 204 shall be inapplicable to executive, administrative or professional employees who are not covered by any collective bargaining agreement, who are not subject to the Fair Labor Standards Act, whose monthly remuneration does not include overtime pay, and who are paid within seven days of the close of their monthly payroll period.

CHAPTER 344

An act to amend Section 10218 of the Business and Professions Code, relating to real estate licensees.

[Approved by Governor July 14, 1971. Filed with Secretary of State July 14, 1971.]

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

SECTION 1. Section 10218 of the Business and Professions Code is amended to read:

10218. (a) Except as provided in subdivision (b), the fee for the change of name or of address of a licensee on the records of the department is four dollars (\$4).

(b) No fee shall be required for change of address of a licensee on the records of the department when there is no physical change in the location of his office.

CHAPTER 345

An act to amend Section 26078 of the Water Code, relating to irrigation districts.

[Approved by Governor July 14, 1971. Filed with Secretary of State July 14, 1971.]

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

SECTION 1. Section 26078 of the Water Code is amended to read:

26078. Upon the assessment, if not payable in installments, or the second installment of it, if payable in installments, becoming delinquent, the collector shall collect, in addition to the assessments due on the delinquent list and the penalties added, costs in the sum of one dollar (\$1) on each parcel of land separately assessed, plus costs of publication of the list of delinquencies and notice as required by Section 26105.

CHAPTER 346

An act to add Section 1232.1 to the Government Code, relating to state officers and agencies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 14, 1971 Filed with
Secretary of State July 14, 1971]

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

SECTION 1. Section 1232.1 is added to the Government Code, to read:

1232.1. On or after June 30, 1971, no state officer or employee shall be deemed to have a break in service or to have terminated his employment, for any purpose, nor to have incurred any change in his authority, status, or jurisdiction or in his salary or other conditions of employment, solely because of the failure to enact a Budget Bill for the 1971-1972 fiscal year prior to the end of the preceding fiscal year.

Every person who entered state service between June 30, 1971, and the effective date of the Budget Bill for the 1971-1972 fiscal year shall be deemed a state officer or employee, as the case may be, from the time he entered state service until that date, notwithstanding the failure to enact a Budget Bill for the 1971-1972 fiscal year prior to his entry into service.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The failure to enact a Budget Bill at the 1971 Regular Session of the Legislature has created serious question regarding the continuity of employment of state personnel, and it is therefore essential that this act take immediate effect.

CHAPTER 347

An act to amend Section 6452 of, to amend and renumber the heading of Article 5 (commencing with Section 6550) of Chapter 5 of Part 1 of Division 6 of, to add Article 4 (commencing with Section 6480) and Article 5 (commencing with Section 6510) to Chapter 5 of Part 1 of Division 6 of, and to repeal Article 4 (commencing with Section 6480) of Chapter 5 of Part 1 of Division 6 of, the Fish and Game Code, relating to mariculture.

[Approved by Governor July 19, 1971. Filed with Secretary of State July 19, 1971.]

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

SECTION 1. Section 6452 of the Fish and Game Code is amended to read:

6452. A person desiring to propagate and raise fish or amphibia shall file with the department each year a written application for a domesticated fish breeder's license. Persons licensed under Article 4 (commencing with Section 6480) or Article 5 (commencing with Section 6510) of this chapter to cultivate shellfish or marine life need not obtain a domesticated fish breeder's license to cultivate shellfish or marine life.

SEC. 1.5. Article 4 (commencing with Section 6480) of Chapter 5 of Part 1 of Division 6 of the Fish and Game Code is repealed.

SEC. 2. Article 4 (commencing with Section 6480) is added to Chapter 5 of Part 1 of Division 6 of the Fish and Game Code, to read:

Article 4. Mariculture

6480. Every person engaged in the business of cultivating marine life, except persons licensed pursuant to Article 5 (commencing with Section 6510) and Article 6 (commencing with Section 6550) of this chapter, Chapter 6 (commencing with Section 6650) and Article 3 (commencing with Section 7850) of Chapter 1 of Part 3 of this division, whether planting, promoting their growth, or harvesting them, in, on, or from waters and areas of this state, whether public or private shall be licensed as provided in this article.

6481. A license granting the privilege to cultivate marine life shall be issued upon application and the payment of a fee of twenty-five dollars (\$25) to the department. The license shall be valid for a term of one year from July 1, or if issued thereafter for the remaining portion of the term.

6482. Any person engaged solely in the cultivation of marine life and the sale of cultivated marine life, who is not otherwise a person described in Section 8040, need not procure the license required by that section.

6483. Beds of native marine life on state tide and submerged lands that the commission, with the approval of the State Lands Commission, may set aside for the cultivation of marine life, are marine life reserves, and shall be, remain, and continue as the property of the state, and be administered for the best interests of the state by the department. Areas so reserved shall not be allotted or leased for the exclusive use of any person.

Marine life may be taken from such reserve beds subject to regulations of the commission.

6484. When a mariculture area is established pursuant to this article, only nonnative cultivated marine life in the culture area belong to the person establishing the culture area, and that person is entitled to the exclusive privilege of cultivating and maintaining nonnative marine life in the culture area. The provisions of this section apply only for the term of the license provided in Section 6480.

For the purpose of this section, "nonnative cultivated marine life" is that marine life which did not occur naturally in the biota of the area on January 1, 1971, as determined by the department.

6485. The establishment of any mariculture in state waters shall be accomplished only under such regulations as the commission may prescribe, and the commission may adopt such regulations as it deems necessary to enforce the provisions of this article.

6486. The commission may prohibit the placing of any type or species of marine life which it considers injurious to the development of the mariculture industry in the state in any marine waters, including any impoundments, bay, lagoon, or estuary.

6487. The commission may lease to any citizen or domestic corporation of California state water bottoms upon which to exercise the exclusive privilege of cultivating marine life, as provided in this article. Use of such areas shall conform to the minimal use of such areas as the commission may establish.

No state water bottoms shall be leased unless the commission determines that such lease is in the public interest.

6488. Any citizen or domestic corporation of California desiring to acquire the exclusive privilege of cultivating marine life on state marine waters or water bottoms shall make written application to the commission for that purpose, designating the particular area desired. The application shall be accompanied by a map of the area desired, showing sufficient adjacent geography for ready placement, and the acreage of the area.

Each application for a lease of state water bottoms shall be accompanied by a fee of fifty dollars (\$50), which shall not be refundable if a lease is not granted.

The lessee shall assume responsibility for any infringement on privately owned water bottoms, or water bottoms owned by, or under the jurisdiction of, any city or county.

6489. The commission, after consulting its records of filings, shall, if the area requested is found not to be leased and the application conforms with this article, and upon a finding that the area is on state water bottom and that a lease would be in the public interest, shall advertise for bids on the lease of this state water bottom.

6490. No lease shall be for a greater term than 25 years. No lessee shall be granted an exclusive lease to an area that would in the opinion of the commission foster or tend to foster a monopoly. The lease may be renewed after 20 years. The lessee shall have a prior right to meet the best bid and obtain a renewal of his lease.

6491. Ninety days before any water bottoms are leased, the commission shall cause legal notices inviting bids to be published in a newspaper of general circulation in each county where the water bottoms or any part thereof are located, describing the area to be leased, the type of operation to be conducted, and inviting bids. Publication shall be made in accordance with Sections 6060 and 6066 of the Government Code.

6492. The commission shall award the lease to the highest responsible bidder, if the bid is above the minimum bid established by the commission, which shall not be less than ten dollars (\$10) per acre for each fiscal year.

The annual rental fee shall be paid to the department within 30 days after the beginning of the rental period. If it is not paid within 60 days after the close of the month in which it is due, a 10 percent penalty shall be paid. The commission shall declare the lease abandoned unless the lessee can show reasonable cause for failure to pay such rental fees within 90 days from the beginning of the rental period.

6493. The commission shall promulgate regulations, establishing when a lease is to be deemed abandoned by lessee due to inactivity, failure to pay fees or taxes provided for in this article, or failure to properly utilize the leasehold.

6494. Upon a lease being declared abandoned, all improvements, buildings and marine life on state lands therein shall become the property of the state, by virtue of such abandonment. Until such time as the lands are again leased by the commission, the department may operate and maintain the area in the best interest of the state.

6495. All leases shall be held subject to the power of the Legislature to increase or otherwise change the fees, taxes, and other charges relating to such lease.

6496. Any areas of state land in any of the bays of the state in which clams are growing, and which are used by the public for digging clams, shall not be leased, and shall remain open to the public for the purpose of such digging. The department shall designate such areas.

6497. The leasing of state water bottoms shall in no way affect public access for recreational purposes to the state lands contained in the leased area, except that access to the area for

recreational purposes shall be only in such a manner as to cause no damage to the area or the marine life cultured therein.

6498. A leased area may be transferred from one person to another person eligible for a lease, only upon the receipt of an application by the commission for a transfer, accompanied by the map and fee specified in Section 6488 and the approval of the commission.

6499. The commission shall by regulation establish requirements for signs or markers to delineate the leased area.

6500. Any person who enters upon any leased land in which marine life is cultivated or planted, and which, at the time of such entry, is marked pursuant to the regulations of the commission, and who takes and carries off such marine life without the consent or permission of the occupant or owner, or who willfully destroys any marine life or any stakes or marks intended to designate the boundaries and limits of any land claimed and staked pursuant to the provisions of this article, is guilty of a misdemeanor.

6501. The commission may require such reports from a lessee as it deems necessary to properly evaluate the operations under the lease.

6502. The commission shall transmit a copy of every application and map received by it pursuant to Section 6488 to the State Lands Commission for their review and comment.

The commission shall notify the State Lands Commission of any lease granted pursuant to this article and any subsequent change in such lease, and such other pertinent information as the State Lands Commission may require.

6503. In order to protect the public's access to, and use of, all state-owned lands in the Humboldt Bay, no right to the use of any state lands, including but not limited to tide and submerged lands, in and adjacent to the Humboldt Bay south of the entrance to the bay shall be sold, leased, rented, or otherwise conveyed or granted pursuant to the provisions of this article.

This section does not apply to any leases, permits, rentals, easements, or other existing rights in such lands existing on October 1, 1961, or extensions or renewals of such rights, if such extensions or renewals do not expand or extend the areas presently covered

6504. Mariculture activities, which are authorized pursuant to this article and such regulations as may be established hereunder, shall be conducted in a manner compatible with other existing lawful uses.

SEC. 3. Article 5 (commencing with Section 6510) is added to Chapter 5 of Part 1 of Division 6 of the Fish and Game Code, to read:

Article 5. Oyster Cultivation

6510. Every person shall procure a license to engage in the business of cultivating oysters, except a person licensed pursuant to Article 4 (commencing with Section 6480), whether

planting, promoting their growth, or harvesting them, in, on, or from waters and areas of this state, whether public or private.

The department shall prepare a suitable license entitling the holder to cultivate oysters, subject to the provisions of this code, for a term of one year from July 1st or, if issued after the beginning of such term, for the remainder thereof.

The fee for the license is twenty-five dollars (\$25).

Any person engaged solely in the cultivation of oysters and the sale of cultivated oysters, who is not otherwise a person described in Section 8040, need not procure the license required by that section.

6511. When an oysterbed is established pursuant to this code, only nonnative cultivated oyster in the bed belong to the person establishing the bed, and that person is entitled to the exclusive use and occupation of the land on which the bed is located, for the purpose of maintaining the bed. The provisions of this section apply only for the term of the license provided in Section 6510.

For the purpose of this section, "nonnative cultivated oysters" are those oysters which did not occur naturally in the biota of the area on January 1, 1971, as determined by the department.

6512. Beds of native oysters (*Ostrea lurida*) on state tidelands, in all bays, lagoons, and estuaries in this state, together with such other areas of state tidelands as the commission may set aside for the cultivation of oysterseed, are oyster reserves, and shall be, remain, and continue the property of the state, and be administered for the best interests of the state by the commission. Oysterbeds so reserved shall not be allotted or leased for the exclusive use of any person.

6513. Oysters, oysterseed, or shell may be taken from such reserve beds subject to regulations of the commission.

6514. Any person desiring to take oysters or oysterseed, for the purpose of transplanting, from state oyster reserve beds shall file an application with the commission to that effect. The application shall state where the oysters or oysterseed are to be taken, the amount to be taken on a basis of sacks of 2½ cubic feet each, and the place or places of transplanting.

6515. The establishment of any oyster culture in state waters shall be accomplished only under such regulations as the commission may prescribe.

6516. The commission may allot to any citizen of California unallotted state water bottoms upon which to exercise the exclusive privilege of cultivating oyster. Use of such state water bottoms shall conform to the minimal use of such bottoms, which is the minimum amount of oyster to be planted per unit of area as established by commission regulation.

No unallotted state water bottoms shall be allotted unless the commission determines that such allotment is in the public interest.

6517. Any citizen of California desiring to acquire the exclusive privilege of cultivating oyster on unallotted state

water bottoms shall make application to the commission for that purpose, designating the particular area desired. The application shall be accompanied by a map of the area desired, showing sufficient adjacent geography for ready placement, and the acreage of the area.

Each application for an allotment of state water bottoms shall be accompanied by a fee of fifty dollars (\$50).

The applicant shall assume responsibility for any infringement on privately owned water bottoms, or water bottoms owned by, or under the jurisdiction of, any city or county.

6518. The commission, after consulting its records of filings, shall, if the area requested is found to be unallotted and the application conforms with this article, and upon a finding that an allotment would be in the public interest, allot the area to the applicant, to be held by him for the term of the allotment or until such time as it is abandoned.

Ninety days before any water bottoms are allotted, the commission shall cause legal notices of the application to be published in a newspaper of general circulation in each county where the water bottoms or any part thereof are located, describing the area to be allotted, the name of the applicant and the type of operation to be conducted. Publication shall be made in accordance with Sections 6060 and 6066 of the Government Code.

6519. Upon an allotment being declared abandoned, all improvements, buildings and oysters on state lands therein shall become the property of the state, by virtue of such abandonment. Until such time as the lands are reallocated by the commission, the department may operate and maintain the area in the best interest of the state.

6520. An allotted area shall be considered for abandonment by the commission when, for a period of two years, it has not been improved at the applicable planting rate established by commission regulations. The transfer of such an allotment shall not affect the effective date of two-year period.

6521. An allotment may be made for a period of not to exceed twenty-five (25) years and if, at the termination of the period of an allotment, the water bottom allotted is still subject to allotment the allottee shall have a prior right to the allotment of such bottom to him.

6522. All allotments shall be held subject to the power of the Legislature to increase or otherwise change the fees, taxes, and other charges relating to such allotments

6523. Any areas of state land in any of the bays of the state in which clams are growing, and which are used by the public for digging clams, shall not be allotted, and shall remain open to the public for the purpose of such digging. The department shall designate such areas.

6524. The granting of an allotment shall in no way affect public access for hunting and fishing to the state lands contained in the allotted area, except that access to the area for the purposes of hunting or fishing shall be only by boat floating on the surface of the water covering the area and operated

in such a manner as to cause no damage to the area or the oysters therein.

6525. An allotted area may be transferred from one person to another person eligible for an allotment, upon the receipt of an application by the commission for a transfer, accompanied by the map and fee specified in Section 6517, and the approval of the commission.

6526. The commission shall by regulation establish requirements for signs or markers to delineate the allotted area.

6527. In addition to the fees provided for in this article, an allottee shall pay an annual rental fee of one dollar (\$1) per each acre or part thereof for all state water bottoms allotted to him, to be paid according to the following schedule: for the first year, ten percent (10%) of the annual rental; for the second year, twenty percent (20%) of said rental; for the third year, thirty percent (30%) of said rental; and for each year thereafter one hundred percent (100%) of said rental. The rental year is the period from July 1st of any year to June 30th of the following year or any fraction thereof.

For the purposes of this section, any allotment transferred from one person to another shall be considered as an existing allotment, not as a new allotment, and the rental shall be paid by the allottee of record on the due date.

6528. An annual rental fee shall be paid to the department within 30 days after the beginning of the rental period. If it is not paid within 60 days after the close of the month in which it is due, a 10-percent penalty shall be paid. The commission shall declare the allotment abandoned unless the allottee can show reasonable cause for failure to pay such rental fees within 90 days of the beginning of the rental period.

6529. The amounts received as rental fees shall be expended in accordance with Section 8056 of this code.

6530. In addition to the fees provided for in this article, every person operating under an allotment shall pay a privilege tax of one cent (\$0.01) per packed gallon or fraction thereof of shucked oysters harvested by him from his allotment. If the oysters are marketed in the shell, the tax shall be based on the equivalent yield of shucked oyster meat.

In determining the yield of Pacific oysters it shall be deemed that one hundred (100) oysters will yield one packed gallon of shucked oyster meat.

6531. In addition to the fees provided for in this article, every person operating under an allotment shall pay a privilege tax of two cents (\$0.02) per packed gallon or fraction thereof of shucked oysters harvested by him from his allotment. If the oysters are marketed in the shell, the tax shall be based on the equivalent yield of shucked oyster meat.

In determining the yield of Pacific oysters it shall be deemed that one hundred (100) oysters will yield one packed gallon of shucked oyster meat.

This section shall remain in effect only until July 1, 1976, and shall have no force or effect after that date. Section 6530 shall be inoperative until July 1, 1976.

6532. The privilege tax imposed by Section 6530 or 6531 shall be paid monthly to the department within 30 days after the close of each month. If not paid within 60 days after the close of the month in which it is due, a ten-percent (10%) penalty shall be paid.

The commission shall revoke a license and declare the allotment abandoned unless the allottee presents to the commission reasonable cause for failure to pay such privilege tax within 90 days after the close of the month in which it is due.

Blanks for the purpose of making privilege tax returns shall be supplied by the department.

6533. The commission may require such reports from a licensee as it deems necessary to properly evaluate the operation of the allotment.

6534. Any person who enters upon any lot of land in which there are oysters laid down and planted, and which, at the time of such entry, is staked off pursuant to the provisions of this article, and who takes and carries off such oysters without the consent or permission of the occupant or owner, or who willfully destroys any cultured oyster or any stakes or marks intended to designate the boundaries and limits of any land claimed and staked pursuant to the provisions of this article, is guilty of a misdemeanor.

6535. The commission may make such regulations as it deems necessary to enforce the provisions of this article.

6536. In order to protect the public's access to, and use of, all state-owned lands in Humboldt Bay, no right to the use of any state lands, including but not limited to tide and submerged lands, in and adjacent to Humboldt Bay south of the entrance to the bay shall be sold, leased, rented or otherwise conveyed or granted as an oyster allotment or otherwise.

This section does not apply to any leases, permits, rentals, easements or other existing rights in such lands existing on October 1, 1961, or extensions or renewals of such rights, if such extensions or renewals are presently provided for in such agreements and such extensions or renewals do not expand or extend the areas presently covered.

SEC. 4. The heading of Article 5 (commencing with Section 6550) of Chapter 5 of Part 1 of Division 6 of the Fish and Game Code is amended and renumbered to read:

Article 6. Domesticated Anadromous Fishery

CHAPTER 348

An act to add Section 31010 to the Government Code, relating to local government.

[Approved by Governor July 19, 1971. Filed with Secretary of State July 19, 1971.]

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

SECTION 1. Section 31010 is added to the Government Code, to read:

31010. The board of supervisors of any county may by resolution establish and provide funds for the operation of a municipal advisory council for any unincorporated area in the county to advise the board on such matters which relate to that area as may be designated by the board concerning services which are or may be provided to the area by the county or other local governmental agencies, including but not limited to advice on matters of public health, safety, welfare, public works, and planning. The board may pay from available funds such actual and necessary expenses of travel, lodging, and meals for the members of the council while on such official business as may be approved by the board.

The resolution establishing any such municipal advisory council shall provide for the following:

- (a) The name of the municipal advisory council.
- (b) The qualifications, number, and method of selection of its members, whether by election or appointment.
- (c) Its designated powers and duties.
- (d) The unincorporated area or areas for which the municipal advisory council is established.
- (e) Such other rules, regulations and procedures as may be necessary in connection with the establishment and operation of the municipal advisory council.

CHAPTER 349

An act to amend Section 25531.8 of, and to add Section 13584.4 to, the Education Code, and to add Section 20810.5 to the Government Code, relating to community colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 19, 1971. Filed with Secretary of State July 19, 1971.]

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

SECTION 1. Section 13584.4 is added to the Education Code, to read:

13584.4. Any person not a student or substitute employee, who has been employed in a community college bookstore maintained by a student body organization pursuant to Section 25531.7 for a period of at least six months immediately preceding becoming a member of the classified service pursuant to Section 25531.8, shall, without examination, be deemed to be a permanent classified service employee of the school district.

Any person not a student or substitute employee employed in a community college bookstore maintained by a student body

organization pursuant to Section 25531.7 for less than six months immediately preceding becoming a member of the classified service pursuant to Section 25531.8 shall, without examination, be deemed to be a probationary classified employee of the district.

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

SEC. 2. Section 25531.8 of the Education Code is amended to read:

25531.8. The governing board of any district maintaining a community college may establish a bookstore on district property for the purpose of offering for sale textbooks, supplementary textbooks, school supplies, stationery supplies, confectionary items, and related auxiliary school supplies and services.

The governing board may establish a bookstore fund into which the proceeds derived from the operation of a community college bookstore may be transferred. Moneys in a bookstore fund shall be deposited or invested in one or more of the following ways:

(a) Deposits in a bank or banks whose accounts are insured by the Federal Deposit Insurance Corporation.

(b) Investment certificates or withdrawable shares in state-chartered savings and loan associations and savings accounts of federal savings and loan associations provided such associations are doing business in this state and have their accounts insured by the Federal Savings and Loan Insurance Corporation.

(c) Purchase of United States securities pursuant to subdivision (a) of Section 16430 of the Government Code.

The governing board shall designate an employee or official of the district to act as trustee for funds derived from the operation of a community college bookstore and to receive such funds in accordance with procedures established by the board. Any person who is employed in a bookstore maintained by a community college pursuant to this section is a member of the classified service of the district in accordance with Section 13584.4. In the case of a person who, immediately preceding becoming a member of the classified service of a school district pursuant to this section, was employed, other than as a student or substitute employee, in a community college bookstore maintained by a student body organization pursuant to Section 25531.7, such prior service shall, for all purposes, be deemed service in the classified service of the employing school district. All necessary expenses, including salaries, wages and costs of capital improvements, may be deducted from the revenue of a community college bookstore. Net proceeds from the operation of a community college bookstore shall be used for the general benefit of the student body as determined by the governing board. Money may be expended for services and property, including but not limited to, parking

facilities, stadia, student centers, student unions, health centers, bookstores or auxiliary facilities for use of students or faculty members of the community college or employees of the district. Funds derived from the operation of a community college bookstore shall be subject to audit pursuant to Section 17206.

SEC. 3. Section 20810.5 is added to the Government Code, to read:

20810.5. An employee of a student body organization, which is not a contracting agency, who becomes a member of the classified service of a school district pursuant to Section 25531.8 of the Education Code, shall receive service credit under the contract of the county superintendent of schools within whose jurisdiction the school district lies, or under such individual district contract as may be applicable, for the time during which he was employed by the student body organization as if he had been employed by the school district during such time unless such service is credited in another publicly supported retirement system.

Service so credited shall be credited as current service or prior service, or both, as it would be credited if the member had been an employee of the school district throughout the time of the service so credited.

The county superintendent of schools or superintendent of schools of an independently contracting district shall draw a requisition against the funds of the school district for an amount equal to the total employer and employee contributions which would have been requisitioned under Section 20585 had such service been rendered in the employ of the school district and the employer and member rates and compensation on the date of transfer had been in effect throughout the period of service credited, and transmit such amount in accordance with Section 20585.

The governing board may at its discretion establish a method of recovering a portion of, or the total liability for, the amount so requisitioned.

SEC. 4. It is the intent of the Legislature that the governing boards of the community colleges take into consideration and effectuate employment stability of employees of student service functions including appropriate measures for competitive recruitment and merit evaluations, and that such employees be afforded retirement and other salary supplements common to school employees.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that persons who have served many years as employees of community college bookstores and are presently so employed will be given employment stability in their positions and other common benefits now enjoyed by all school em-

ployees, and in order that the provisions of this act may be effectuated with respect to persons employed for the forthcoming school year, it is necessary that this act take immediate effect.

CHAPTER 350

An act to add Article 3 (commencing with Section 40470) to Chapter 18 of Part 2 of Division 3 of Title 4 of the Government Code, relating to the installation of sidewalks by general law cities.

[Approved by Governor July 19, 1971 Filed with
Secretary of State July 19, 1971]

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

SECTION 1. Article 3 (commencing with Section 40470) is added to Chapter 18 of Part 2 of Division 3 of Title 4 of the Government Code, to read:

Article 3. Sidewalks

40470. The legislative body of a general law city may impose a sidewalk installation charge pursuant to this article. The charge shall not exceed three dollars (\$3) annually on all businesses and residences located within the city, including trailer coaches valued under subdivision (e) of Section 10753.2 of the Revenue and Taxation Code. Each dwelling in a multiple-dwelling unit shall be considered a separate residence for purposes of such charge, but each business having a room or rooms subject to the tax imposed under Section 51030 shall be considered as a single business for purposes of such charge.

40471. The special charge described in Section 40470 shall only be imposed upon an affirmative vote of a majority of all of the electors of the city voting on the proposition at an election called for that purpose. The charge shall be in an amount and for a period not to exceed five years which shall be stated on the ballot.

40472. The legislative body may provide that such charge shall be collected with, and not separately from, the charges for any utility service provided by the city and that all such charges shall be billed upon the same bill and collected as one item.

40473. Any special charge imposed under this article, exclusive of the cost of collection, shall be used only for the acquisition of rights-of-way for, and the construction of sidewalks on, the city's select system of city streets.

CHAPTER 351

An act to amend Sections 74191, 74192, 74193, and 74196 of the Government Code, relating to courts.

[Approved by Governor July 19, 1971 Filed with
Secretary of State July 19, 1971.]

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

SECTION 1. Section 74191 of the Government Code is amended to read:

74191. There shall be 10 judges.

SEC. 2. Section 74192 of the Government Code is amended to read:

74192. (a) There shall be one clerk and administrator who shall be appointed by the judges of the court and who shall be secretary of the court. The clerk and administrator shall receive a biweekly salary at a rate specified in Schedule 79 of Section 74196. Appointment to such position shall be at step C of such schedule. The position of clerk and administrator shall not be deemed to be a civil service position.

(b) There shall be one administrative assistant to the court who shall be appointed by the judges of the court and who shall hold office at their pleasure and perform such duties as may be required of him by the court or the judges. The administrative assistant to the court shall receive a monthly salary at a rate specified in Schedule 62 of Section 74196. The position of administrative assistant to the court shall not be deemed to be a civil service position.

(c) There shall be one legal stenographer for the court who shall be appointed by the judges of the court and who shall perform such duties as may be required of him by the court or the judges. The legal stenographer for the court shall receive a monthly salary at a rate specified in Schedule 42 of Section 74196.

(d) There shall be one senior clerk for the court who shall be appointed by the judges of the court and who shall perform such duties as may be required of him by the court or the judges. The senior clerk for the court shall receive a monthly salary at a rate specified in Schedule 40 of Section 74196.

SEC. 3. Section 74193 of the Government Code is amended to read:

74193. The clerk and administrator shall appoint:

(a) One chief deputy clerk, who shall receive a biweekly salary at a rate specified in Schedule 66 of Section 74196.

(b) Two deputy clerks, who shall be chief clerks, each of whom shall receive a biweekly salary at a rate specified in Schedule 55 of Section 74196.

(c) One deputy clerk, who shall be a legal stenographer,

who shall receive a biweekly salary at a rate specified in Schedule 42 of Section 74196.

(d) Thirteen deputy clerks, who shall be court clerks, each of whom shall receive a biweekly salary at a rate specified in Schedule 53 of Section 74196.

(e) Three deputy clerks, who shall be deputy clerks III, each of whom shall receive a biweekly salary at a rate specified in Schedule 45 of Section 74196.

(f) Six deputy clerks, who shall be deputy clerks II, each of whom shall receive a biweekly salary at a rate specified in Schedule 39 of Section 74196.

(g) Sixteen deputy clerks who shall be typist-clerks II, each of whom shall receive a biweekly salary at a rate specified in Schedule 32 of Section 74196.

(h) Eleven deputy clerks, who shall be senior deputy clerks, each of whom shall receive a biweekly salary at a rate specified in Schedule 40 of Section 74196.

(i) Six deputy clerks, who shall be cashier-clerks, each of whom shall receive a biweekly salary at a rate specified in Schedule 35 of Section 74196.

(j) One deputy clerk, who shall be an accountant, who shall receive a biweekly salary at a rate specified in Schedule 56 of Section 74196.

(k) One deputy clerk, who shall be an account clerk II, who shall receive a biweekly salary at a rate specified in Schedule 40 of Section 74196.

(l) One deputy clerk, who shall be an account clerk I, who shall receive a biweekly salary at a rate specified in Schedule 33 of Section 74196.

(m) One deputy clerk, who shall be a data processing technician III, who shall receive a biweekly salary at a rate specified in Schedule 50 of Section 74196.

(n) One deputy clerk, who shall be a data processing technician I, who shall receive a biweekly salary at a rate specified in Schedule 38 of Section 74196.

(o) One deputy clerk, who shall be a keypunch supervisor, who shall receive a biweekly salary at a rate specified in Schedule 40 of Section 74196.

(p) Five deputy clerks, who shall be keypunch operators, each of whom shall receive a biweekly salary at a rate specified in Schedule 34 of Section 74196.

SEC. 4. Section 74196 of the Government Code is amended to read:

74196. Whenever reference to a numbered salary schedule is made in any section of this article the following schedule of biweekly salaries shall apply:

Range	Step	Monthly salary	Biweekly salary	Hourly rate
23	A	367	169.60	2.12
	B	385	177.60	2.22
	C	405	186.40	2.33
	D	425	196.00	2.45
	E	447	206.40	2.58
24	A	376	173.60	2.17
	B	395	182.40	2.28
	C	415	191.20	2.39
	D	436	200.80	2.51
	E	458	211.20	2.64
25	A	385	177.60	2.22
	B	405	186.40	2.33
	C	425	196.00	2.45
	D	447	206.40	2.58
	E	469	216.00	2.70
26	A	395	182.40	2.28
	B	415	191.20	2.39
	C	436	200.80	2.51
	D	458	211.20	2.64
	E	481	221.60	2.77
27	A	405	186.40	2.33
	B	425	196.00	2.45
	C	447	206.40	2.58
	D	469	216.00	2.70
	E	493	227.20	2.84
28	A	415	191.20	2.39
	B	436	200.80	2.51
	C	458	211.20	2.64
	D	481	221.60	2.77
	E	505	232.80	2.91
29	A	425	196.00	2.45
	B	447	206.40	2.58
	C	469	216.00	2.70
	D	493	227.20	2.84
	E	517	238.40	2.98
30	A	436	200.80	2.51
	B	458	211.20	2.64
	C	481	221.60	2.77
	D	505	232.80	2.91
	E	530	244.00	3.05

Range	Step	Monthly salary	Biweekly salary	Hourly rate
31	A	447	206.40	2.58
	B	469	216.00	2.70
	C	493	227.20	2.84
	D	517	238.40	2.98
	E	543	250.40	3.13
32	A	458	211.20	2.64
	B	481	221.60	2.77
	C	505	232.80	2.91
	D	530	244.00	3.05
	E	556	256.00	3.20
33	A	469	216.00	2.70
	B	493	227.20	2.84
	C	517	238.40	2.98
	D	543	250.40	3.13
	E	570	262.40	3.28
34	A	481	221.60	2.77
	B	505	232.80	2.91
	C	530	244.00	3.05
	D	556	256.00	3.20
	E	584	268.80	3.36
35	A	493	227.20	2.84
	B	517	238.40	2.98
	C	543	250.40	3.13
	D	570	262.40	3.28
	E	598	275.20	3.44
36	A	505	232.80	2.91
	B	530	244.00	3.05
	C	556	256.00	3.20
	D	584	268.80	3.36
	E	613	282.40	3.53
37	A	517	238.40	2.98
	B	543	250.40	3.13
	C	570	262.40	3.28
	D	598	275.20	3.44
	E	628	289.60	3.62
38	A	530	244.00	3.05
	B	556	256.00	3.20
	C	584	268.80	3.36
	D	613	282.40	3.53
	E	644	296.80	3.71

Range	Step	Monthly salary	Biweekly salary	Hourly rate
39	A	543	250.40	3.13
	B	570	262.40	3.28
	C	598	275.20	3.44
	D	628	289.60	3.62
	E	660	304.00	3.80
40	A	556	256.00	3.20
	B	584	268.80	3.36
	C	613	282.40	3.53
	D	644	296.80	3.71
	E	676	311.20	3.89
41	A	570	262.40	3.28
	B	598	275.20	3.44
	C	628	289.60	3.62
	D	660	304.00	3.80
	E	693	319.20	3.99
42	A	584	268.80	3.36
	B	613	282.40	3.53
	C	644	296.80	3.71
	D	676	311.20	3.89
	E	710	327.20	4.09
43	A	598	275.20	3.44
	B	628	289.60	3.62
	C	660	304.00	3.80
	D	693	319.20	3.99
	E	727	334.40	4.18
44	A	613	282.40	3.53
	B	644	296.80	3.71
	C	676	311.20	3.89
	D	710	327.20	4.09
	E	745	343.20	4.29
45	A	628	289.60	3.62
	B	660	304.00	3.80
	C	693	319.20	3.99
	D	727	334.40	4.18
	E	763	351.20	4.39
46	A	644	296.80	3.71
	B	676	311.20	3.89
	C	710	327.20	4.09
	D	745	343.20	4.29
	E	782	360.00	4.50

Range	Step	Monthly salary	Biweekly salary	Hourly rate
47	A	660	304.00	3.80
	B	693	319.20	3.99
	C	727	334.40	4.18
	D	763	351.20	4.39
	E	801	368.80	4.61
48	A	676	311.20	3.89
	B	710	327.20	4.09
	C	745	343.20	4.29
	D	782	360.00	4.50
	E	821	378.40	4.73
49	A	693	319.20	3.99
	B	727	334.40	4.18
	C	763	351.20	4.39
	D	801	368.80	4.61
	E	841	387.20	4.84
50	A	710	327.20	4.09
	B	745	343.20	4.29
	C	782	360.00	4.50
	D	821	378.40	4.73
	E	862	396.80	4.96
51	A	727	334.40	4.18
	B	763	351.20	4.39
	C	801	368.80	4.61
	D	841	387.20	4.84
	E	883	406.40	5.08
52	A	745	343.20	4.29
	B	782	360.00	4.50
	C	821	378.40	4.73
	D	862	396.80	4.96
	E	905	416.80	5.21
53	A	763	351.20	4.39
	B	801	368.80	4.61
	C	841	387.20	4.84
	D	883	406.40	5.08
	E	927	426.40	5.33
54	A	782	360.00	4.50
	B	821	378.40	4.73
	C	862	396.80	4.96
	D	905	416.80	5.21
	E	950	437.60	5.47

Range	Step	Monthly salary	Biweekly salary	Hourly rate
55	A	801	368.80	4.61
	B	841	387.20	4.84
	C	883	406.40	5.08
	D	927	426.40	5.33
	E	975	448.80	5.61
56	A	821	378.40	4.73
	B	862	396.80	4.96
	C	905	416.80	5.21
	D	950	437.60	5.47
	E	1,000	460.00	5.75
57	A	841	387.20	4.84
	B	883	406.40	5.08
	C	927	426.40	5.33
	D	975	448.80	5.61
	E	1,025	472.00	5.90
58	A	862	396.80	4.96
	B	905	416.80	5.21
	C	950	437.60	5.47
	D	1,000	460.00	5.75
	E	1,050	483.20	6.04
59	A	883	406.40	5.08
	B	927	426.40	5.33
	C	975	448.80	5.61
	D	1,025	472.00	5.90
	E	1,075	495.20	6.19
60	A	905	416.80	5.21
	B	950	437.60	5.47
	C	1,000	460.00	5.75
	D	1,050	483.20	6.04
	E	1,102	507.20	6.34
61	A	927	426.40	5.33
	B	975	448.80	5.61
	C	1,025	472.00	5.90
	D	1,075	495.20	6.19
	E	1,128	519.20	6.49
62	A	950	437.60	5.47
	B	1,000	460.00	5.75
	C	1,050	483.20	6.04
	D	1,102	507.20	6.34
	E	1,155	532.00	6.65

Range	Step	Monthly salary	Biweekly salary	Hourly rate
63.	A	975	448.80	5.61
	B	1,025	472.00	5.90
	C	1,075	495.20	6.19
	D	1,128	519.20	6.49
	E	1,184	544.80	6.81
64	A	1,000	460.00	5.75
	B	1,050	483.20	6.04
	C	1,102	507.20	6.34
	D	1,155	532.00	6.65
	E	1,213	558.40	6.98
65	A	1,025	472.00	5.90
	B	1,075	495.20	6.19
	C	1,128	519.20	6.49
	D	1,184	544.80	6.81
	E	1,243	572.00	7.15
66	A	1,050	483.20	6.04
	B	1,102	507.20	6.34
	C	1,155	532.00	6.65
	D	1,213	558.40	6.98
	E	1,274	586.40	7.33
67	A	1,075	495.20	6.19
	B	1,128	519.20	6.49
	C	1,184	544.80	6.81
	D	1,243	572.00	7.15
	E	1,306	600.80	7.51
68	A	1,102	507.20	6.34
	B	1,155	532.00	6.65
	C	1,213	558.40	6.98
	D	1,274	586.40	7.33
	E	1,338	616.00	7.70
69	A	1,128	519.20	6.49
	B	1,184	544.80	6.81
	C	1,243	572.00	7.15
	D	1,306	600.80	7.51
	E	1,371	631.20	7.89
70	A	1,155	532.00	6.65
	B	1,213	558.40	6.98
	C	1,274	586.40	7.33
	D	1,338	616.00	7.70
	E	1,405	646.40	8.08

Range	Step	Monthly salary	Biweekly salary	Hourly rate
71	A	1,184	544.80	6.81
	B	1,243	572.00	7.15
	C	1,306	600.80	7.51
	D	1,371	631.20	7.89
	E	1,440	662.40	8.28
72	A	1,213	558.40	6.98
	B	1,274	586.40	7.33
	C	1,338	616.00	7.70
	D	1,405	646.40	8.08
	E	1,475	679.20	8.49
73	A	1,243	572.00	7.15
	B	1,306	600.80	7.51
	C	1,371	631.20	7.89
	D	1,440	662.40	8.28
	E	1,512	696.00	8.70
74	A	1,274	586.40	7.33
	B	1,338	616.00	7.70
	C	1,405	646.40	8.08
	D	1,475	679.20	8.49
	E	1,550	713.60	8.92
75	A	1,306	600.80	7.51
	B	1,371	631.20	7.89
	C	1,440	662.40	8.28
	D	1,512	696.00	8.70
	E	1,588	731.20	9.14
76	A	1,338	616.00	7.70
	B	1,405	646.40	8.08
	C	1,475	679.20	8.49
	D	1,550	713.60	8.92
	E	1,626	748.00	9.35
77	A	1,371	631.20	7.89
	B	1,440	662.40	8.28
	C	1,512	696.00	8.70
	D	1,588	731.20	9.14
	E	1,666	766.40	9.58
78	A	1,405	646.40	8.08
	B	1,475	679.20	8.49
	C	1,550	713.60	8.92
	D	1,626	748.00	9.35
	E	1,707	785.60	9.82

Range	Step	Monthly salary	Biweekly salary	Hourly rate
79	A	1,440	662.40	8.28
	B	1,512	696.00	8.70
	C	1,588	731.20	9.14
	D	1,666	766.40	9.58
	E	1,750	805.60	10.07
80	A	1,475	679.20	8.49
	B	1,550	713.60	8.92
	C	1,626	748.00	9.35
	D	1,707	785.60	9.82
	E	1,792	824.80	10.31
81	A	1,512	696.00	8.70
	B	1,588	731.20	9.14
	C	1,666	766.40	9.58
	D	1,750	805.60	10.07
	E	1,837	845.60	10.57
82	A	1,550	713.60	8.92
	B	1,626	748.00	9.35
	C	1,707	785.60	9.82
	D	1,792	824.80	10.31
	E	1,882	866.40	10.83
83	A	1,588	731.20	9.14
	B	1,666	766.40	9.58
	C	1,750	805.60	10.07
	D	1,837	845.60	10.57
	E	1,929	888.00	11.10
84	A	1,626	748.00	9.35
	B	1,707	785.60	9.82
	C	1,792	824.80	10.31
	D	1,882	866.40	10.83
	E	1,977	909.60	11.37
85	A	1,666	766.40	9.58
	B	1,750	805.60	10.07
	C	1,837	845.60	10.57
	D	1,929	888.00	11.10
	E	2,025	932.00	11.65
86	A	1,707	785.60	9.82
	B	1,792	824.80	10.31
	C	1,882	866.40	10.83
	D	1,977	909.60	11.37
	E	2,075	955.20	11.94

Range	Step	Monthly salary	Biweekly salary	Hourly rate
87	A	1,750	805.60	10.07
	B	1,837	845.60	10.57
	C	1,929	888.00	11.10
	D	2,025	932.00	11.65
	E	2,127	978.40	12.23
88	A	1,792	824.80	10.31
	B	1,882	866.40	10.83
	C	1,977	909.60	11.37
	D	2,075	955.20	11.94
	E	2,180	1,003.20	12.54
89	A	1,837	845.60	10.57
	B	1,929	888.00	11.10
	C	2,025	932.00	11.65
	D	2,127	978.40	12.23
	E	2,233	1,027.20	12.84
90	A	1,882	866.40	10.83
	B	1,977	909.60	11.37
	C	2,075	955.20	11.94
	D	2,180	1,003.20	12.54
	E	2,289	1,053.60	13.17
91	A	1,929	888.00	11.10
	B	2,025	932.00	11.65
	C	2,127	978.40	12.23
	D	2,233	1,027.20	12.84
	E	2,345	1,079.20	13.49
92	A	1,977	909.60	11.37
	B	2,075	955.20	11.94
	C	2,180	1,003.20	12.54
	D	2,289	1,053.60	13.17
	E	2,403	1,105.60	13.82
93	A	2,025	932.00	11.65
	B	2,127	978.40	12.23
	C	2,233	1,027.20	12.84
	D	2,345	1,079.20	13.49
	E	2,462	1,132.80	14.16
94	A	2,075	955.20	11.94
	B	2,180	1,003.20	12.54
	C	2,289	1,053.60	13.17
	D	2,403	1,105.60	13.82
	E	2,523	1,160.80	14.51

Range	Step	Monthly salary	Biweekly salary	Hourly rate
95	A	2,127	978.40	12.23
	B	2,233	1,027.20	12.84
	C	2,345	1,079.20	13.49
	D	2,462	1,132.80	14.16
	E	2,585	1,189.60	14.87
96	A	2,180	1,003.20	12.54
	B	2,289	1,053.60	13.17
	C	2,403	1,105.60	13.82
	D	2,523	1,160.80	14.51
	E	2,649	1,219.20	15.24
97	A	2,233	1,027.20	12.84
	B	2,345	1,079.20	13.49
	C	2,462	1,132.80	14.16
	D	2,585	1,189.60	14.87
	E	2,714	1,248.80	15.61
98	A	2,289	1,053.60	13.17
	B	2,403	1,105.60	13.82
	C	2,523	1,160.80	14.51
	D	2,649	1,219.20	15.24
	E	2,781	1,279.20	15.99
99	A	2,345	1,079.20	13.49
	B	2,462	1,132.80	14.16
	C	2,585	1,189.60	14.87
	D	2,714	1,248.80	15.61
	E	2,850	1,311.20	16.39
100	A	2,403	1,105.60	13.82
	B	2,523	1,160.80	14.51
	C	2,649	1,219.20	15.24
	D	2,781	1,279.20	15.99
	E	2,920	1,343.20	16.79
101	A	2,162	1,132.80	14.16
	B	2,585	1,189.60	14.87
	C	2,714	1,248.80	15.61
	D	2,850	1,311.20	16.39
	E	2,992	1,376.30	17.21
102	A	2,523	1,160.80	14.51
	B	2,649	1,219.20	15.24
	C	2,781	1,279.20	15.99
	D	2,920	1,343.20	16.79
	E	3,066	1,410.40	17.63

(a) Unless otherwise specifically provided each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first 52 weeks of service, receive biweekly the rate of compensation specified in the first step of the salary schedule for the position to which he is appointed. Upon the first day of the biweekly pay period following 52 weeks' continuous service in a class, the initial rate of compensation of such person shall be increased to the next higher step of the salary schedule for the position occupied. On and after the first day of the biweekly pay period following each ensuing 52 weeks of such service such compensation shall be increased to the rate specified in the next higher step of the salary schedule for the position occupied until such compensation equals the sum specified in the highest step of the schedule pertaining to such position.

(b) When any person in the service of the court is appointed or promoted to another office or position in such service compensated at a higher numbered schedule, he shall receive step 1 of such schedule if step 1 is at least one step higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the schedule pertaining to such office or position which will provide a one-step increase in his compensation.

(c) When any person in the service of the court is demoted to another office or position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last previously received by such person.

CHAPTER 352

An act to add Section 211.5 to the Streets and Highways Code, relating to locations for state freeways, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 20, 1971 Filed with
Secretary of State July 20, 1971]

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

SECTION 1. Section 211.5 is added to the Streets and Highways Code, to read:

211.5. Where the commission has adopted a location for a freeway, a local agency may request the commission to consider minor modifications in the route within the boundaries of the local agency. Should the commission, in its discretion,

determine that the suggested minor modifications in route location merit consideration, the commission shall, on its own motion, hold an adequately publicized public hearing to consider the suggested modifications. The commission, in exercising its discretion, may consider the effect, if any, that the suggested modifications will have upon adjacent local agencies.

The Office of Planning and Research and other affected state agencies shall be notified regarding such suggested modifications; and their recommendations, if any, together with the recommendations of the director and the State Highway Engineer, shall be presented to the local agency and shall be publicized in advance of the public hearing.

Following such public hearing, the commission may, without further notice of hearings, adopt the modified route or any portion thereof. In the event such an adoption is made, the commission shall prepare and disseminate a report as provided by Section 75.7.

The purpose of this section is to provide an expeditious procedure for the commission to consider and make minor modifications to adopted freeway routes, provided, however, that unless or until such minor modifications are adopted by the commission, the previous route adoption shall not be affected, and the commission and the department may take any and all actions permitted by law as to the adopted route during the time the commission is considering the suggested route modification.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Within several areas of this state, local officials have requested that a partial reopening of a freeway route be undertaken. Without the immediate enactment of this act, only a complete reopening of the route locations will be possible, thereby causing needless state expenditure and the imposition of unnecessary adverse economic impact upon adjacent local communities.

Therefore, it is necessary that this act take effect immediately.

CHAPTER 353

An act to add Section 135.5 to, and to add Chapter 5.5 (commencing with Section 1451) to Part 1 of Division 1 of, and to amend Section 633 of, the Unemployment Insurance Code, relating to state employee unemployment insurance, and declaring the urgency thereof, to take effect immediately.

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

SECTION 1. Section 135.5 is added to the Unemployment Insurance Code, to read:

135.5. "Employing unit" also means the State of California for the purposes of Chapter 5.5 (commencing with Section 1451) of this part.

SEC. 2. Section 633 of the Unemployment Insurance Code is amended to read:

633. Except as provided in Sections 605, 605.5, 709, and 710, and in Chapter 5.5 (commencing with Section 1451) of this part, "employment" does not include service performed in the employ of a state, a political subdivision thereof, or an instrumentality of one or more states or political subdivisions.

SEC. 3. Chapter 5.5 (commencing with Section 1451) is added to Part 1 of Division 1 of the Unemployment Insurance Code, to read:

CHAPTER 5.5. UNEMPLOYMENT COMPENSATION FOR STATE EMPLOYEES

1451. Except as provided in this chapter, a state employee shall be eligible for unemployment compensation benefits on the same terms and conditions as are specified by this part, Part 3 (commencing with Section 3501) of this division, and Part 4 (commencing with Section 4001) of this division, for all other individuals. Except as inconsistent with the provisions of this chapter, the provisions of this division and authorized regulations shall apply to any matter arising pursuant to this chapter. A state employee shall have no rights, based on state wages, to disability benefits under this division.

1452. A state employee may use state wages for benefits under this chapter only with respect to the benefit year established by the first new claim for benefits after his termination from employment with the state. No new claim for benefits under this chapter shall have an effective date beginning earlier than the effective date of this chapter.

1453. As used in this chapter:

(a) "State employee" means an individual who has permanent or probationary civil service status in employment by this state, and who (1) receives a notice of layoff with an effective date on or after March 1, 1971, pursuant to Article 2 (commencing with Section 19530) of Chapter 8 of Part 2 of Division 5 of Title 2 of the Government Code, or (2) terminates his employment, or has terminated his employment on or after March 1, 1971, after being notified in writing by his appointing authority that he is subject to layoff or mandatory transfer in his class and location, due to a reduction in staff arising from reductions in any budget act, or any other source of funds or due to a reduction in staff for reasons of economy or due to a reduction in staff resulting from organizational changes or reduced workload. However, nothing in this sub-

division shall permit a state employee, as defined, to receive unemployment compensation benefits if he would be ineligible for or disqualified to receive such benefits under Article 1 (commencing with Section 1251) of Chapter 5 of Part 1 of Division 1.

(b) "State wages" means all remuneration payable to a state employee for personal services performed as a state employee prior to (1) the effective date of such notice of layoff or (2) 30 days after such employee is notified in writing by his appointing authority, as described in subdivision (a), including the reasonable cash value of all remuneration payable in any medium other than cash, and includes all such remuneration paid on and after October 1, 1969.

(c) "State base period" means the period of the last four complete consecutive calendar quarters, and any subsequent complete and partial calendar month or months, immediately preceding the effective date of a new claim for unemployment compensation benefits by a state employee.

(d) "Base period" means the base period defined by Section 1275.

1454. State wages shall be included as wages for the purposes of this part in the base period of a state employee. The lump sum or other payment of accrued unused vacation pay at termination from state employment shall be wages for the purposes of this chapter and shall be allocated to the period following termination at the individual's rate of pay at termination from state employment.

1455. If the inclusion of state wages and wages in employment paid during the base period of a state employee do not result in a claim for a maximum benefit amount and a maximum weekly benefit amount under this part, the claim shall be recomputed on the basis of state wages paid to or owing but unpaid to the state employee during his state base period and wages in employment paid to him during that portion of his base period that is included in his state base period. He shall be entitled to an award for his claim for the higher of the benefit amounts so computed.

1456. (a) In lieu of the contributions required of employers, the State of California shall pay into the Unemployment Fund in the State Treasury at the times and in the manner provided in subdivision (b), an amount equal to the additional cost to the Unemployment Fund of the benefits (including extended duration benefits and federal-state extended benefits) paid based on base period state wages or state base period state wages with respect to employment of state employees. Benefits otherwise payable, irrespective of this chapter, shall be charged to employers' reserve accounts in accordance with other sections of this part and shall be the liability of governmental entities or nonprofit organizations pursuant to Sections 710, 711, and 713, but the additional cost to the Unemployment Fund of the benefits paid based on base period state

wages or state base period state wages pursuant to this chapter shall be borne solely by the State of California.

(b) In making the payments prescribed by subdivision (a), there shall be paid or credited to the Unemployment Fund, either in advance or by way of reimbursement, as may be determined by the director, such sums as he estimates the Unemployment Fund will be entitled to receive from the State of California under this section for each calendar quarter, reduced or increased by any sum by which he finds that his estimates for any prior calendar quarter were greater or less than the amounts which should have been paid to the fund. Such estimates may be made upon the basis of statistical sampling, or other method as may be determined by the director.

Upon making such determination, the director shall certify to the Controller the amount determined with respect to the State of California. The Controller shall pay to the Unemployment Fund the contributions due from the State of California. The director shall charge to any special fund, which is responsible for the salary of any employee, the amount of additional cost to the Unemployment Fund of the benefits paid with respect to that state employee.

(c) The director may require from each state agency such employment, wage, financial, statistical, or other information and reports, properly verified, as may be deemed necessary by the director to carry out his duties under this chapter, which shall be filed with the director at the time and in the manner prescribed by him.

(d) The director may tabulate and publish information obtained pursuant to this chapter in statistical form and may divulge the name of the employing unit.

(e) Each state agency shall keep such work records as may be prescribed by the director for the proper administration of this chapter.

(f) Notwithstanding any other provision of law, the State of California shall not be liable for that portion of any extended duration benefits or federal-state extended benefits which is reimbursed or reimbursable by the federal government to the State of California.

1457. Section 1452 and subdivision (a) of Section 1453 shall not apply, effective with respect to service performed after December 31, 1971, to service performed by a state employee in the employ of the State of California, or any instrumentality of this state or of this state and one or more other states, for a hospital, nor shall such provisions apply to any new claim for benefits filed with an effective date beginning on or after January 1, 1972, which includes in the base period or state base period any state wages paid with respect to such service performed after December 31, 1971.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

go into immediate effect. The facts constituting such necessity are:

There is a significant increase in layoffs in state service. The lack of unemployment benefits for state employees is detrimental to morale, causes a deterioration in the quality and quantity of services and is a deterrent to the recruitment of qualified candidates for employment. Unless there is prompt adjustment of this serious inequity the state service will suffer serious and irreparable harm.

CHAPTER 354

An act to amend Section 51233 of the Government Code, relating to the California Land Conservation Act of 1965.

[Approved by Governor July 20, 1971 Filed with
Secretary of State July 20, 1971]

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

SECTION 1 Section 51233 of the Government Code is amended to read:

51233. When a county proposes to establish an agricultural preserve it shall give written notice at least two weeks before the hearing to the local agency formation commission and to every city within the county within one mile of the exterior boundaries of the preserve.

CHAPTER 355

An act to amend Section 70045.6 of the Government Code, relating to court reporters.

[Approved by Governor July 20, 1971 Filed with
Secretary of State July 20, 1971]

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

SECTION 1. Section 70045.6 of the Government Code is amended to read:

70045.6. In a county with a population of over 290,000 and under 300,000 as determined by the 1960 federal census, each regular reporter shall be paid an annual salary of fourteen thousand four hundred dollars (\$14,400), and each pro tempore official reporter shall be paid fifty-five dollars (\$55) a day for the days he actually is on duty under order of the court. In such a county the fee required by Section 70053 shall be fourteen dollars (\$14).

CHAPTER 356

An act to amend Section 8655 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor July 20, 1971 Filed with
Secretary of State July 20, 1971]

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

SECTION 1 Section 8655 of the Revenue and Taxation Code is amended to read:

8655. (a) This section shall be known and may be cited as the Mills-Hayes Act.

(b) No tax shall be imposed upon fuel used by:

(1) Any transit district, transit authority or city owning and operating a local transit system itself or through a wholly owned nonprofit corporation.

(2) Any passenger stage corporation subject to the jurisdiction of the Public Utilities Commission when the motor vehicles of such passenger stage corporation are exclusively operated in urban or suburban areas, as defined in Section 9651.5 of this code.

(3) Any common carrier of passengers operating exclusively on any line or lines within the limits of a single city between fixed termini or over a regular route, 98 percent of whose operations, as measured by total route mileage operated, are exclusively within the limits of a single city, and who by reason thereof is not a passenger stage corporation subject to the jurisdiction of the Public Utilities Commission.

(c) Notwithstanding the exemption provided for by subdivision (b), any system, corporation or carrier using fuel exempt under the provisions of subdivision (b) shall, for the privilege of operating vehicles on state highways and freeways, make a payment equal to one cent (\$.01) for each gallon of such exempt fuel used. The payments required by this subdivision shall be paid to the State Board of Equalization in the manner prescribed by the board, and such payments shall be treated as a tax for all purposes of this part.

(d) The exemption provided for in subdivision (b) and the payments provided for in subdivision (c) shall not be applicable to fuel used by a charter-party carrier of passengers. The term "charter-party carrier of passengers" has the same meaning as that specified in Section 5360 of the Public Utilities Code and shall further include those transportation services described in subdivisions (a) and (e) of Section 5353 of the Public Utilities Code, if such transportation service is rendered as contract carriage and not as common carriage of passengers.

(e) There are in the State of California many local bus transit operators in need of financial assistance from sources other than the local property tax. These operators are performing essential public transit service as a vital counterpart

of the streets and highways. It is the purpose of this section to provide relief from the payment of use fuel tax for local transit operators and it is the intent of the Legislature that the funds accruing to such operators shall be used for the improvement of their transit operations and to aid in providing better transit service to and from places of employment.

SEC. 2. The amendment of Section 8655 of the Revenue and Taxation Code made by this act does not constitute a change in, but is declaratory of, the existing law.

CHAPTER 357

An act to amend Section 12650 of the Vehicle Code, relating to student drivers.

[Approved by Governor July 20, 1971. Filed with Secretary of State July 20, 1971.]

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

SECTION 1. Section 12650 of the Vehicle Code is amended to read:

12650. (a) Any student over 15 years of age taking a course in automobile driver training, maintained pursuant to Article 14 (commencing with Section 18251) of Chapter 3 of Division 14 of the Education Code, in a secondary school or enrolled in a driver training course offered by a private or parochial school of secondary level may apply to the principal of the school for a student license.

(b) The application shall be signed by the applicant before the principal of the school, or a staff member assigned to such duty. The application shall be accompanied by a statement signed by the parents or guardian or person having custody of the minor, consenting to the issuance of a student license to the students and accepting liability for civil damages arising out of the student driving a motor vehicle upon a highway as provided for in Division 9 (commencing with Section 17000) of this code.

(c) Notwithstanding any other provision of this code, if the person or persons required to sign a statement consenting to the issuance of a student license and accepting liability as provided in subdivision (b) are not residents of this state and the student resides at the school, or the student is a foster child with no parents or guardian available to sign this statement, the application may be accepted if the principal of the school or staff member assigned such duties certifies that the school has filed with the department a certificate of insurance carrier or surety company that there is in effect a policy or bond meeting the requirements of Section 16059, and that such policy or bond will cover the liability for civil damages arising out of the student driving a motor vehicle upon a highway.

CHAPTER 358

An act to amend Section 11535 of the Business and Professions Code, relating to subdivision maps.

[Approved by Governor July 20, 1971 Filed with
Secretary of State July 20, 1971]

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

SECTION 1. Section 11535 of the Business and Professions Code is amended to read:

11535. (a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, by any subdivider into five or more parcels; provided, that this chapter shall not apply to the financing or leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases.

(b) Subdivision does not include any parcel or parcels of land which is divided into four or less parcels. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels.

(c) Subdivision does not include the division of any real property improved or unimproved or a portion thereof shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, if any of the following conditions prevail:

(1) The whole parcel before division contains less than five acres, each parcel created by the division abuts upon a public street or highway and no dedications or improvements are required by the governing body.

(2) Any parcel or parcels divided into lots or parcels, each of a gross area of 20 acres or more, and each of which has an approved access to a maintained public street or highway.

(3) Any parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths.

(4) Any parcel or parcels of land divided into lots or parcels, each of a gross area of forty (40) acres or more or each of which is a quarter-quarter section or larger, or such other amount, up to 60 acres, as may be specified by local ordinances.

(d) In any case provided in subdivisions (c)(1), (c)(2), and (c)(3), and in the case of subdivision (b) when requested by local ordinance, a tentative map shall be submitted to the governing body or advisory agency (in the same manner as

provided in this chapter for subdivisions) for approval as to area, lot design, flood and water drainage control and as to all requirements of this section. Within one year after approval of the tentative map, a parcel map showing each new parcel or parcels may be filed with the recorder of the county concerned. This map shall be filed prior to sale, lease, or financing of such parcels. Conveyances may be made of parcels shown on such map by number or other such designation. Upon application an extension of the approval of the tentative map, not to exceed one year, may be granted by the governing body or advisory agency.

The governing body may require dedications or an offer of dedication by separate instrument for street opening or widening or easements. If dedications or offers of dedications are required, such dedications shall be completed prior to filing of the parcel map. An offer of dedication shall be in such terms as to be binding on the owner, his heirs, assigns or successors in interest, and shall continue until the governing body accepts or rejects such offer.

In the case of subdivision (c) (3), and in the case of subdivision (b) when local ordinance provides, the governing body may require the improvement of public or private streets, highways, ways, or easements as may be necessary for local traffic, drainage and sanitary needs.

(e) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(f) Nothing contained in this section shall in any way modify or affect any of the provisions of Section 11000 of this code.

CHAPTER 359

An act to amend Sections 74853, 74855, and 74870 of, to add Section 74804 to, and to add Chapter 6 (commencing with Section 74975) to Part 6 of Division 21 of the Water Code, relating to water conservation districts.

[Approved by Governor July 20, 1971 Filed with
Secretary of State July 20, 1971.]

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

SECTION 1. Section 74804 is added to the Water Code, to read:

74804. In determining the amount of bonded indebtedness to be incurred, the board may include all costs and estimated costs incidental to or connected with the acquisition, construction or financing of the works or property set forth in the report required by Section 74800, and all engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of the bonds, and bond interest estimated to accrue during the construction period and for a period of

not to exceed 12 months after completion of construction.

SEC. 2. Section 74853 of the Water Code is amended to read:

74853. The bonds shall bear interest at a rate not exceeding 7 percent per year, payable annually or semiannually as may be prescribed by the board at the time of the issuance of the bonds.

SEC. 3. Section 74855 of the Water Code is amended to read:

74855. The bonds shall be in such denominations as the board may prescribe.

SEC. 4. Section 74870 of the Water Code is amended to read:

74870. The bonds as issued may be sold at such times and in such amounts as the board deems expedient, after a notice inviting bids therefor has been published in the district pursuant to Section 6062 of the Government Code. A certified check payable to the district for at least 2 percent of the amount of the bonds offered shall accompany each bid, conditioned that the bidder will accept and pay for the bonds bid for if awarded to him, otherwise such check shall be forfeited to the district and the amount thereof paid into the treasury. If no bids are received the bonds offered may be sold at private sale.

SEC. 5. Chapter 6 (commencing with Section 74975) is added to Part 6 of Division 21 of the Water Code, to read:

CHAPTER 6. ISSUANCE OF REVENUE BONDS PURSUANT TO THE REVENUE BOND LAW OF 1941

74975. Subject to the limitations of this chapter, revenue bonds, including refunding revenue bonds, may be issued by a district under the Revenue Bond Law of 1941, Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5 of the Government Code.

74976. This chapter provides an alternative authority and procedure for the subject to which it relates, but does not affect any other law relating to such subject or a similar subject. When proceeding under the provisions of this chapter, such provisions alone need be followed.

74977. For the purposes of this chapter, the term "enterprise," as used in the Revenue Bond Law of 1941, shall be limited to and shall include only those works or property authorized to be acquired, constructed, improved or financed by a water conservation district pursuant to this division or any other applicable provision of law.

74978. All revenue bonds issued by a district under this chapter may be certified as legal investments pursuant to Division 10 (commencing with Section 20000) in the manner and to the extent provided in Sections 54433 and 54434 of the Government Code.

CHAPTER 360

An act to amend Section 13162 of the Education Code, as amended by Chapter 389 of the Statutes of 1969, relating to public school employees and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 20, 1971 Filed with
Secretary of State July 20, 1971.]

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

SECTION 1. Section 13162 of the Education Code, as amended by Chapter 389 of the Statutes of 1969, is amended to read:

13162. Each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to teachers whose credential applications are being processed or to personnel employed in children's centers or other preschool educational programs whose permit applications are being processed. The applicant for such a temporary certificate shall make a statement under oath that he has duly filed his application for a credential or permit together with the required fee and that to the best of his knowledge no reason exists why he should not be issued a certificate or permit. Such certificate or permit shall be valid for not more than one school year and only until the credential or permit originally requested is either issued or denied by the State Board of Education.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The validity of temporary certificates and permits which county boards of education are authorized to issue is limited by statute to 120 days, however, in numerous cases it has taken substantially longer than 120 days to process the applications for permanent certificates and permits. Therefore, in order that the administrative difficulties arising from such delays may be alleviated at the earliest possible time, it is necessary that this act take immediate effect.

SEC. 3. Section 13162 as amended by Section 1 of this act shall become inoperative on January 1, 1973, or at such earlier date as the Commission for Teacher Preparation and Licensing may determine pursuant to Section 93 of Chapter 557 of the Statutes of 1970.

CHAPTER 361

An act to amend Sections 13403, 13404, 13404.5, 13405, 13406, 13407, 13408, 13409, 13410, 13412, and 13439 of, to add Sections 13413, and 13414 to, to add Article 5 5 (commencing with Section 13485) to Chapter 2 of Division 10 of, and to repeal Sections 13413, 13414, 13415, 13416, 13417, 13418, 13419, 13420, 13421, 13422, 13423, 13424, 13425, 13426, 13427, 13428, 13429, 13430, 13431, 13432, 13433, 13434, 13435, 13436, 13437, 13438, and 13440 of, the Education Code, relating to certificated employees.

[Approved by Governor July 20, 1971 Filed with
Secretary of State July 20, 1971]

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

SECTION 1. Section 13403 of the Education Code is amended to read:

13403. No permanent employee shall be dismissed except for one or more of the following causes:

- (a) Immoral or unprofessional conduct.
- (b) Commission, aiding, or advocating the commission of acts of criminal syndicalism, as prohibited by Chapter 188, Statutes of 1919, or in any amendment thereof.
- (c) Dishonesty.
- (d) Incompetency.
- (e) Evident unfitness for service.
- (f) Physical or mental condition unfitting him to instruct or associate with children.
- (g) Persistent violation of or refusal to obey the school laws of the state or reasonable regulations prescribed for the government of the public schools by the State Board of Education or by the governing board of the school district employing him.
- (h) Conviction of a felony or of any crime involving moral turpitude.
- (i) Violation of Section 9031 of this code or conduct specified in Section 1028 of the Government Code, added by Chapter 1418 of the Statutes of 1947.
- (j) Violation of any provision in Sections 12952 to 12958, inclusive, of this code.
- (k) Knowing membership by the employee in the Communist Party.

SEC. 2. Section 13404 of the Education Code is amended to read:

13404. Upon the filing of written charges, duly signed and verified by the person filing them, with the governing board of the school district, or upon a written statement of charges formulated by the governing board, charging that there exists cause for the dismissal of a permanent employee of the district, the governing board may, upon majority vote, except as provided in this article if it deems the action necessary, give notice to the permanent employee of its intention to dismiss him

at the expiration of 30 days from the date of service of the notice, unless the employee demands a hearing as provided in this article.

Any written statement of charges of unprofessional conduct or incompetency shall specify instances of behavior and the acts or omissions constituting the charge so that the teacher will be able to prepare his defense. It shall, where applicable, state the statutes and rules which the teacher is alleged to have violated, but it shall also set forth the facts relevant to each occasion of alleged unprofessional conduct or incompetency.

SEC. 3. Section 13404.5 of the Education Code is amended to read:

13404.5. No report on the fitness of a teacher in a dismissal proceeding shall be received from a statewide professional organization by a governing board unless the teacher shall have been given, prior to the preparation of the report in its final form, the opportunity to submit in writing his or her comments on the report and unless a copy of the report in final form is given to the teacher investigated at least 10 days prior to its submission to the board.

Such a report shall not be distributed other than to the governing board and those persons participating in its preparation, unless the teacher does not demand a hearing as provided by Section 13406.

SEC. 4. Section 13405 of the Education Code is amended to read:

13405. The notice shall not be given between May 15th and September 15th in any year. It shall be in writing and be served upon the employee personally or by United States registered mail addressed to him at his last known address. A copy of the charges filed, together with a copy of the provisions of this article, shall be attached to the notice.

SEC. 5. Section 13406 of the Education Code is amended to read:

13406. If the employee does not demand a hearing by filing a written request for hearing with the governing board, he may be dismissed at the expiration of the 30-day period.

SEC. 6. Section 13407 of the Education Code is amended to read:

13407. The governing board of any school district shall not act upon any charges of unprofessional conduct or incompetency unless during the preceding term or half school year prior to the date of the filing of the charge, and at least 90 days prior to the date of the filing, the board or its authorized representative has given the employee against whom the charge is filed, written notice of the unprofessional conduct or incompetency, specifying the nature thereof with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct his faults and overcome the grounds for such charge. The written notice shall include the evaluation made pursuant to Article 5 5 (commencing with Section 13485) of this chapter. "Unprofessional conduct" and

“incompetency” as used in this section means, and refers only to, the unprofessional conduct and incompetency particularly specified as a cause for dismissal in Section 13403 and does not include any other cause for dismissal specified in that section.

SEC. 7. Section 13408 of the Education Code is amended to read:

13408. Upon the filing of written charges, duly signed and verified by the person filing them with the governing board of a school district, or upon a written statement of charges formulated by the governing board, charging a permanent employee of the district with immoral conduct, conviction of a felony or of any crime involving moral turpitude, with incompetency due to mental disability, with willful refusal to perform regular assignments without reasonable cause, as prescribed by reasonable rules and regulations of the employing school district, with violation of Section 9031, with knowing membership by the employee in the Communist Party or with violation of any provision in Sections 12952 to 12958, inclusive, the governing board may, if it deems such action necessary, immediately suspend the employee from his duties and give notice to him of his suspension, and that 30 days after service of the notice, he will be dismissed, unless he demands a hearing.

If the permanent employee is suspended upon charges of knowing membership by the employee in the Communist Party or for any violation of Section 9031, 12952, 12953, 12954, 12957, or 12958, he may within 10 days after service upon him of notice of such suspension file with the governing board a verified denial, in writing, of the charges. In such event the permanent employee who demands a hearing within the 30-day period shall continue to be paid his regular salary during the period of suspension and until the entry of the decision of the Commission on Professional Competence, if and during such time as he furnishes to the school district a suitable bond, or other security acceptable to the governing board, as a guarantee that the employee will repay to the school district the amount of salary so paid to him during the period of suspension in case the decision of the Commission on Professional Competence is that he shall be dismissed. If it is determined that the employee may not be dismissed, the school district shall reimburse the employee for the cost of the bond.

SEC. 8. Section 13409 of the Education Code is amended to read:

13409. Whenever any certificated employee of a school district is charged with the commission of any sex offense as defined in Section 12912 by complaint, information or indictment filed in a court of competent jurisdiction, the governing board of the school district shall immediately place the employee upon compulsory leave of absence for a period of time extending for not more than 10 days after the date of the entry of the judgment in the proceedings. The governing board of the school district may extend the compulsory leave of absence of the employee beyond such period by giving notice

to the employee within 10 days after the entry of judgment in the proceedings that the employee will be dismissed at the expiration of 30 days from the date of service of the notice, unless the employee demands a hearing as provided in this article.

Any employee placed upon compulsory leave of absence pursuant to this section shall continue to be paid his regular salary during the period of his compulsory leave of absence if and during such time as he furnishes to the school district a suitable bond, or other security acceptable to the governing board, as a guarantee that the employee will repay to the school district the amount of salary so paid to him during the period of the compulsory leave of absence in case the employee is convicted of such charges, or fails or refuses to return to service following an acquittal of the offense or dismissal of the charges. If the employee is acquitted of the offense, or the charges against him are dismissed, the school district shall reimburse the employee for the cost of the bond upon his return to service in the school district.

If the employee does not elect to furnish bond, or other security acceptable to the governing board of the district, and if the employee is acquitted of the offense, or the charges against him are dismissed, the school district shall pay to the employee his full compensation for the period of the compulsory leave of absence upon his return to service in the school district.

Whenever any certificated employee of a school district is charged with the commission of any narcotics offense as defined in Section 12912.5, or a violation of subdivision 1 of Section 261 of the Penal Code, Sections 11530 to 11532, inclusive, 11540, or 11910 to 11915, inclusive, insofar as such sections relate to subdivision (c) of Section 11901, of the Health and Safety Code, by complaint, information, or indictment filed in a court of competent jurisdiction, the governing board of the school district may immediately place the employee upon compulsory leave in accordance with the procedure in this section.

SEC. 9. Section 13410 of the Education Code is amended to read:

13410. The notice of suspension and intention to dismiss, shall be in writing and be served upon the employee personally or by United States registered mail addressed to the employee at his last known address. A copy of the charges filed, together with a copy of the provisions of this article, shall be attached to the notice. If the employee does not demand a hearing within the 30-day period, he may be dismissed upon the expiration of 30 days after service of the notice.

SEC. 10. Section 13412 of the Education Code is amended to read:

13412. When any employee who has been served with notice of the governing board's intention to dismiss him demands a hearing, the governing board shall have the option either (a)

to rescind its action, or (b) schedule a hearing on the matter.

SEC. 11. Section 13413 of the Education Code is repealed.

SEC. 12. Section 13413 is added to the Education Code, to read:

13413. In the event a hearing is requested by the employee, the hearing shall be commenced within 60 days from the date of the employee's demand for a hearing. The hearing shall be conducted and a decision made in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the Commission on Professional Competence shall have all the power granted to an agency therein.

No witness shall be permitted to testify at the hearing except upon oath or affirmation. No testimony shall be given or evidence introduced relating to matters which occurred more than four years prior to the date of the filing of the notice. Evidence of records regularly kept by the governing board concerning the employee may be introduced, but no decision relating to the dismissal or suspension of any employee shall be made based on charges or evidence of any nature relating to matters occurring more than four years prior to the filing of the notice.

In those causes specified in subdivisions (b), (f), (h), (i), (j), and (k) of Section 13403, the hearing shall be conducted by a hearing officer whose decision shall be binding on the board. In the event the employee is charged with any of the causes specified in subdivisions (a), (c), (d), (e), and (g) of Section 13403, the hearing shall be conducted by a Commission on Professional Competence. One member of the panel shall be selected by the employee, one member shall be selected by the governing board, and one member shall be a hearing officer of the State Office of Administrative Procedure who shall be chairman and a voting member of the competency panel and shall be responsible for assuring that the legal rights of the employee are protected at the hearing. If either the governing board or the employee for any reason fails to select a commission member at least seven days prior to the date of the hearing, such failure shall constitute a waiver of the right to selection, and the county board of education or its specific designee shall immediately make the selection. When the county board of education is also the governing board of the school district, the selection shall be made by the Superintendent of Public Instruction, who shall be reimbursed by the school district for all costs incident to the selection.

The member selected by the governing board and the member selected by the employee shall have at least five years' experience in the specific educational function of the accused as set forth in Section 13055.

In those instances where the employee has been charged with any of the causes specified in subdivisions (a), (c), (d), (e), and (g) of Section 13403, the decision shall be made, by a majority vote, by the Commission on Professional Competence

which shall prepare a written decision containing findings of fact, determinations of issues and a disposition either:

- (a) That the employee should be dismissed.
- (b) That the employee should not be dismissed.

In those instances where the employee has been charged with any of the causes specified in subdivisions (a), (c), (d), (e), and (g) of Section 13403, the decision of the Commission on Professional Competence shall be deemed to be the final decision of the governing board.

The board may adopt from time to time such rules and procedures not inconsistent with provisions of this section, as may be necessary to effectuate this section.

The governing board and the employee shall have the right to be represented by counsel.

If the governing board orders the dismissal of the employee, the governing board and the employee shall share equally the expenses of the hearing, including the cost of the hearing officer. The employee and the governing board shall pay their own attorney fees.

If the governing board orders that the employee not be dismissed, the governing board shall pay all expenses of the hearing, including the cost of the hearing officer, and reasonable attorney fees incurred by the employee.

SEC. 13. Section 13414 of the Education Code is repealed.

SEC. 13.5. Section 13414 is added to the Education Code, to read:

13414. The decision of the Commission on Professional Competence may, on petition of either the governing board or the employee, be reviewed by a court of competent jurisdiction in the same manner as a decision made by a hearing officer under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The court, on review, shall exercise its independent judgment on the evidence. The proceeding shall be set for hearing at the earliest possible date and shall take precedence over all other cases, except older matters of the same character and matters to which special precedence is given by law.

SEC. 14. Section 13415 of the Education Code is repealed.

SEC. 15. Section 13416 of the Education Code is repealed.

SEC. 16. Section 13417 of the Education Code is repealed.

SEC. 17. Section 13418 of the Education Code is repealed.

SEC. 18. Section 13419 of the Education Code is repealed.

SEC. 19. Section 13420 of the Education Code is repealed.

SEC. 20. Section 13421 of the Education Code is repealed.

SEC. 21. Section 13422 of the Education Code is repealed.

SEC. 22. Section 13423 of the Education Code is repealed.

SEC. 23. Section 13424 of the Education Code is repealed.

SEC. 24. Section 13425 of the Education Code is repealed.

SEC. 25. Section 13426 of the Education Code is repealed.

SEC. 26. Section 13427 of the Education Code is repealed.

SEC. 27. Section 13428 of the Education Code is repealed.

SEC. 28. Section 13429 of the Education Code is repealed.

- SEC. 29. Section 13430 of the Education Code is repealed.
 SEC. 30. Section 13431 of the Education Code is repealed.
 SEC. 31. Section 13432 of the Education Code is repealed.
 SEC. 32. Section 13433 of the Education Code is repealed.
 SEC. 33. Section 13434 of the Education Code is repealed.
 SEC. 34. Section 13435 of the Education Code is repealed.
 SEC. 35. Section 13436 of the Education Code is repealed.
 SEC. 36. Section 13437 of the Education Code is repealed.
 SEC. 37. Section 13438 of the Education Code is repealed.
 SEC. 38. Section 13439 of the Education Code is amended to read:

13439. If the employee has been suspended pending the hearing, he shall be reinstated within five days after the governing board's decision in his favor, and shall be paid full salary by the governing board for the period of his suspension.

SEC. 39. Section 13440 of the Education Code is repealed.

SEC. 40. Article 5.5 (commencing with Section 13485) is added to Chapter 2 of Division 10 of the Education Code, to read:

**Article 5.5. Evaluation and Assessment of
Performance of Certificated Employees**

13485. It is the intent of the Legislature to establish a uniform system of evaluation and assessment of the performance of certificated personnel within each school district of the state. The system shall involve the development and adoption by each school district of objective evaluation and assessment guidelines.

13486. In the development and adoption of these guidelines and procedures, the governing board shall avail itself of the advice of the certificated instructional personnel in the district's organization of certificated personnel.

13487. The governing board of each school district shall develop and adopt specific evaluation and assessment guidelines which shall include but shall not necessarily be limited in content to the following elements:

(a) The establishment of standards of expected student progress in each area of study and of techniques for the assessment of that progress.

(b) Assessment of certificated personnel competence as it relates to the established standards.

(c) Assessment of other duties normally required to be performed by certificated employees as an adjunct to their regular assignments.

(d) The establishment of procedures and techniques for ascertaining that the certificated employee is maintaining proper control and is preserving a suitable learning environment.

13488. Evaluation and assessment made pursuant to this article shall be reduced to writing and a copy thereof shall be transmitted to the certificated employee not later than 60 days before the end of each school year in which the evaluation takes place. The certificated employee shall have the right

to initiate a written reaction or response to the evaluation. Such response shall become a permanent attachment to the employee's personnel file. Before the end of the school year, a meeting shall be held between the certificated personnel and the evaluator to discuss the evaluation.

13489. Evaluation and assessment of the performance of each certificated employee shall be made on a continuing basis, at least once each school year for probationary personnel, and at least every other year for personnel with permanent status. The evaluation shall include recommendations, if necessary, as to areas of improvement in the performance of the employee. In the event an employee is not performing his duties in a satisfactory manner according to the standards prescribed by the governing board, the employing authority shall notify the employee in writing of such fact and describe such unsatisfactory performance. The employing authority shall thereafter confer with the employee making specific recommendations as to areas of improvement in the employee's performance and endeavor to assist him in such performance.

SEC. 41. Sections 1 to 39 of this act shall become operative on the 61st day after the final adjournment of the 1972 Regular Session of the Legislature.

SEC. 42. Article 5 (commencing with Section 13401) and Article 5.5 (commencing with Section 13485) of Chapter 2 of Division 10 of the Education Code shall not apply to certificated employees in community colleges if Senate Bill No. 696 or Assembly Bill No. 3032 is enacted at the 1971 Regular Session of the Legislature.

CHAPTER 362

An act to add Sections 989.2 and 989.3 to, and to add Article 3.8 (commencing with Section 989.4) to Chapter 6 of Division 4 of, the Military and Veterans Code, relating to veterans' loans and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 20, 1971 Filed with
Secretary of State July 20, 1971]

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

SECTION 1. Section 989.2 is added to the Military and Veterans Code, to read:

989.2. In addition to any amounts appropriated by Section 989.1, there is hereby appropriated, from any surplus money in the Farm and Home Building Fund of 1943, not required to meet any immediate demand which has accrued against the fund, without regard to fiscal years, the sum of one million dollars (\$1,000,000), or so much thereof as may be necessary to carry out the provisions of this article.

SEC. 2. Section 989.3 is added to the Military and Veterans Code, to read:

989.3. Amounts appropriated by Sections 989, 989.1 and 989.2 shall only be expended to indemnify veteran purchasers for damages in excess of one hundred dollars (\$100), caused by earthquake, flood or other perils occurring prior to the effective date of this section and not otherwise covered by insurance required of purchasers pursuant to Section 987.2, and who make application for such indemnification within 90 days from the date of the damages. The remainder of all funds appropriated under this article, after all claims as described in this section have been paid, shall revert and be transferred to the Veterans Farm and Home Building Fund of 1943, and this article shall have no further force or effect.

SEC. 3. Article 3.8 (commencing with Section 989.4) is added to Chapter 6 of Division 4 of the Military and Veterans Code, to read:

Article 3.8. Disaster Indemnity

989.4. The department shall maintain an Indemnity Fund, which is hereby created in the State Treasury, for the purpose of indemnifying eligible purchasers, for the cost of repairing damage in excess of two hundred fifty dollars (\$250) caused by flood, earthquake or other perils not otherwise covered by insurance required of purchasers pursuant to Section 987.2. Money accruing to the Indemnity Fund is hereby appropriated for carrying out the purposes of this article.

989.5. Purchasers electing to participate in the Indemnity Fund shall pay a reasonable charge, prescribed by the department, in addition to the regular monthly installment. Money so collected shall be deposited in the Indemnity Fund.

989.6. The department shall, consistent with the purposes of this article, prescribe and publish rules and regulations for the administration of the Indemnity Fund.

989.7. The department may purchase insurance against any risk, or portion thereof, otherwise payable out of appropriated moneys in the fund.

989.8. Eligible purchasers shall be indemnified pursuant to this article solely from moneys in the Indemnity Fund, and the state shall not be liable beyond the assets of the Indemnity Fund for any obligation in connection therewith.

989.9. Nothing in this article shall impose any liability upon a purchaser electing to participate in the Indemnity Fund for any obligation imposed under this article, except for participation charges as provided in Section 989.5.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Enormous damages, not covered by insurance, have recently been sustained on numerous properties being purchased from

the Department of Veterans Affairs. The purchasers of such property and the State of California are suffering great hardship as a result of such damage. In order to alleviate this hardship at the earliest possible date, it is necessary that this act take effect immediately.

CHAPTER 363

An act to amend Sections 12806, 13355, 13355.5, and 23105 of the Vehicle Code, relating to driver's licenses, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 21, 1971 Filed with
Secretary of State July 21, 1971.]

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

SECTION 1. Section 12806 of the Vehicle Code is amended to read:

12806. (a) Any physical or mental defect of the applicant which in the opinion of the department does not affect the applicant's ability to exercise reasonable and ordinary control in operating a motor vehicle upon the highway shall not prevent the issuance of a license to the applicant.

(b) An applicant addicted to the use of narcotic drugs who is participating in a methadone maintenance program approved pursuant to Section 11655.7 of the Health and Safety Code may be issued a license subject to reasonable terms and conditions of probation if such drug usage does not affect the applicant's ability to exercise reasonable and ordinary control in operating a motor vehicle upon the highway.

(c) Any suspension or revocation by a state which is not a party to the Driver License Compact provided for in Chapter 6 (commencing with Section 15000) of Division 6 shall not prevent the issuance of a license to the applicant if in the opinion of the department it will be safe to issue such license.

SEC. 2. Section 13355 of the Vehicle Code is amended to read:

13355. The department shall revoke the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court to have committed any of the following offenses:

(a) Manslaughter arising from the operation of a motor vehicle.

(b) Operating a vehicle while under the influence of intoxicating liquor, or while a habitual user of or while under the influence of narcotic drugs in violation of the provisions of Section 23105.

(c) Failure of the driver of a vehicle involved in an accident resulting in injury or death to any person to stop or otherwise comply with Section 20001 hereof.

(d) Two or more offenses of violating Section 20002, 23103, 23104, or subdivision (a) of Section 23109 within a period of 12 months from the time of the first offense, or upon a combination of two or more of any such offenses within a like period.

Each judge of a juvenile court shall immediately report such findings to the department.

SEC. 3. Section 13355.5 of the Vehicle Code is amended to read:

13355.5. Upon the recommendation of the judge of a juvenile court, the department shall immediately suspend, for a period of one year, the privilege of any person to operate a motor vehicle who has been found to have committed the offense of possession of marijuana or any other offense defined in Division 10 (commencing with Section 11000) or 10.5 (commencing with Section 11901) of the Health and Safety Code punishable as a felony while such person was a motor vehicle operator.

Participation in a methadone maintenance program approved pursuant to Section 11655.7 of the Health and Safety Code shall not be grounds for such suspension.

Each judge of a juvenile court shall immediately report such recommendation and findings to the department.

SEC. 4. Section 23105 of the Vehicle Code is amended to read:

23105. (a) It is unlawful for any person who is under the influence of narcotic drugs or amphetamine or any derivative thereof to drive a vehicle upon any highway.

(b) It is unlawful for any person who is addicted to the use of narcotic drugs, except such a person who is participating in a methadone maintenance program approved pursuant to Section 11655.7 of the Health and Safety Code, to drive a vehicle upon the highway.

(c) Any person convicted under this section is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one year nor more than five years or in the county jail for not less than 90 days nor more than one year or by a fine of not less than two hundred dollars (\$200) nor more than five thousand dollars (\$5,000) or by both such fine and imprisonment.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Methadone maintenance treatment programs are putting many heroin addicts on the road to a normal life. A driver's license is often a basic part of rehabilitation because it enables participants in these programs to drive and hold regular jobs. It is necessary that this act go into effect immediately in order to avoid the disastrous effects upon rehabilitation due to an inability to drive to work.

CHAPTER 364

An act to add Section 1604.1 to the Elections Code, relating to precinct boards.

[Approved by Governor July 21, 1971 Filed with
Secretary of State July 21, 1971]

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

SECTION 1. Section 1604.1 is added to the Elections Code, to read:

1604.1. The election board may provide that at local elections, in precincts of fewer than 500 voters where ballots are to be counted by means of an electronic or electromechanical device as provided in Chapter 7 (commencing with Section 15400) of Division 9, or a punchcard voting system as provided in Chapter 8 (commencing with Section 15600) of Division 9, the precinct board may consist of one inspector and two judges who shall be appointed pursuant to the law governing general elections where such device is not used, except as otherwise provided in this chapter. In such case the judges shall act as clerks.

CHAPTER 365

An act to amend Section 27501 of the Elections Code, relating to recall.

[Approved by Governor July 21, 1971 Filed with
Secretary of State July 21, 1971.]

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

SECTION 1. Section 27501 of the Elections Code is amended to read:

27501. A petition demanding the recall of the officer sought to be recalled shall be submitted to the clerk of the legislative body of the city. The petition shall be signed by not less than 25 percent of the voters of the city, or in the case of a city councilman elected by district 25 percent of the voters of his district, according to the county clerk's last official report of registration to the Secretary of State.

CHAPTER 366

An act to add Section 36812.1 to the Government Code, relating to the contest of elections.

[Approved by Governor July 21, 1971 Filed with
Secretary of State July 21, 1971.]

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

SECTION 1. Section 36812.1 is added to the Government Code, to read:

36812.1. If a written statement to contest the election of a city officer pursuant to Sections 20050 and 20051 of the Elections Code is filed with the city clerk prior to the commencement of any proceeding by the city council, pursuant to Section 36812, the authority of the city council to commence such proceedings shall be suspended for the applicable period of time specified in Section 20051 of the Elections Code for the filing of the statement of contest.

Upon the expiration of such period of time, the city council may proceed pursuant to Section 36812 if no proceedings have been instituted pursuant to Article 3 (commencing with Section 20080) of Chapter 2 of Division 11 of the Elections Code or such proceedings are terminated without judgment being rendered by the court.

CHAPTER 367

An act to amend Section 15712 of, and to repeal Section 15712.5 of, the Elections Code, relating to sample ballots.

[Approved by Governor July 21, 1971. Filed with Secretary of State July 21, 1971.]

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

SECTION 1. Section 15712 of the Elections Code is amended to read:

15712. The sample ballot provided in Chapter 1 (commencing with Section 10000) of Division 7 of this code shall be printed in either of two formats: (a) booklet form or (b) on one or more sheets on one or both sides. The sample ballot shall be printed on white or tinted paper and shall be a substantial facsimile of the ballot, including instructions to voters.

SEC. 2. Section 15712.5 of the Elections Code is repealed.

CHAPTER 368

An act to add Sections 31568 and 31569 to the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor July 21, 1971. Filed with Secretary of State July 21, 1971.]

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

SECTION 1. Section 31568 is added to the Government Code, to read:

31568. In a county having a population of over six million any member of the county planning commission or of the civil service commission, any provision of any regulation of the board to the contrary notwithstanding, by an election in writing filed with the board at any time not less than one year prior to retirement, may become a member of the retirement association if authorized by a resolution of the board of supervisors.

SEC. 2. Section 31569 is added to said Government Code, to read:

31569. If, in a county having a population of over six million a member of the county planning commission or of the civil service commission becomes a member of the retirement association he shall be deemed to have been "brought within the field of membership" as those words are used in Section 31648. Prior to his effective date of retirement, such a member shall, as provided by the county board of supervisors, have placed on deposit in the employees retirement fund contributions calculated on the basis of the contribution rate applicable to his age at entry, multiplied by his daily rate of compensation during his first year of compensated services multiplied by 50, and multiplied by the number of years of compensated service for which retirement credit will be granted that would have been credited had the contributions so calculated been on deposit during that period of service.

CHAPTER 369

An act to add Section 11250.5 to the Welfare and Institutions Code, relating to public social services.

[Approved by Governor July 23, 1971. Filed with Secretary of State July 23, 1971.]

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

SECTION 1. Section 11250.5 is added to the Welfare and Institutions Code, to read:

11250.5. The salary of a full-time certificated employee of a school district shall be prorated over a 12-month period for the purposes of determining eligibility for aid under this chapter.

CHAPTER 370

An act to amend Sections 12510, 12759, and 12930 of, and to add Section 12024.2 to, the Business and Professions Code, relating to weights and measures.

[Approved by Governor July 23, 1971. Filed with Secretary of State July 23, 1971.]

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

SECTION 1. Section 12024.2 is added to the Business and Professions Code, to read:

12024.2. It shall be unlawful for any person to compute at the time of sale of a commodity a value which is not a true extension of a price per unit which at that time is advertised, posted or quoted.

SEC. 2. Section 12510 of the Business and Professions Code is amended to read:

12510. Any person, who by himself, or through or for another, does any of the following is guilty of a misdemeanor:

(a) Uses, in the buying or selling of any commodity, or retains in his possession a false weight or measure or weighing or measuring instrument.

(b) Sells any weight or measure or weighing or measuring instrument which has not been sealed within one year, except weighing or measuring instruments required to be assembled prior to use.

(c) Uses any condemned weight or measure or weighing or measuring instrument contrary to law.

(d) Uses in the buying or selling of any commodity, or for determining the charge for a service, any weight or measure or weighing or measuring instrument which is not kept at a fixed location, which does not bear a current or previous year's seal and which, upon test by the sealer is found to be incorrect, unless a written request for an inspection of the weighing or measuring instrument has been made to the county sealer; provided, however, the use of any weight or measure or weighing or measuring instrument used by a public utility in connection with measuring gas, electricity, water, steam, or communication service subject to the jurisdiction of the California Public Utilities Commission shall be exempt from the requirements of this chapter.

(e) Sells or uses any device or instrument to be used or calculated to falsify any weight or measure.

(f) So locates or positions a weighing or measuring device used in retail trade, except as used exclusively in preparation of packages put up in advance of sale, that its indications cannot be accurately read by the purchaser under ordinary circumstances.

(g) Uses, in the buying or selling of any commodity, a weighing or measuring device designed to automatically compute price unless the computed price is a true mathematical computation of the amount times the price per unit.

(h) Willfully and knowingly uses, in the buying or selling of any commodity, a measuring device designed to automatically compute price unless the indicators of quantity and the total computed price on such device shall have been returned to zero prior to the beginning of each delivery of such commodity.

(i) Fails to deliver for test to a designated location after receipt of a written notice from a weights and measure official, any device that is ordinarily tested at a central location.

Possession of a false weight or measure or weighing or measuring instruments or records thereof is prima facie evidence of intention to violate the law.

SEC. 3. Section 12759 of the Business and Professions Code is amended to read:

12759. Any person is guilty of a misdemeanor who does any of the following acts:

(a) Requests a private weighmaster, or any person employed by him, to weigh, measure, or count any commodity falsely or incorrectly.

(b) Requests a false or incorrect private weighmaster certificate.

(c) Issues a state certificate of weights and measures, or a private weighmaster certificate, when he is not a private weighmaster.

(d) Possesses unfilled or unused certificates of weights and measures when he is not a licensed private weighmaster.

(e) Furnishes or gives false information to a weighmaster for use in the sale of a commodity.

(f) Alters, by adding to, the tare weight of the vehicle or combination of vehicles in any manner, unless he obtains a new and corrected tare weight to be used for certification.

SEC. 4. Section 12930 of the Business and Professions Code is amended to read:

12930. As used in this article "cotton" includes raw cotton, cotton linters, and cotton batting. Notwithstanding any other provision of this code or any other law, cotton may be sold by gross weight so that the purchaser pays a like price for the cotton and the burlap, paper, or other material with which it is wrapped and the string, wire, or other material with which the wrapping is secured. When sold by gross weight cotton shall be wrapped and the wrapping secured in accordance with the usual customs of the trade or in accordance with the agreement of purchaser and seller.

A weighmaster may use a tare weight for baled cotton specified by regulations of the United States Department of Agriculture for determining the net weight of cotton.

The tare shall not exceed five percent (5%) of such gross weight.

The provisions of this section shall not be construed to apply to the sale of cotton or cotton goods in any form packaged for distribution or sale at retail to the general public.

CHAPTER 371

An act to amend Sections 1 and 2 of Chapter 1672 of the Statutes of 1967, relating to recreation and fish and wild-life enhancement associated with state water projects.

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

SECTION 1. Section 1 of Chapter 1672 of the Statutes of 1967 is amended to read:

Section 1. The Legislature, pursuant to Section 11912 of the Water Code, approves the allocation by the Department of Water Resources of thirty-one million six hundred sixty-two thousand three hundred seventy-seven dollars (\$31,662,377) to recreation and fish and wildlife enhancement as nonreimbursable joint costs of the State Water Project, as reported in Bulletin No. 132-71, Appendix D, "Costs of Recreation and Fish and Wildlife Enhancement," dated March 1971, in accordance with the following schedule:

Schedule:

(a) For Frenchman Dam and Lake.....	\$1,614,786
(b) For Antelope Dam and Lake.....	\$5,059,213
(c) For Grizzly Valley Dam and Lake Davis..	\$4,973,432
(d) California Aqueduct, Delta to Dos Amigos Pumping Plant	\$9,552,163
(e) Oroville Division	\$10,462,783
Total of schedule	\$31,662,377

SEC. 2. Section 2 of Chapter 1672 of the Statutes of 1967 is amended to read:

Sec. 2. The Legislature, pursuant to Section 11912 of the Water Code, approves the expenditures of six million seven hundred eighty-five thousand nine hundred twenty-five dollars (\$6,785,925) for separate specific recreation land costs of the State Water Project as revised by the Department of Water Resources in said Bulletin No. 132-71, Appendix D, in association with the following facilities and in accordance with the following schedule:

Schedule:

(a) Frenchman Dam and Lake	\$53,272
(b) Grizzly Valley Dam and Lake Davis	\$256,395
(c) Oroville Division	\$2,502,412
(d) California Aqueduct	\$1,266,271
(e) San Luis Dam and Reservoir and O'Neill Forebay	\$41,851
(f) Del Valle Dam and Lake Del Valle	\$576,299
(g) Castaic Dam and Lake	\$1,303,147
(h) Cedar Springs Dam and Silverwood Lake..	\$786,278
Total of Schedule	\$6,785,925

CHAPTER 372

*An act to add Section 32920 to the Agricultural Code,
relating to milk and milk products.*

[Approved by Governor July 23, 1971 Filed with
Secretary of State July 23, 1971]

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

SECTION 1. Section 32920 is added to the Agricultural Code, to read:

32920. The labeling requirements of this division shall not apply to milk or milk products processed or manufactured and packaged for sale and delivery outside the state.

CHAPTER 373

*An act to add Section 20085 to the Education Code,
relating to community college districts.*

[Approved by Governor July 23, 1971 Filed with
Secretary of State July 23, 1971]

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

SECTION 1. Section 20085 is added to the Education Code, to read:

20085. The governing board of a community college district may include a proposed site in its plans for a project and may enter into an agreement with the owner of property constituting such proposed site whereby the district, for an annual consideration to be borne by the district, is given an option to purchase, or a lease with an option to purchase such property at an unspecified future date, as a building site.

The existence of such an agreement shall in no way affect the determination of the share of the cost of the project to be borne by the state under this chapter, and the consideration paid by the district for such option or lease shall not be considered part of the cost of the project in determining the state's share of the funding thereof.

Such option or lease agreement shall constitute an obligation of the district and shall not be construed as in any way creating an obligation on the part of the state.

CHAPTER 374

An act to amend Sections 6535 and 6545 of the Business and Professions Code, relating to barbers.

[Approved by Governor July 23, 1971. Filed with Secretary of State July 23, 1971.]

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

SECTION 1. Section 6535 of the Business and Professions Code is amended to read:

6535. No college of barbering shall be approved by the board unless it requires as a prerequisite to admission thereto, completion of the ninth grade, or the equivalent education as determined by an examination conducted by an examining agency prescribed by the board, and unless it requires as a prerequisite to graduation a course of instruction of not less than 1,500 hours to be completed within 18 months, at the rate of not more than eight hours in any one working day, except that a student may complete a service in process, with time credit, but not to exceed 30 additional consecutive minutes. The total number of weekly hours shall not exceed 40, except that the accumulated minutes necessary to complete a service in process shall be added thereto. The maximum weekly total of hours shall not exceed 42½.

The course of instruction shall consist of the fundamentals of the following subjects:

(a) Sanitation, antiseptics, sterilization, hygiene and bacteria. Instruction in these subjects shall be limited to their relation to barbering.

(b) Haircutting and shaving.

(c) Massaging of the scalp, face, and neck.

(d) Shampooing, and the applying of hair tonics, hairdressing preparations, and rinses.

(e) Facials and scalp massages or treatments with creams, lotions, oils or other cosmetic preparations either by hand or mechanical appliances, but such appliances shall not be galvanic nor faradic.

(f) Shop management, ethics, salesmanship, implements, and a brief study of the history of barbering.

(g) Laws and regulations governing the practice of barbering.

(h) Common skin and hair diseases of the scalp, face and neck.

(i) The structure and functions of the skin and hair of the scalp, face and neck.

(j) Cosmetic preparations used in the practice of barbering.

(k) Circulation, muscles, nerves and cells of the scalp, face and neck only as such subjects are related to massaging or other acts of barbering.

(l) Fundamentals of hair coloring and bleaching.

(m) Fundamentals of hair straightening (also known as hair relaxing).

(n) Hairpieces (toupees), measuring, fitting and servicing.

(o) Waving of hair, except that waving shall not include permanent waving.

(p) Hair styling of all textures of hair. This service shall include individual style adaptation, razor hair styling and the use of the styling blower.

SEC. 2. Section 6545 of the Business and Professions Code is amended to read:

6545. Any person is qualified to receive a certificate of registration to practice barbering if he complies with each of the following:

(a) He is qualified under the provisions of Section 6546 of this chapter.

(b) He is at least 19 years of age.

(c) He is of good moral character and temperate habits.

(d) He has practiced as a registered apprentice for a period of 15 months under the immediate personal supervision and employment of a registered barber, except that a registered apprentice who completes a 12 months' apprenticeship program approved by the board and established under the provisions of Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code shall be required to serve as a registered apprentice for a period of only 12 months.

(e) He has passed a satisfactory examination conducted by the board to determine his fitness to practice barbering.

An applicant for a certificate of registration to practice as a registered barber who fails to pass a satisfactory examination conducted by the board, shall continue to practice as an apprentice for at least six months, but for no more than 12 months, under the immediate personal supervision and employment of a registered barber, before he is again entitled to take the examination, except that the board may extend the 12-month period upon showing of good cause, which shall include but not be limited to delays in applying for and taking the examination caused by any illness of or accident to the apprentice or service in the armed forces of the United States.

CHAPTER 375

An act to add Sections 1689.5, 1689.6, 1689.7, 1689.8, 1689.9, 1689.10, 1689.11, 1689.12, and 1689.13 to the Civil Code, relating to sales.

[Approved by Governor July 23, 1971. Filed with
Secretary of State July 23, 1971.]

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

SECTION 1. Section 1689.5 is added to the Civil Code, to read:

1689.5. As used in Sections 1689.6 to 1689.11, inclusive:

(a) "Home solicitation contract or offer" means any contract or any offer which is subject to approval, for the sale of goods or services or both, made at other than appropriate trade premises in an amount more than fifty dollars (\$50). The home solicitation contract shall not include any contract under which the buyer has the right to rescind pursuant to Title 1, Chapter 2, Section 125 of the Federal Consumer Credit Protection Act (P.L. 90-321) and the regulations promulgated pursuant thereto.

(b) "Appropriate trade premises," means premises at which either the owner or seller normally carries on a business, or where goods are normally offered or exposed for sale in the course of a business carried on at those premises.

(c) "Goods" means tangible chattels bought for use primarily for personal, family, or household purposes, including certificates or coupons exchangeable for such goods, and including goods which, at the time of the sale or subsequently, are to be so affixed to real property as to become a part of such real property whether or not severable therefrom, but does not include any vehicle required to be registered under the Vehicle Code, nor any goods sold with such a vehicle if sold under a contract governed by Section 2982.

(d) "Services" means work, labor and services furnished in connection with the repair, alteration, or improvement of residential premises, including services furnished in connection with the sale or repair of goods as defined in Section 1802.1, but does not include the services of attorneys, real estate brokers and salesmen, securities dealers or investment counselors, physicians, optometrists or dentists, nor the sale of insurance which is not connected with the sale of goods or services as defined herein, nor services for which the tariffs, rates, charges, costs, or expenses, including in each instance the time sale price, is required by law to be filed with and approved by the federal government or any official, department, division, commission or agency of the United States or of the State of California.

SEC. 2. Section 1689.6 is added to the Civil Code, to read:

1689.6. (a) In addition to any other right to revoke an offer, the buyer has the right to cancel a home solicitation contract or offer until midnight of the third calendar day (excluding Sunday) after the day on which the buyer signs an agreement or offer to purchase which complies with Section 1689.7.

(b) Cancellation occurs when the buyer gives written notice of cancellation to the seller at the address specified in the agreement or offer.

(c) Notice of cancellation, if given by mail, is effective when deposited in the mail properly addressed with postage prepaid.

(d) Notice of cancellation given by the buyer need not take a particular form and, however expressed, is effective if it indicates the intention of the buyer not to be bound by the home contract or offer.

SEC. 3. Section 1689.7 is added to the Civil Code, to read: 1689.7. (a) In a home solicitation contract or offer the buyer's agreement or offer to purchase must be signed and dated by the buyer and must contain immediately below his signature a conspicuous statement in a size equal to at least 10-point bold type, as follows: "You are entitled to cancel this agreement before midnight of the third day (excluding Sunday) after the date of your signature. See the Buyer's Right to Cancel contained in this agreement."

(b) The agreement or offer to purchase shall contain on the first page, in a type size no smaller than that generally used in the body of the document, the following: (1) the name and address of the seller to which the notice is to be mailed, (2) the date the buyer signed the agreement or offer to purchase, and (3) the Buyer's Right to Cancel under Section 1689.8.

(c) Until the seller has complied with this section the buyer may cancel the home solicitation contract or offer.

SEC. 4. Section 1689.8 is added to the Civil Code, to read: 1689.8. The Buyer's Right to Cancel contained in the agreement, the title of which to be in type of at least 10 point, shall read as follows:

Buyer's Right to Cancel

You may cancel the agreement or offer referred to above at any time prior to midnight of the third day (excluding Sunday) after the day you signed the agreement or offer. If you cancel and you have already made some payment to the seller, the seller is entitled to retain out of the payment, as a cancellation fee, 5 percent of the cash price of the goods or services but in no event may the seller retain more than fifteen dollars (\$15).

You may give notice of cancellation by mailing a signed and dated statement to the seller at the address indicated. In order to have proof of the mailing, it is recommended that you mail the statement by registered or certified mail. If you do so, you should keep the slip the post office gives you.

In the event you cancel, the seller must return to you (a) any payments made (less the cancellation fee) and (b) any goods or other property (or a sum equal to the amount of the trade-in allowance given therefor), and (c) any note or other evidence of indebtedness, given by you to the seller pursuant to or in connection with the agreement or offer. After cancellation the seller is entitled to receive back from you, at your address, any goods previously delivered by him to you, providing he has returned any payments and goods or other property received from you, to the extent indicated above. If the seller does not call for his goods at your address within 20 days after you give notice of cancellation, you may keep them as your own.

SEC. 5. Section 1689.9 is added to the Civil Code, to read:

1689.9. Where the goods sold under any home solicitation contract are so affixed to real property as to become a part thereof, whether or not severable therefrom, the buyer shall not have the right to cancel as provided in Section 1689.6 or Section 1689.7 if, subsequent to his signing such contract, he has sold or encumbered such real property to a bona fide purchaser or encumbrancer who was not a party to such sale of goods or to any loan agreement in connection therewith.

SEC. 6. Section 1689.10 is added to the Civil Code, to read:

1689.10. (a) Except as provided in Sections 1689.6 to 1689.11, inclusive, within 10 days after a home solicitation contract or offer has been canceled, the seller must tender to the buyer any payments made by the buyer and any note or other evidence of indebtedness.

(b) If the downpayment includes goods traded in, the goods must be tendered in substantially as good condition as when received. If the seller fails to tender the goods as provided by this section, the buyer may elect to recover an amount equal to the trade-in allowance stated in the agreement.

(c) The seller may retain as a cancellation fee 5 percent of the cash price but not exceeding fifteen dollars (\$15) or the amount of the cash downpayment, whichever is less. If the seller fails to comply with an obligation imposed by this section, or if the buyer avoids the sale on any ground independent of his right to cancel provided by subdivision (a) of Section 1689.6, the seller is not entitled to retain a cancellation fee.

(d) Until the seller has complied with the obligations imposed by Sections 1689.7 to 1689.11, inclusive, the buyer may retain possession of goods delivered to him by the seller and has a lien on the goods for any recovery to which he is entitled.

SEC. 7. Section 1689.11 is added to the Civil Code, to read:

1689.11. (a) Except as provided in subdivision (d) of Section 1689.10, within 20 days after a home solicitation contract or offer has been canceled, the buyer, upon demand, must tender to the seller any goods delivered by the seller pursuant to the sale or offer, but he is not obligated to tender at any place other than his own address. If the seller fails to demand possession of goods within 20 days after cancellation, the goods become the property of the buyer without obligation to pay for them.

(b) The buyer has a duty to take reasonable care of the goods in his possession both prior to cancellation and during the 20-day period following. During the 20-day period after cancellation, except for the buyer's duty of care, the goods are at the seller's risk.

(c) If the seller has performed any services pursuant to a home solicitation contract or offer prior to its cancellation, the seller is entitled to no compensation except the cancellation fee provided in this section. If the seller's services result in the alteration of property of the buyer, the seller shall restore the property to substantially as good condition as it was at the time the services were rendered.

SEC. 8. Section 1689.12 is added to the Civil Code, to read: 1689.12. Any waiver of the provisions of Sections 1689.5 to 1689.11, inclusive, shall be deemed contrary to public policy and shall be void and unenforceable.

SEC. 9. Section 1689.13 is added to the Civil Code, to read: 1689.13. The provisions of Sections 1689.5 to 1689.8, inclusive, and Sections 1689.10 to 1689.12, inclusive, shall not apply to a contract which is executed in connection with the making of emergency repairs or services which are necessary for the immediate protection of persons or real or personal property.

CHAPTER 376

An act to amend Section 4104 of the Government Code, relating to subcontractors.

[Approved by Governor July 23, 1971 Filed with Secretary of State July 23, 1971.]

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

SECTION 1. Section 4104 of the Government Code is amended to read:

4104. Any officer, department, board or commission taking bids for the construction of any public work or improvement shall provide in the specifications prepared for the work or improvement or in the general conditions under which bids will be received for the doing of the work incident to the public work or improvement that any person making a bid or offer to perform the work, shall, in his bid or offer, set forth:

(a) The name and the location of the place of business of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement, or a person who will off the job-site specially fabricate a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of 1 percent of the prime contractor's total bid.

(b) The portion of the work which will be done by each such subcontractor under this act. The prime contractor shall list only one subcontractor for each such portion as is defined by the prime contractor in his bid.

CHAPTER 377

An act to add Sections 7054.3 and 7054.4 to the Health and Safety Code, and to add Section 643 to the Penal Code, relating to disposition of remains.

[Approved by Governor July 23, 1971 Filed with Secretary of State July 23, 1971.]

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

SECTION 1. Section 7054.3 is added to the Health and Safety Code, to read:

7054.3. Notwithstanding any other provision of law, a recognizable dead human fetus of less than 20 weeks uterogestation not disposed of by interment shall be disposed of by incineration.

SEC. 2. Section 7054.4 is added to the Health and Safety Code, to read:

7054.4. Notwithstanding any other provision of law, recognizable anatomical parts, human tissues, or anatomical human remains following conclusion of scientific use shall be disposed of by interment or incineration.

SEC. 3. Section 643 is added to the Penal Code, to read:

643. No person knowingly shall dispose of fetal remains in a public or private dump, refuse, or disposal site or place open to public view. For the purposes of this section, "fetal remains" means the lifeless product of conception regardless of the duration of the pregnancy.

Any violation of this section is a misdemeanor.

CHAPTER 378

An act to amend Section 11102 of the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor July 26, 1971. Filed with Secretary of State July 26, 1971.]

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

SECTION 1. Section 11102 of the Welfare and Institutions Code is amended to read:

11102. County residence is not a qualification for aid under any public assistance program.

County responsibility for making aid payments is determined as follows:

(a) The county where the applicant lives shall accept the application and shall be responsible for paying the aid.

(b) Responsibility for payment of aid to any person qualifying for and receiving aid from any county, who removes to another county in this state to make his home, shall be transferred to the second county as soon as administratively possible, but not later than the first day of the month following 60 days after notification to the second county.

For purposes of public assistance the county in which an applicant or recipient lives is:

(1) For a patient in a state hospital or institution, voluntary, nonprofit, or proprietary facility or other public or private institution, the county from which he was admitted.

(2) For a person who has had to leave the county in which he normally lives, solely for the purpose of securing care not otherwise available to him in a medical facility, the county in which he last maintained a living arrangement outside a medical facility.

(3) For a person who on or after July 1, 1969, has been released or discharged from a state hospital, for a period not to exceed three years from the date of such release, the county from which he was admitted to the hospital.

(4) For a person who prior to July 1, 1969, has been released on leave of absence from a state hospital, the county from which he was admitted.

CHAPTER 379

An act to add Section 20451.5 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor July 27, 1971 Filed with
Secretary of State July 27, 1971]

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

SECTION 1. Section 20451.5 is added to the Government Code, to read:

20451.5. An employee organization, recognized under the provisions of Chapter 10 (commencing with Section 3500) of Division 4 of Title 1, and representing employees of a public agency, may request the governing body of the public agency to ask the board for a quotation of the approximate contribution to this system which would be required of the agency if a specific change was made in the agency's contract with the system, and if the employee organization is willing to pay for the cost of such quotation, the agency shall make the request. The board shall furnish copies of its quotation to both the public agency and the employee organization.

CHAPTER 380

An act to add Section 35796 to the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 27, 1971 Filed with
Secretary of State July 27, 1971.]

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

SECTION 1. Section 35796 is added to the Vehicle Code, to read:

35796. Any or all of the powers granted to local authorities in this article may, by ordinance or resolution, be delegated by such local authorities to the road commissioner or to such

other local official as may be performing functions substantially the same as a road commissioner in the county or municipality enacting such ordinance or resolution.

CHAPTER 381

An act to amend Sections 8302 and 8305.5 of, and to repeal Section 2366 of, the Fish and Game Code, relating to abalones.

[Approved by Governor July 27, 1971. Filed with Secretary of State July 27, 1971.]

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

SECTION 1. Section 2366 of the Fish and Game Code is repealed.

SEC. 2. Section 8302 of the Fish and Game Code is amended to read:

8302. Abalones may be taken only for food purposes, except as specifically authorized to be taken for bait purposes. Abalones may be taken for drying purposes pursuant to Section 8306 or 8306.5.

SEC. 3. Section 8305.5 of the Fish and Game Code is amended to read:

8305.5. In District 19, within one mile of the shores of San Nicolas, San Clemente, and San Miguel Islands and in less than 20 feet of water, abalones may be taken for commercial purposes.

This section shall remain in effect only until the 91st day after adjournment of the 1972 Regular Session of the Legislature and shall have no force or effect after that date.

CHAPTER 382

An act to add Chapter 17 (commencing with Section 25999) to Division 20 of the Health and Safety Code, relating to air duct systems.

[Approved by Governor July 28, 1971. Filed with Secretary of State July 28, 1971.]

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

SECTION 1. Chapter 17 (commencing with Section 25999) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 17. AIR DUCT SYSTEMS

25999. If asbestos-containing materials are used in an air duct system which is installed in any building in the state on

or after the effective date of this chapter, such material shall be overcoated with a sealant adequate to preclude erosion of asbestos fibers.

CHAPTER 383

An act to amend Sections 17707 and 18424 of, to repeal Section 18425 of, and to add Section 18422.1 to, the Education Code, relating to school district severance aid, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 28, 1971 Filed with
Secretary of State July 28, 1971.]

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

SECTION 1. There is hereby appropriated from the Motor Vehicle Transportation Tax Fund the amount determined and certified by the Superintendent of Public Instruction pursuant to Section 18424 of the Education Code, including all amounts computed as allowable under both Section 18421 and Section 18422 of the Education Code, for allowances during the 1970-1971 fiscal year to school districts for severance aid pursuant to Article 17.5 (commencing with Section 18421) of Chapter 3 of Division 14 of the Education Code.

SEC. 2. Section 17707 of the Education Code is amended to read:

17707. For the purpose of computing allowances and apportionments, other than severance aid, from the State School Fund for districts qualifying for severance aid as provided in Section 18421, the total assessed valuation in the district as shown by the equalized assessment roll shall be increased as follows: For the first year qualifying property is excluded from the assessment roll as exempt property, there shall be added to the total assessed valuation an amount equal to the assessed value of said qualifying property as used to compute the amount of severance aid. The next following year there shall be added to the total assessed valuation four-fifths of the assessed value of qualifying property as used to compute the amount of severance aid; the second following year there shall be added three-fifths of said assessed value; the third following year there shall be added two-fifths of said assessed value, and the fourth following year there shall be added one-fifth of said assessed value.

In the event more than one allowance of severance aid is payable because qualifying property is acquired during more than one fiscal year, the increase in total assessed valuation required by this section shall be made separately as to qualifying property acquired in each such year.

“Qualifying property” for the purposes of this section means property acquired for state highway purposes which, by

reason of its assessed value, either alone or in combination with other property, and the identity of the acquiring agency or agencies, qualifies the district to receive severance aid.

SEC. 3. Section 18422.1 is added to the Education Code, to read:

18422.1. School districts may apply for severance aid as provided in this article on forms provided by the Superintendent of Public Instruction, and in accordance with regulations which he is authorized to adopt.

SEC. 4. Section 18424 of the Education Code is amended to read:

18424. On or before May 25th in each fiscal year, the Superintendent of Public Instruction shall determine and certify to the State Controller the amount of severance aid computed and to be allowed to school districts under Section 18421 or 18422 for the fiscal year. On or before June 15th in each fiscal year, the State Controller shall order the transfer, from the Motor Vehicle Transportation Tax Fund to the State School Fund, of the amount of severance aid computed and to be allowed to school districts for the fiscal year as so certified, and the amount so computed and certified is hereby appropriated for purposes of such transfer. The Department of Public Works may charge or allocate to the appropriate particular projects on account of which severance aid was computed, the amounts so transferred. In the case of severance aid determined pursuant to Section 18422, the allowance shall be apportioned to the school district in two equal annual installments.

SEC. 5. Section 18425 of the Education Code is repealed.

SEC. 6. For fiscal year 1970-1971, notwithstanding the provisions of Section 18424 of the Education Code, the transfer required thereby of the amount of twenty-nine thousand seven hundred eight dollars (\$29,708) from the Motor Vehicle Transportation Tax Fund to the State School Fund may be made after June 15, 1971, but by no later than July 30, 1971.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that severance aid allowances authorized by Chapter 1322 of the Statutes of 1970 may be made in the 1970-1971 fiscal year to school districts for property acquired for state highway purposes, it is necessary that this act take effect immediately.

CHAPTER 384

An act to amend Sections 171 and 175 of the Education Code, relating to the Curriculum Commission.

[Approved by Governor July 28, 1971. Filed with Secretary of State July 28, 1971.]

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

SECTION 1. Section 171 of the Education Code is amended to read:

171. There is in the state government the State Curriculum Commission consisting of the Superintendent of Public Instruction or his representative from the Department of Education, and 12 additional members appointed by the State Board of Education. So far as it is practical and consistent with the duties assigned to the Curriculum Commission by the State Board of Education, at least one-half of the members of the commission shall be persons, who because they have taught, written, or lectured on the subject matter fields specified in Section 172, in the course of public or private employment, have thereby become recognized authorities or experienced practitioners in such fields.

SEC. 2. Section 175 of the Education Code is amended to read:

175. The Superintendent of Public Instruction or his representative shall be the Chairman of the Curriculum Commission.

CHAPTER 385

An act to add Section 6480.5 to the Health and Safety Code, relating to sanitary districts.

[Approved by Governor July 28, 1971 Filed with
Secretary of State July 28, 1971.]

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

SECTION 1. Section 6480.5 is added to the Health and Safety Code, to read:

6480.5. At any time within two years after a sanitary district consolidates with or annexes the territory of a district having powers and functions substantially identical to those of a sanitary district formed pursuant to this part, the board of directors of the sanitary district may, by resolution, increase the number of members of the board from five to seven, and may designate the first two additional members to serve on the enlarged board. If the board is enlarged subsequent to the consolidation with, or the annexation of the territory of, another district, the first two additional directors so designated shall be resident voters of such consolidated or annexed territory. The board shall determine the term of office of each of the new directors so appointed, but in no event shall such term designated by the board be for more than four years. The terms of office thus created shall be determined in such a manner as to keep as nearly equal as practicable the number of directors to be elected at each subsequent general district election. Upon the expiration of such term so designated by the board, the

membership shall be filled at the next general district election and general district elections held thereafter for the election of officers of the district.

Any references to five members of the board in this part mean seven members as applied to a board increased in size pursuant to this section. In the same manner, references to three members mean four members and to two members mean three members, and references to a four-fifths vote mean a five-sevenths vote, as applied to an enlarged board.

CHAPTER 386

An act to amend Section 23 of, and to add Section 7.9 to, the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session), relating to the Ventura County Flood Control District.

[Approved by Governor July 28, 1971 Filed with
Secretary of State July 28, 1971.]

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

SECTION 1. Section 7.9 is added to the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session), to read:

Sec. 7.9. In addition to the powers specified in Sections 7, 7.5, 7.7 and 7.8 of this act, the district shall have the power, upon first holding a public hearing after reasonable notice thereof, to adopt and enforce ordinances within the incorporated and unincorporated areas of the district for the following purposes:

(a) The establishment, protection and regulation of designated floodways in accordance with the provisions of the Cobey-Alquist Flood Plain Management Act (Chapter 4 (commencing with Section 8400) of Part 2 of Division 5 of the Water Code);

(b) The protection and regulation of any flood control, storm water drainage or water conservation facility or right-of-way;

(c) The protection and regulation of any natural or artificial watercourse, including any stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or arroyo or wash in which waters flow in a definite direction or course either continuously or intermittently, and which has a definite channel, bed and banks;

(d) The protection and regulation of any area adjacent to any natural or artificial watercourse which is an area designated by the board of supervisors as subject to inundation or erosion by reason of overflow of flood or storm water.

Violation of any of the provisions of a district ordinance enacted pursuant to this section may be abated as a public

nuisance, and the board of supervisors may by ordinance establish a procedure for abatement of such a nuisance and assess the cost of such abatement to the violator. If the violator maintains the nuisance upon real property in which he has an interest, the assessment shall be a charge upon such real property. The assessment may be collected at the same time and in the same manner as ordinary district taxes are collected, and shall be subject to the same penalties and the same procedure for sale in case of delinquency as provided for ordinary district taxes. All laws applicable to the levy, collection and enforcement of county taxes shall be applicable to such assessment.

Every person who violates any of the provisions of a district ordinance adopted pursuant to this section is guilty of a misdemeanor.

SEC. 2. Section 23 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session) is amended to read:

Sec. 23. All contracts for any improvement or unit of work except as hereinafter provided estimated to cost in excess of five thousand dollars (\$5,000) shall be let to the lowest responsible bidder in the manner hereinafter provided. The said board of supervisors of said district shall advertise by three (3) insertions in a daily newspaper of general circulation or two (2) insertions in a weekly newspaper of general circulation printed and published in said district inviting sealed proposals for the construction of, the improvement or work before any contract shall be made therefor, and may let by contract separately any part of said work or improvement. The board shall require the successful bidder to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. In the event all proposals are rejected or no proposals are received pursuant to advertisement therefor, or where the estimated cost of such work does not exceed the sum of five thousand dollars (\$5,000), or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertising for bids therefor, materials, supplies, equipment and other personal property for use in any work therewith either under contract or by force account where the cost thereof does not exceed five thousand dollars (\$5,000). It shall be the duty of the purchasing agent of Ventura County, as the ex officio purchasing agent of the Ventura

County Flood Control District, unless otherwise ordered by the board of supervisors, to purchase for the district all materials, supplies, equipment and other personal property necessary to carry out the purposes of this act, and to engage independent contractors to perform sundry services for the district, where the aggregate cost of such work, exclusive of materials to be furnished by the district, does not exceed five thousand dollars (\$5,000). The purchasing agent shall make all such purchases and contracts upon proper requisition therefor, signed by the engineer-manager of the district, or his authorized representative.

CHAPTER 387

An act to add Section 26226 to the Government Code, relating to transit systems, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 28, 1971. Filed with Secretary of State July 28, 1971.]

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

SECTION 1. Section 26226 is added to the Government Code, to read:

26226. The board of supervisors of one or more counties may loan up to fifty thousand dollars (\$50,000) to a transit district located wholly or partially within such county or counties for transit planning and development during the year following voter approval of the district's organization.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There is an urgent need for transit planning and development to meet the pressing transportation needs of the state and to provide alternative sources of transportation to alleviate serious pollution of our air. Recently created transit districts are unable to proceed with organization and planning in view of the constitutional limitation against borrowing funds.

CHAPTER 388

An act to amend Section 5 of the Montcrey County Flood Control and Water Conservation District Act (Chapter 699 of the Statutes of 1947), relating to the Monterey County Flood Control and Water Conservation District.

[Approved by Governor July 28, 1971. Filed with Secretary of State July 28, 1971.]

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

SECTION 1. Section 5 of the Monterey County Flood Control and Water Conservation District Act (Chapter 699 of the Statutes of 1947) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.
5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, defend or compromise, in the name of the district in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or sub-surface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger

or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

7. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Monterey, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses or streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and locate the same; but such must be located in a manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement

of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the state, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Monterey County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Monterey County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for controlling flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

13. To buy, provide, sell and deliver water.

14. To exchange water.

15. To distribute water to persons in exchange for ceasing or reducing ground water extractions.

16. To transport, reclaim, purify, treat or otherwise manage and control water for the beneficial use of persons or property within the district.

17. To construct, maintain, improve, and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the district whether within or without the district, subject to the limitations as to eminent domain use for recreational purposes outside the district set forth in Section 4, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities including regulations imposing reasonable charges for the use thereof.

18. To regulate, inspect, and license all structures, including docks and wharves, or structures used as docks or wharves, and their anchorage or mooring system, that float on or are designed to float on the surface of reservoirs operated or contracted to be operated by the district or that are located within the area subject to its flowage easement, or that are located on real property of the district, and to charge a reasonable fee for licensing such structures. Any of such structures that are unlicensed more than 30 days after notice to license the structure has been posted thereon, or any unlicensed structure that is neither anchored or moored, or is found on property owned in fee by the district is a nuisance. The district may have injunctive relief for any of such nuisances, or may summarily abate any untended structure floating on the surface of such reservoir that is neither anchored or moored, or any untended structure found on property owned in fee by the district. It shall be unlawful and it is hereby declared to be a misdemeanor to maintain, anchor, or moor or suffer to be maintained, anchored, or moored on property of which one is possessed any unlicensed structure when such structure is required to be licensed pursuant to the provisions of this act. Such misdemeanor shall be punishable by a fine not to exceed five hundred dollars (\$500) or by imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment. Each day of violation of these provisions shall constitute a separate offense.

CHAPTER 389

An act to add Section 54907 to the Government Code, and to amend Sections 40011, 40060, 40062, 40087, 40210, and 40241 of, and to repeal Section 40015 of, Chapter 2 (commencing with Section 40020) of Part 4 of Division 10 of, and Chapter 8 (commencing with Section 40270) of Part 4 of Division 10 of, the Public Utilities Code, relating to the Orange County Transit District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 28, 1971. Filed with Secretary of State July 28, 1971.]

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

SECTION 1. Section 54907 is added to the Government Code, to read:

54907. Notwithstanding any other provision of this chapter, the formation of the Orange County Transit District at the general election of November 3, 1970, shall be effective for assessment and taxation purposes for the 1971-1972 fiscal year if the statement and map or plat required by Section 54900 are filed on or before June 30, 1971.

SEC. 1.5. Section 40011 of the Public Utilities Code is amended to read:

40011. The Orange County Transit District as created and established by the voters of the County of Orange comprises all that portion of the County of Orange lying within the exterior boundaries thereof.

SEC. 2. Section 40015 of the Public Utilities Code is repealed.

SEC. 3. Chapter 2 (commencing with Section 40020) of Part 4 of Division 10 of the Public Utilities Code is repealed.

SEC. 4. Section 40060 of the Public Utilities Code is amended to read:

40060. The district shall be governed by a board of directors consisting of five members. The board of supervisors shall select two members of the board of supervisors to be members of the board of directors of the district. Two members of the board of directors of the district may be city councilmen and shall be selected by all cities within the district acting jointly. The fifth member of the board of directors of the district shall be selected by the four members of the board otherwise selected in accordance with the provisions of this section. Each member of the board of directors shall serve a term of four years. The terms of office shall commence when the district became effective on July 1, 1971. The appointing authority shall have the power to remove a member of the board of directors except the fifth member who may be removed only by the unanimous vote of the other four members. Any vacancy shall be filled by

appointment for the unexpired term. In the event that any member of the board of directors who is a supervisor ceases to be a supervisor, he also ceases to be a member of the board of directors.

SEC. 5. Section 40062 of the Public Utilities Code is amended to read:

40062. The county auditor shall be ex officio auditor of the district, the county tax collector-treasurer shall be ex officio tax collector-treasurer of the district and the county clerk shall be the ex officio clerk of the district. The board may, however, appoint its own clerk.

SEC. 6. Section 40087 of the Public Utilities Code is amended to read:

40087. The board shall establish rules for its proceedings and board members shall be allowed necessary traveling and personal expenses incurred in performance of duties authorized by the board and shall be entitled to per diem compensation at the rate of fifty dollars (\$50) per day, not to exceed two hundred dollars (\$200) in any calendar month, for attending board meetings and for performance of any other services for the district as authorized by the board.

SEC. 7. Section 40210 of the Public Utilities Code is amended to read:

40210. The district may levy, and collect, or cause to be collected, taxes for any lawful purpose subject to a maximum limit of five cents (\$0.05) per one hundred dollars (\$100) of assessed valuation within the district exclusive of any tax levied to meet the bonded indebtedness of the district and the interest thereon.

SEC. 8. Section 40241 of the Public Utilities Code is amended to read:

40241. The bonds shall be issued in such denominations as the board determines, except that no bonds shall be issued of a denomination less than one thousand dollars (\$1,000) and shall be payable on the day and at the place or places fixed in the bond, and with interest at the rate specified therein, payable semiannually, except that interest for the first year after the date of the bonds may be made payable at the end of that year.

SEC. 9. Chapter 8 (commencing with Section 40270) of Part 4 of Division 10 of the Public Utilities Code is repealed.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to facilitate the raising of needed revenue of the transit district for the coming fiscal year, it is necessary for this act to take effect immediately.

CHAPTER 390

An act to amend Sections 11032 and 11033 of the Government Code, relating to travel by state officers and employees.

[Approved by Governor July 28, 1971. Filed with Secretary of State July 28, 1971.]

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

SECTION 1. Section 11032 of the Government Code is amended to read:

11032. Any state officer or employee of any state agency may confer with other persons, associations or organizations outside of the state whenever it may be of assistance to the state officer or agency in the conduct of its work, and actual and necessary traveling expenses shall be allowed such persons when traveling outside of the state, when such traveling and expenses have been approved by the Governor and by the Director of Finance or, in cases where the traveling involves only travel to and from places in states bordering upon this state, when approved by the Director of Finance, only. This section shall not apply to committees of the Legislature or of either house thereof nor to employees of any such committee nor to the Legislative Counsel or his employees.

SEC. 2. Section 11033 of the Government Code is amended to read:

11033. No state officer or employee shall absent himself from the state on business of the state without the prior approval of the Governor and the Director of Finance, except when the absence is for less than five consecutive working days' duration and involves only travel into states bordering upon this state. This section shall not apply to elective state officers, legislative committees or employees of any such committee, or the Legislative Counsel or his employees.

CHAPTER 391

An act to amend Sections 14684.1 and 14684.2 of the Agricultural Code, relating to fertilizers.

[Approved by Governor July 29, 1971. Filed with Secretary of State July 29, 1971.]

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

SECTION 1. Section 14684.1 of the Agricultural Code is amended to read:

14684.1. When more than one registrant is involved in the distribution of either a commercial fertilizer or agricultural mineral, or both, the last registrant who distributes to a non-registrant is responsible for reporting the tonnage.

SEC. 2. Section 14684.2 of the Agricultural Code is amended to read:

14684.2. The last registrant transacting, distributing or selling either a commercial fertilizer or agricultural mineral, or both, shall mail a report to the director as follows: (a) within seven days (less legal holidays and Sunday) after the transaction is completed, if reporting by invoice or by the 20th of the following month if reporting by summary form approved by the director, or at such other times as determined by regulations issued pursuant to Section 14531; (b) such reports shall show the county of consignment, the amounts in tons by grade of the commercial fertilizer or an analysis of the agricultural mineral with the amount in tons, and such information determined necessary by the director pursuant to regulations adopted in accordance with Section 14531.

Any information furnished the director under this chapter shall not be disclosed in such a way as to divulge the operation of any registrant.

CHAPTER 392

An act to amend Sections 1605.5 and 1607 of, and to add Section 1605.6 to, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 29, 1971. Filed with
Secretary of State July 29, 1971.]

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

SECTION 1. Section 1605.5 of the Revenue and Taxation Code is amended to read:

1605.5. Written findings of fact of the county board shall be made if requested in writing by a party up to or at the commencement of the hearing. However, the party requesting findings may abandon the request and waive findings at the conclusion of the hearing. If the requesting party abandons his request at this time the other party may orally or in writing renew the request thereby becoming responsible for any costs for the preparation of findings. A reasonable fee may be imposed by the county to cover the expense of preparing findings and conclusions, but shall not exceed ten dollars (\$10) per parcel. The written findings of fact shall fairly disclose the board's determination of all material points raised by the party in his petition and at the hearing including a statement of the method or methods of valuation used in appraising the property.

At the hearing the final determinations by the board shall be supported by the weight of the evidence.

If written findings of fact have been requested, the board shall transmit such findings to the requesting party accompanied by a notice that any request for a transcript of the pro-

ceedings must be made within 60 days following the date of the final determination of the board.

SEC. 2. Section 1605.6 is added to the Revenue and Taxation Code, to read:

1605.6. The county board shall make a record of the proceedings and, upon request, shall furnish the party with a transcript thereof at his expense. Request for a transcript may be made at any time, but not later than 60 days following the final determination by the county board.

SEC. 3. Section 1607 of the Revenue and Taxation Code is amended to read:

1607. (a) A reduction in an assessment on the local roll shall not be made unless the party affected or his agent makes and files with the county board a verified, written application showing the facts claimed to require the reduction and the applicant's opinion of the full cash value of the property.

(b) In the case of a county of the second to ninth class, inclusive, the application shall be filed between July 2 and September 15. An application that is mailed and postmarked September 15 or earlier within such period shall be deemed to have been filed between July 2 and September 15.

(c) Except as provided in Section 1760, in the case of a county other than one described in subdivision (b), the application shall be filed between July 2 and August 26. An application that is mailed and postmarked August 26 or earlier within such period shall be deemed to have been filed between July 2 and August 26.

(d) In the form provided for making application pursuant to this section, there shall be a notice that written findings of facts of the local equalization hearing will be available upon written request at the requester's expense and, if not so requested, the right to such written findings is waived. The form shall provide appropriate space for the applicant to request written finding of facts as provided by Section 1605.5.

CHAPTER 393

An act to amend Sections 5501, 5502 and 5504 of the Labor Code, relating to workmen's compensation.

[Approved by Governor July 29, 1971. Filed with
Secretary of State July 29, 1971.]

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

SECTION 1. Section 5501 of the Labor Code is amended to read:

5501. The application may be filed with the appeals board by any party in interest, his attorney, or other representative authorized in writing. Upon the filing of the application, a copy thereof shall forthwith be served upon all adverse parties by the appeals board.

SEC. 2. Section 5502 of the Labor Code is amended to read:

5502. The hearing shall be held not less than 10 days nor more than 30 days after the filing by the applicant or his attorney of a declaration that he is ready to proceed.

SEC. 3. Section 5504 of the Labor Code is amended to read:

5504. A notice of the time and place of hearing shall be served upon the applicant and all adverse parties and may be served either in the manner of service of a summons in a civil action or in the same manner as any notice that is authorized or required to be served under the provisions of this division.

CHAPTER 394

An act to add Section 35757 to the Agricultural Code, relating to milk.

[Approved by Governor July 29, 1971. Filed with Secretary of State July 29, 1971.]

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

SECTION 1. Section 35757 is added to the Agricultural Code, to read:

35757. The director may, in compliance with Section 407 of this code and the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code, adopt regulations pertaining to temperature requirements for market milk delivered to consumers. Notwithstanding any other provision of this chapter, such regulations may establish temperature requirements for market milk delivered to consumers which requirements differ from any or all of such requirements now provided for in this chapter. The director shall initiate public hearings in connection with such regulations not later than July 1, 1972. Any such new temperature requirements, established by regulations of the director, shall not become effective prior to a time one year following the effective date of such regulations. In adopting such regulations, the director shall take into consideration the preservation of high quality market milk for consumers, as well as avoidance of hardship and unreasonable expense for persons engaged in the processing, packaging, and distribution of market milk.

CHAPTER 395

An act to repeal Sections 6545.5, 6560.1, 6560.2, and 6560.3 of the Business and Professions Code, relating to barbers.

[Approved by Governor July 29, 1971. Filed with Secretary of State July 29, 1971.]

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

SECTION 1. Section 6545.5 of the Business and Professions Code is repealed.

SEC. 2. Section 6560.1 of the Business and Professions Code is repealed.

SEC. 3. Section 6560.2 of the Business and Professions Code is repealed.

SEC. 4. Section 6560.3 of the Business and Professions Code is repealed.

CHAPTER 396

An act to amend Sections 1070 and 3774 of the Public Utilities Code, relating to carriers.

[Approved by Governor July 29, 1971. Filed with Secretary of State July 29, 1971.]

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

SECTION 1. Section 1070 of the Public Utilities Code is amended to read:

1070. The commission may at any time for a good cause suspend, and upon notice to the holder of an operating right acquired by virtue of operations conducted on July 26, 1917, or to the grantee of any certificate, and upon opportunity to be heard, revoke, alter, or amend any such operative right or certificate.

As an alternative to the suspension, revocation, alteration, or amendment of an operating right or certificate, the commission may impose upon the holder of such operating right or certificate a fine of not exceeding five thousand dollars (\$5,000). The commission may assess interest upon any fine imposed, such interest to commence upon the day the payment of the fine is delinquent. All fines and interest collected shall be deposited at least once each month in the State Treasury to the credit of the General Fund.

SEC. 2. Section 3774 of the Public Utilities Code is amended to read:

3774. The commission may cancel, revoke, or suspend the operating permit or permits of any highway carrier upon any of the following grounds:

(a) Any illegally conducted highway carrier operations.

(b) The violation of any of the provisions of this chapter, or of any operating permit issued thereunder.

(c) The violation of any order, decision, rule, regulation, direction, demand, or requirement established by the commission pursuant to this chapter.

(d) The conviction of the highway carrier of any misdemeanor under this chapter.

(e) The rendition of a judgment against the highway carrier for any penalty imposed under this chapter.

(f) The failure of a highway carrier to pay any fee imposed upon the carrier within the time required by law.

As an alternative to the cancellation, revocation, or suspension of an operating permit or permits, the commission may impose upon the holder of such permit or permits a fine of not exceeding five thousand dollars (\$5,000). The commission may assess interest upon any fine imposed, such interest to commence upon the day the payment of the fine is delinquent. All fines and interest collected shall be deposited at least once each month in the State Treasury to the credit of the General Fund.

CHAPTER 397

An act to amend Section 6813 of the Education Code, relating to physically handicapped minors, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 29, 1971 Filed with
Secretary of State July 29, 1971.]

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

SECTION 1. Section 6813 of the Education Code is amended to read:

6813. Subject to the provisions of Section 894 special classes or individual instruction provided for pretuberculous, tuberculous, convalescent, or other physically handicapped minors in hospitals, sanatoriums, and preventoriums, may be maintained in the institutions within or without the school district, and the attendance of pupils in the institutions shall be credited to the district providing the instruction. The minimum schoolday for such classes is 180 minutes.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Classes for physically handicapped minors are now held in county hospitals for a minimum schoolday of 180 minutes. Similar classes being held in private institutions need not meet any minimum schoolday standards. In order to equalize the requirements and to provide for a consistency of programs for special classes in both public and private institutions during the 1970-1971 school year, it is necessary that this statute take immediate effect.

CHAPTER 398

An act to amend Sections 7074 and 7074.5 of the Business and Professions Code, relating to contractors.

[Approved by Governor July 29, 1971. Filed with Secretary of State July 29, 1971.]

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

SECTION 1. Section 7074 of the Business and Professions Code is amended to read:

7074. An application for an original license shall become void when:

(a) The applicant or the examinee for the applicant, after having been notified to do so, fails to appear for the qualifying examination within six months from the date of filing the application.

(b) The applicant or the examinee for the applicant has failed the qualifying examination, and after having been notified to do so, fails to appear for reexamination within six months from the date of filing an application for reexamination.

(c) The applicant or the examinee for the applicant has failed to achieve a passing grade in the qualifying examination within one year from the date of filing the application.

(d) The applicant, after having been notified to do so, fails to pay the initial license fee within six months from the date of such notice.

(e) The applicant, after having been accepted for filing and before issuance of the license, withdraws his application.

(f) The applicant, after having been notified to do so, fails to file within six months from the date of such notice any bond or cash deposit which may be required pursuant to this chapter.

(g) The application is denied after a hearing conducted in accordance with the provisions of this chapter.

An application voided pursuant to the provisions of this section shall remain in possession of the registrar for such period as he deems necessary and shall not be returned to the applicant. Any reapplication for a license shall be accompanied by the fee fixed by this chapter.

SEC. 2. Section 7074.5 of the Business and Professions Code is amended to read:

7074.5. An application for an additional classification pursuant to the provisions of Section 7059 or an application to replace a responsible managing officer or employee pursuant to the provisions of Section 7068.2 shall become void when:

(a) The applicant or the examinee for the applicant, after having been scheduled for the qualifying examination, fails to attain a passing grade within six months from the date of filing the application.

(b) The applicant, prior to approval and after acceptance for filing, withdraws his application.

(c) The application is denied after a hearing conducted in accordance with the provisions of this chapter.

(d) The applicant, or his responsible managing officer or employee, after having been notified to do so, fails to file within six months from the date of such notice any bond or cash deposit which may be required pursuant to this chapter.

An application voided pursuant to the provisions of this section shall remain in possession of the registrar for such period as he deems necessary and shall not be returned to the applicant. Any reapplication shall be accompanied by the fee fixed by this chapter.

CHAPTER 399

An act to amend Sections 72608, 72646, 72647, and 72649 of the Government Code, relating to municipal courts.

[Approved by Governor July 29, 1971. Filed with Secretary of State July 29, 1971.]

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

SECTION 1. Section 72608 of the Government Code is amended to read:

72608. Certain classes of positions prescribed in Articles 2, 3 and 4 of Chapter 9, Title 8 of the Government Code are deemed to be equivalent in job and salary level to position classifications included in the Salary Ordinance of Los Angeles County. In order to maintain parity of compensation and employee benefits between such officers and attachés of municipal courts and county employees having commensurate duties and responsibilities and to provide appropriate salary adjustments and employee benefits for related classes of court positions, the provisions of this section shall govern salary adjustments and employee benefits for officers and attachés of municipal courts in Los Angeles County.

On the effective date of any amendment to said ordinance adjusting the salary of a county employee classification listed in the table of positions set forth in this section, the salary of the equivalent court position listed opposite thereto and each other class of court position indented immediately thereunder shall be adjusted an equivalent number of schedules in the salary schedule to which such position is attached. In no event shall any one such salary adjustment exceed eight schedule numbers. If the level of compensation established by any such salary adjustment is not reflected in the salary schedule number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary schedule number.

Notwithstanding any other provisions of this section, the following shall apply to those positions listed in the officer series section of the table of positions set forth below. In the event a salary adjustment made in the Salary Ordinance of Los Angeles County provides for an increase of more than four standard salary schedules for a county position as a result of an amendment to said ordinance operative July 1, 1971, any employee employed in the equivalent court position shall be placed on the step in the new salary range on that date which will result in an actual increase of salary as if such employee's salary had been increased only four standard salary schedules. This four schedule restriction provision shall specifically apply to any person employed as a deputy marshal on June 30, 1971, and as a deputy marshal II, III or IV on July 1, 1971. Any additional schedule increases provided for in said amendment shall become effective for the court classification at the same time and under the same conditions as provided for the county classifications. In no event, however, shall such an employee be paid less than the entry step of the new salary schedule as amended on July 1, 1971. Such step placement shall not set a new anniversary date; provided, however, if an affected employee was on the top step of his salary range on June 30, 1971, such employee shall be deemed to have a new anniversary date of January 1, 1972, at which time he shall be advanced one step within the established range for his position.

Table of Positions

Court classification	County classification
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Officers Series

Inspector	Inspector
Marshal	
Assistant marshal	
Captain	Captain
Lieutenant	Lieutenant
Sergeant	Sergeant
Deputy marshal I	Deputy sheriff I
Deputy marshal II	Deputy sheriff II
Deputy marshal III	Deputy sheriff III
Deputy marshal IV	Deputy sheriff IV

Administrative—Branch Supervisor—Courtroom Series

All positions subject to civil service provisions enumerated in Articles 2, 3, and 4 not listed in this table, except those specified in Section 72704.5.	Superior court clerk
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Stenographic Series

Intermediate stenographic secretary	Intermediate stenographic secretary
Judicial secretary	
Administrative secretary, presiding judge	
Administrative secretary, clerk	
Administrative secretary, marshal	
Stenographic secretary	
Senior stenographic secretary	

Clerical Series

Deputy clerk II	Intermediate typist-clerk
Deputy clerk I	
Deputy clerk III	
Administrative clerk	
Typist-clerk	
Deputy clerk-eustody officer	
Radiotelephone operator, marshal	
Senior payroll clerk, marshal	
Automotive services assistant, marshal	

Storekeeper Series

Supply and reproduction supervisor	Storekeeper III
Supply and reproduction assistant	

Salary adjustments made pursuant to this section shall be effective until 90 days after the adjournment of the next succeeding regular session of the Legislature.

Officers and attachés of municipal courts in Los Angeles County shall be entitled to all employee benefits including, but not limited to, paid medical plans, parking and cafeteria privileges, longevity pay, shooting allowance, and uniform and equipment allowance, that are provided for or made applicable to the equivalent Los Angeles County employee classification.

SEC. 2. Section 72646 of the Government Code is amended to read:

72646. The marshal shall appoint:

(a) Three inspectors, each of whom shall receive monthly compensation as provided in Schedule 79.

(b) Eleven captains, each of whom shall receive monthly compensation as provided in Schedule 73.

(c) Thirty lieutenants, each of whom shall receive monthly compensation as provided in Schedule 67.

(d) Forty sergeants, each of whom shall receive monthly compensation as provided in Schedule 63.

(e) Forty-nine deputy marshals I, each of whom shall receive monthly compensation as provided in Schedule 51. Appointments to such positions shall be made from civil service lists resulting from open competitive examinations, provided that notwithstanding the provisions of Section 72649, such deputies shall be subject to a 12-month period of probation.

(f) Two hundred seventy-six deputy marshals II, each of whom shall receive monthly compensation as provided in Schedule 53, and who shall have completed one full year of service and possess a P.O.S.T. specialized basic certificate.

(g) One hundred twelve deputy marshals III, each of whom shall receive monthly compensation as provided in Schedule 55.

(h) Fifty-four deputy marshals IV, each of whom shall receive monthly compensation as provided in Schedule 57.

SEC. 3. Section 72647 of the Government Code is amended to read:

72647. The marshal shall appoint:

(a) One administrative secretary, marshal, who shall receive monthly compensation as provided in Schedule 49.

(b) One senior stenographic secretary who shall receive monthly compensation as provided in Schedule 48.

(c) Two intermediate stenographic secretaries, each of whom shall receive monthly compensation as provided in Schedule 43.

(d) Three stenographic secretaries, each of whom shall receive monthly compensation as provided in Schedule 37.

(e) One supply and reproduction supervisor who shall receive monthly compensation as provided in Schedule 45.

(f) Fifty-nine deputy clerks, grade III, each of whom shall receive monthly compensation as provided in Schedule 38.

(g) Ninety deputy clerks, grade II, each of whom shall receive monthly compensation as provided in Schedule 32.

(h) Twenty-five deputy clerks, grade I, each of whom shall receive monthly compensation as provided in Schedule 26.

(i) Ten administrative clerks, each of whom shall receive monthly compensation as provided in Schedule 42.

(j) Such deputies who shall be keepers, as may be reasonably required pursuant to law, at the fee allowed by law for keeping property.

(k) One head, administrative services, marshal, who shall receive monthly compensation as provided in Schedule 62.

(l) Fifty deputy clerk-custody officers, each of whom shall receive monthly compensation as provided in Schedule 41.

(m) Two principal clerks, each of whom shall receive monthly compensation as provided in Schedule 46.

(n) One staff assistant, marshal, who shall receive monthly compensation as provided in Schedule 49.

(o) One senior staff assistant, marshal, who shall receive monthly compensation as provided in Schedule 55.

(p) One supply and reproduction assistant who shall receive monthly compensation as provided in Schedule 39.

(q) Three automotive services assistants, marshal, who shall receive monthly compensation as provided in Schedule 43.

(r) One senior payroll clerk, marshal, who shall receive monthly compensation as provided in Schedule 41.

(s) Six radiotelephone operators, marshal, who shall receive monthly compensation as provided in Schedule 37.

SEC. 4. Section 72649 of the Government Code is amended to read:

72649. Except where this title otherwise provides, the provisions of law succeeding the Municipal and Justice Court Act of 1949 or this code shall govern the appointment and assignment of officers, deputies, and attachés to the offices and positions enumerated in this article, and shall define the rights, benefits, and privileges of the marshals, constables, deputies, and attachés of superseded courts, including the right of such persons to succeed to such offices and positions. All assistants, deputies, inspectors, and other employees of the Marshal of Municipal Courts, Los Angeles County, may be appointed, removed, suspended, or discharged for cause by the said marshal; subject in such appointment, removal, suspension, or discharge to all civil service provisions applicable to the personnel of the office of Sheriff, Los Angeles County:

(a) Whenever reference to a numbered salary schedule is made in any section of this article, the schedule found in the Salary Ordinance of the County of Los Angeles shall apply.

(b) Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule, shall, for the first six months of service, receive monthly the rate of compensation specified in the first step of the salary schedule for the position to which he is appointed. Upon the first day of the month following six months' continuous service in a class, the initial rate of compensation of such person shall be increased to the next higher step of the salary schedule for the position occupied. On and after the first day of the month following each ensuing 12 months of such service such compensation shall be increased to the rate specified in the next higher step of the salary schedule for the position occupied until such compensation equals the sum specified in step 5 of such schedule.

(c) When any person in the service of the court or of the marshal is appointed or promoted to another office or position in such service compensated at a higher numbered schedule, he shall receive step 1 of such schedule if step 1 is at least one step higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the schedule pertaining to such office or position which will provide a one-step increase in his compensation. Provided, whenever a person occupying a permanent superior position is supervising a subordinate and the subordinate is receiving compensation at a rate equal to or greater than that which the

superior is receiving, the person occupying the superior position shall be entitled to be advanced in steps to the highest salary paid to the highest ranking subordinate which he supervises plus one dollar (\$1).

(d) When any person is demoted to another office or position he shall receive the fifth step rate of salary for the position to which he is demoted, except that if such demotion is due to disciplinary action, the appointing power may indicate any step rate of the lower position which provides compensation not higher than that last previously received by such person.

CHAPTER 400

An act to add Section 14805.6 to the Financial Code, relating to credit unions.

[Approved by Governor July 29, 1971. Filed with Secretary of State July 29, 1971.]

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

SECTION 1. Section 14805.6 is added to the Financial Code, to read:

14805.6. Every credit union may apply for and seek to obtain insurance as provided for by Title II of the Federal Credit Union Act, for the purpose of insuring its members' share accounts. In seeking and retaining such insurance, a credit union may do all things and assume and discharge all obligations required of it when not in conflict with the laws of this state.

CHAPTER 401

An act to amend Section 25358 of the Government Code, relating to county property.

[Approved by Governor July 29, 1971. Filed with Secretary of State July 29, 1971.]

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

SECTION 1. Section 25358 of the Government Code is amended to read:

25358. The board shall provide all necessary officers, employees, attendants, services and supplies for the proper maintenance, care and upkeep of the county buildings and grounds; and, the board may contract therefor pursuant to Section 25450 and following.

CHAPTER 402

An act to add Article 5.5 (commencing with Section 10508) to Chapter 5 of Part 2 of Division 2 of the Insurance Code, relating to insurance.

[Approved by Governor July 29, 1971. Filed with Secretary of State July 29, 1971.]

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

SECTION 1. Article 5.5 (commencing with Section 10508) is added to Chapter 5 of Part 2 of Division 2 of the Insurance Code, to read:

Article 5.5. Records

10508. (a) It is the obligation of every insurer admitted in this state to transact life or disability insurance, or both, to maintain certain records specified in this article pertaining to the activities of its life agents for the inspection and examination of the commissioner.

(b) The original or certified copies of such records shall be delivered to the commissioner within a period of 30 days following receipt of his written demand therefor.

(c) The records required to be maintained or made available in this state may be in the form of originals, carbon, or facsimile copies, microfilm copies, or electronic data-processing records if printouts are available within a reasonable period of time, and shall include, to the extent such data are pertinent and available for each insurance transaction, the names, dates, amounts and policy numbers involved. Such records are composed of all of the following:

(1) A copy of the application for each insurance policy or contract, other than a group insurance contract.

(2) Records showing, for each insurance policy or contract issued, the premiums received by the insurer.

(3) Production records showing all insurance policies or contracts sold by each life agent in the expired portion of the current calendar year and the whole of each of the preceding five calendar years.

(4) Records showing, for each insurance policy or contract issued, the amount of commissions paid and to whom.

(5) Records or memoranda identifying any agent other, than the agent whose name appears on the application who, to the actual knowledge of the insurer, handled any part of an insurance transaction for which such other agent was not compensated.

(6) Correspondence, written solicitations or proposals, or other written communications sent by the insurer to a prospect, applicant, or insured, or received from him by the insurer, excluding printed material in general use distributed by the insurer, either directly or indirectly through its life agents.

(7) Correspondence, written proposals, notices, or other written communications, if any, pertaining to the termination or nonrenewal of a policy or contract, or the election of nonforfeiture values thereunder, sent by an insurer to a policyholder or contract holder or received from him by an insurer.

(d) Except as otherwise provided, such records shall be maintained for a minimum period of two years following the actual delivery of the insurance policy or contract to which each pertains, or, if no policy or contract was issued, for a minimum period of two years after the date of the application therefor.

(e) It shall be the obligation of each life agent to preserve and maintain all applicable records defined in subdivision (c) in his possession until he shall have transmitted the same to the insurer. Any such records not transmitted to the insurer shall be maintained for a minimum by such life agent of two years from the date such life agent received them. Such records shall be kept in an orderly manner so that the information therein is readily available, and shall be open to inspection or examination by the commissioner at all times.

CHAPTER 403

An act to add Section 704.7 to the Insurance Code, relating to insurance.

[Approved by Governor July 29, 1971. Filed with Secretary of State July 29, 1971.]

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

SECTION 1. Section 704.7 is added to the Insurance Code, to read:

704.7. The commissioner, in any proceeding under the provisions of Section 704 of this code for any of the violations specified in such section, may, by an alternative order, permit the holder of such certificate of authority to elect in writing to pay a specified money penalty, within a specified time, in lieu of the suspension of its certificate of authority. If the holder so elects, the sum of money specified shall be paid to the commissioner for the use of the State of California. The sum specified shall not exceed ten thousand dollars (\$10,000). Should the holder so electing fail to pay the specified sum within the specified time the commissioner shall, unless his order be lawfully stayed, forthwith put in effect the alternative specified in his order.

All moneys received by the commissioner pursuant to this section shall, when appropriated for such purpose by the Legislature, be available for expenditure by the commissioner in accordance with law in administration and enforcement of the provisions of this code and other insurance laws.

The authority vested in the commissioner by this section shall be additional to and not in lieu of any other authority to enforce any penalties, fines or forfeitures, denials, suspensions, restrictions or revocations of certificates of authority otherwise authorized by law.

CHAPTER 404

An act to amend Section 9547 of the Business and Professions Code, relating to cleaning, dyeing, and pressing.

[Approved by Governor July 29, 1971 Filed with
Secretary of State July 29, 1971]

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

SECTION 1. Section 9547 of the Business and Professions Code is amended to read:

9547. The board shall require that all licensees that conduct, maintain, or operate establishments licensed by the board file with the board a surety bond in the sum of one thousand dollars (\$1,000) or post security in the form of a bearer bond issued by the United States or the State of California in the amount of one thousand dollars (\$1,000) or post one thousand dollars (\$1,000) in cash, unless, after a determination as hereinafter provided, such bond or security is waived. A surety bond shall be duly executed by an admitted surety insurer, shall be continuous in form, shall be in favor of the people of the State of California and the total aggregate liability on such bond shall in no event exceed the face amount thereof.

The surety bond shall be conditioned that the principal shall and will be liable for fraud of or all claims for damaged articles of clothing of persons with whom the licensee may deal as a licensee.

If, however, upon application and such proof as the board may require, the board determines that the financial responsibility of any licensee is acceptable in the public interest, the board may waive the filing of the security or bond in accordance with such conditions as may be prescribed by the rules and regulations of the board.

Payments which are to be made from any security or pursuant to any bond which is required by this section shall be limited to payments of claims which have been approved by the final decision of a court.

CHAPTER 405

An act to add Section 12723 to the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor July 29, 1971 Filed with
Secretary of State July 29, 1971.]

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

SECTION 1. Section 12723 is added to the Public Utilities Code, to read:

12723. Whenever the board, by resolution passed by a majority of its members, determines that the public interest will be served, a district constructing or operating plants and appurtenant facilities for the generation of electrical power by nuclear energy may purchase or acquire insurance for such properties against physical loss or damage and the resultant loss of capacity for the generation of electrical power from insurance companies organized in the United States or foreign countries as either stock companies or assessment or nonassessment mutual companies. In the event such insurance is acquired from an assessment mutual company, a district shall have authority to share in the initial organization expenses of the company, to become a member of the company, and to assume liability for retrospective premium adjustments in accordance with the terms and conditions of the policy or contract of insurance issued by such company.

CHAPTER 406

An act to add Sections 6491.3 and 6523.3 to the Health and Safety Code, relating to sanitary districts.

[Approved by Governor July 29, 1971 Filed with
Secretary of State July 29, 1971.]

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

SECTION 1. Section 6491.3 is added to the Health and Safety Code, to read:

6491.3. Ordinances of the district may be enacted in the same manner as general regulations of the board and shall have the same force and effect as such general regulations.

SEC. 2. Section 6523.3 is added to the Health and Safety Code, to read:

6523.3. In order to enforce the provisions of any ordinance of the district, the district may correct any violation of an ordinance of the district. The cost of such correction may be added to any sewer service charge payable by the person violating the ordinance or the owner or tenant of the property upon which the violation occurred, and the district shall have such remedies for the collection of such costs as it has for the collection of sewer service charges. The district may also petition the superior court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining any person from the continued violation of any ordinance of the district.

SEC. 3. Section 1 of this act is declarative of existing law and shall not be deemed to constitute a change in existing law.

CHAPTER 407

An act to amend Sections 13821, 13822, 13823, 13824, 13854, 13855, 13891, 13899, 13914, 13915, 13917, 13918, 14023, 14025, 14033, 14034, 14035, 14037, 14041, 14047, 14070, 14080, 14112, 14187, 14195, 14240, 14246, 14260, 14263, 14264, 14332, 14334, 14441, 14447, 14448, and 14449 of, to add Sections 13848, 13848.1, and 13848.2 to, and to repeal Sections 13848 and 14024 of, the Education Code, relating to State Teachers' Retirement System.

[Approved by Governor July 29, 1971. Filed with Secretary of State July 29, 1971.]

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

SECTION 1. Section 13821 of the Education Code is amended to read:

13821. "Accumulated annuity contributions" means the sum of all the annuity contributions standing to the credit of the member's account, together with credited interest.

SEC. 2. Section 13822 of the Education Code is amended to read:

13822 "Accumulated annuity deposits" means the sum of all the annuity deposits standing to the credit of the member's account, together with credited interest.

SEC. 3. Section 13823 of the Education Code is amended to read:

13823. "Accumulated tax-sheltered contributions" means the tax-sheltered contributions made by a member and standing to the credit of the member's account, together with credited interest.

SEC. 4. Section 13824 of the Education Code is amended to read:

13824. "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such tables and credited interest rates as are adopted by the board. The ages of members and beneficiaries shall be taken to the next lower completed quarter year in the determination of the actuarial equivalent.

SEC. 5. Section 13848 of the Education Code is repealed.

SEC. 6. Section 13848 is added to the Education Code, to read:

13848. "Regular interest" is interest which is compounded annually and is charged on payments made into the system by members and former members at a rate per annum adopted and revised from time to time by the board.

SEC. 7. Section 13848.1 is added to the Education Code, to read:

13848.1. "Credited interest" is that interest which is credited to members' accounts at a rate set annually by the board.

SEC. 8. Section 13848.2 is added to the Education Code, to read:

13848.2. "Return on investments" is those moneys received from the investments.

SEC. 9. Section 13854 of the Education Code is amended to read:

13854. "Tax-sheltered annuity" means payments for life derived from the accumulated tax-sheltered contributions of a member.

SEC. 10. Section 13855 of the Education Code is amended to read:

13855. "Tax-sheltered contributions" means contributions made by an employer for the purchase of an annuity contract for a member under an annuity plan which meets the requirements of Section 403(b) of the Internal Revenue Code of the United States.

SEC. 11. Section 13891 of the Education Code is amended to read:

13891. In addition to other records and accounts, the board shall keep such records and accounts as are necessary to show at any time:

(a) The total accumulated contributions of members, exclusive of accumulated tax-sheltered contributions.

(b) All other accumulated contributions in the Permanent Fund, reserved for the payment of survivor allowances.

(c) The total accumulated annuity deposits of members in the Teachers' Annuity Deposit Fund.

(d) The total accumulated deposits of retired teachers less payments made for annuities for retired teachers.

(e) The contributions of the state to the retirement fund.

(f) The total accumulated tax-sheltered contributions of members.

SEC. 12. Section 13899 of the Education Code is amended to read:

13899. The board shall keep in convenient form such data as is necessary for the actuarial valuation of the system.

In not to exceed six-year periods, the board shall make an actuarial investigation into the mortality, service, and other experience of members and beneficiaries and shall make an actuarial valuation of the assets and liabilities of the system. From time to time, the board shall determine the rates of return on investments of the several funds. Upon the basis of any or all of such investigation, valuation, and determination, the board shall adopt for the system such rates of return on investments, rates of contribution to the Retirement Annuity Fund, mortality, service, and other tables as are deemed necessary.

SEC. 13. Section 13914 of the Education Code is amended to read:

13914. Money, except return on investments, in whatever form, received by the State Treasurer for the fund, shall be reported forthwith by him to the board, and the money to-

gether with money received directly by the board shall be deposited forthwith by the board in the State Treasury to the credit of the fund.

SEC. 14. Section 13915 of the Education Code is amended to read:

13915. Return on investments shall be collected by the State Treasurer, deposited to the credit of the fund, and reported forthwith to the board.

SEC. 15. Section 13917 of the Education Code is amended to read:

13917. The board shall credit contributions of the members of the retirement system to the Retirement Annuity Fund, the Annuity Deposit Fund, and to the Permanent Fund on account of service performed after July 1, 1944, and to other accumulated reserves, with credited interest at a rate to be declared annually by the board.

SEC. 16. Section 13918 of the Education Code is amended to read:

13918. Return on investments not credited to accounts or applied to costs of administration shall remain in the funds as a reserve against deficiencies in return on investments in other years, losses under investments, and other contingencies.

SEC. 17. Section 14023 of the Education Code is amended to read:

14023. Any person to whom service performed outside of the state after January 1, 1914, is credited and any person who has claimed exemption from the provisions of the system or its predecessor or who is excluded from the system because of being a member of another retirement system while serving in a position requiring membership in this system or its predecessor, and who later becomes subject to its provisions shall pay, in addition to the sum due under Section 14022 for each year of credited service rendered prior to July 1, 1944, either outside the state or while exempt or while a member of any other system, regular interest on the amount which would have been contributed had he been a member of the system when the service was performed. Regular interest shall begin to accrue on the first day of July next following the end of the school year in which the service was performed.

SEC. 18. Section 14024 of the Education Code is repealed.

SEC. 19. Section 14025 of the Education Code is amended to read:

14025. Every member who is not credited with the full amount of contributions to the Permanent Fund required of him by Section 14022, shall pay to the system such additional amount as is necessary to bring the contributions credited to him up to the full amount of contributions to the Permanent Fund required of him by Section 14022. Permanent Fund contributions which are due for service performed after July 1, 1944, shall accumulate with regular interest.

SEC. 20. Section 14033 of the Education Code is amended to read:

14033. Subject to rules prescribed by the board, any member may elect to make tax-sheltered contributions for the purpose of providing additional benefits.

SEC. 21. Section 14034 of the Education Code is amended to read:

14034. Tax-sheltered contributions may be made only in multiples of twenty-five dollars (\$25) per month and may be made not to exceed in any one year, 10 percent of his compensation, composed of payments in cash, made to him by his employer, and upon which his other contributions were determined for that year.

SEC. 22. Section 14035 of the Education Code is amended to read:

14035. Employers of members, public officials and public agencies shall remit to the system, monthly or at other intervals fixed by the board, tax-sheltered contributions made, and shall file with the board, reports of such contributions segregated according to members making them, all in accordance with such rules as may be adopted by the board.

SEC. 23. Section 14037 of the Education Code is amended to read:

14037. Any member, in addition to service credit provided under Article 8 (commencing with Section 13980) may purchase credit for similar service as a teacher in the public day schools, in state universities, state normal schools and other state or municipal institutions of a character similar to the state or municipally supported schools of California in which membership in the State Teachers' Retirement System is allowed, of another state of the United States, or of any territory or possession of the United States, or of the District of Columbia. The deposits for such service may be in multiples of one hundred dollars (\$100), and together with regular interest, shall be credited to the member's account in the Annuity Deposit Fund. Such payment, together with regular interest, may be refunded under the same conditions and in the same manner as refunds are made under Section 14070, and are subject to the redeposit provisions of Section 14080. At retirement such amounts credited in the Annuity Deposit Fund shall be applied toward the purchase of an additional annuity, as provided in Section 14240 and Section 14260, and the total allowances payable to retired persons at retirement, or at death prior to retirement, will not otherwise be affected by said purchased credit.

The retirement board has the authority to negotiate, and enter into agreements with other states of the United States on the subject of the transfer of members' contributions and regular interest between the retirement systems of California and other states.

SEC. 24. Section 14041 of the Education Code is amended to read:

14041. If any member of the system required to pay contributions under Section 14040, does not pay such contributions

while performing such service, the contributions shall be paid by him directly to the system in a single payment before retirement. Contributions due under this section shall be paid with regular interest for service performed after July 1, 1944, such regular interest to begin to accrue from the date of the member's discharge or release from military service to the date of payment.

SEC. 25. Section 14047 of the Education Code is amended to read:

14047. If the member, who is not required to contribute under Sections 14043, 14044 or 14045, was also a member of a local retirement system, the retirement system shall pay, from the Retirement Annuity Fund, to the member, at the time of his retirement, or to the local district maintaining the local system, if the local district made local system contributions on the basis of service credited under the local system for time included under Section 13994, an amount equal to the annuity contributions not required under those sections of such member on account of such service credited under the local retirement system, but not to exceed contributions made by him or the local district to the local system on account of such service. Credited interest to the time of such payment shall be included in such payment. The state shall contribute annually to the Retirement Annuity Fund the amounts required to be paid from the fund to local districts under this section.

SEC. 26. Section 14070 of the Education Code is amended to read:

14070. Upon the termination of a member's employment by any cause other than death or retirement there shall be paid to him, or if no other benefits are payable under this chapter upon the death of a member, there shall be paid to the beneficiary nominated by the deceased member:

(a) The Permanent Fund contributions, without interest, standing to the credit of his individual account, as having been made after July 1, 1935.

(b) The accumulated annuity contributions standing to the credit of his individual account in the Retirement Annuity Fund.

(c) Any moneys standing to the credit of his individual account in the Annuity Deposit Fund, together with the credited interest.

(d) The tax-sheltered contributions standing to the credit of his individual account, together with credited interest if he has made such contributions for more than five years, but otherwise without credited interest.

SEC. 27. Section 14080 of the Education Code is amended to read:

14080. If a person whose contributions have been refunded reenters the system he may elect to redeposit the contributions, excluding tax-sheltered contributions, after he has performed one year of creditable service subsequent to his reentry.

Such redeposit shall include regular interest. For time prior to July 1, 1944, the interest shall be at $2\frac{1}{2}$ percent compounded annually. Such redeposit shall also include the administration expense provided in Section 14070.5.

SEC. 28. Section 14112 of the Education Code is amended to read:

14112. The state shall contribute annually to the Teachers' Retirement Fund an amount, determined actuarially, which shall equal the sum of:

(a) An amount equal to so much of the benefits to be paid from the Permanent Fund during that year as is not provided by the Permanent Fund contributions based on service after July 1, 1944, of the members receiving such benefits, plus credited interest and by the contributions of employing agencies during that year.

(b) An amount equal to so much of the benefits to be paid from the Retirement Annuity Fund during that year, as is not provided by the accumulated annuity contributions of the members receiving such benefits, and by the contributions of employing agencies during that year.

(c) An amount equal to the sum required for death benefits under Sections 14180, 14185, and 14193.

(d) An amount equal to so much of the survivor benefits to be paid from the Permanent Fund as are in excess of the accumulated contributions and credited interest in that fund which are not required for the future payment of annuities, refunds and death benefits.

(e) An amount equal to the amounts required to be paid to local districts under Sections 14047, 14122, 14123, 14126, 14131, 14132, and 14135.

SEC. 29. Section 14187 of the Education Code is amended to read:

14187. Survivor allowances shall be paid from accumulated contributions and return on investments in the Permanent Fund which are not required for the future payments of annuities, refunds and death benefits.

SEC. 30. Section 14195 of the Education Code is amended to read:

14195. If payment of the allowance provided by Section 14193 is stopped because of remarriage of the surviving spouse, or the attainment of the age of 18 years by a child, before the sum of the monthly payments made, equals the death benefit provided by Section 14180, exclusive of accumulated annuity deposits and tax-sheltered contributions, a lump sum equal to the difference shall be paid to the remarried spouse, or if there is no such spouse, to the surviving children of the member, share and share alike.

SEC. 31. Section 14240 of the Education Code is amended to read:

14240. Upon retirement for service, a member shall receive a retirement allowance which shall consist of:

(a) A monthly retirement salary derived from the Permanent Fund, equal to the fraction of an amount which bears the same ratio to fifty dollars (\$50) as the number of years of service credited, not to exceed 30 years, bears to 30 years, set forth in Section 14246, opposite his age at retirement, taken to the preceding completed quarter year, in the column applicable to his sex, and

(b) A retirement annuity derived from the Retirement Annuity Fund based upon the number of years of service credited to him, less any service for which he is entitled to receive retirement benefits under a local retirement system, computed pursuant to Section 14245, and

(c) An annuity which shall be the actuarial equivalent of the accumulated annuity deposits standing to the credit of his individual account at the time of his retirement, and

(d) A "tax-sheltered annuity" which shall be the actuarial equivalent of the accumulated tax-sheltered contributions standing to the credit of his individual account at the time of his retirement.

Such retirement allowance, prior to modification under options in Section 14280, and exclusive of the annuities derived from accumulated annuity deposits, and accumulated tax-sheltered contributions, shall be at least an amount, by increase in the annuity under the Retirement Annuity Fund which, when added to the retirement allowance, prior to optional modification, the person is entitled to receive from a local system, shall equal the retirement allowance prior to optional modification, to which the person would be entitled under this system if he were not entitled to any allowance from a local system, minus one-half the retirement annuity on account of service rendered after June 30, 1944, to which the person would be so entitled, but for which he did not make annuity contributions. However, no amount shall be paid under this paragraph to any retired person who has the right to receive a retirement allowance from a local system upon his subsequent attainment of a minimum age after the retired person attains that minimum age unless he affirmatively exercises his right to receive the retirement allowance from the local system, and if such a retired person exercises his right, only if some amount is then payable under this paragraph.

SEC. 32. Section 14246 of the Education Code is amended to read:

14246.

Age at retirement	Fractions	
	Male	Female
55-----	.7204654	.7315714
55 $\frac{1}{4}$ -----	.7322331	.7429405
55 $\frac{1}{2}$ -----	.7440008	.7543096
55 $\frac{3}{4}$ -----	.7557684	.7656786
56-----	.7675361	.7770477

Age at retirement	Fractions	
	Male	Female
56 $\frac{1}{4}$ -----	.7802948	.7893442
56 $\frac{1}{2}$ -----	.7930536	.8016408
56 $\frac{3}{4}$ -----	.8058124	.8139373
57-----	.8185711	.8262338
57 $\frac{1}{4}$ -----	.8324207	.8395390
57 $\frac{1}{2}$ -----	.8462704	.8528441
57 $\frac{3}{4}$ -----	.8601200	.8661492
58-----	.8739696	.8794544
58 $\frac{1}{4}$ -----	.8890390	.8938934
58 $\frac{1}{2}$ -----	.9041084	.9083324
58 $\frac{3}{4}$ -----	.9191777	.9227715
59-----	.9342471	.9372105
59 $\frac{1}{4}$ -----	.9506853	.9529079
59 $\frac{1}{2}$ -----	.9671236	.9686052
59 $\frac{3}{4}$ -----	.9835618	.9843026
60-----	1.0000000	1.0000000
60 $\frac{1}{4}$ -----	1.0163636	1.0159559
60 $\frac{1}{2}$ -----	1.0327273	1.0319118
60 $\frac{3}{4}$ -----	1.0490910	1.0478676
61-----	1.0654546	1.0638235
61 $\frac{1}{4}$ -----	1.0827937	1.0807224
61 $\frac{1}{2}$ -----	1.1001328	1.0976214
61 $\frac{3}{4}$ -----	1.1174718	1.1145204
62-----	1.1348109	1.1314193
62 $\frac{1}{4}$ -----	1.1532771	1.1493466
62 $\frac{1}{2}$ -----	1.1717434	1.1672739
62 $\frac{3}{4}$ -----	1.1902096	1.1852012
63-----	1.2086758	1.2031285
63 $\frac{1}{4}$ -----	1.2283728	1.2222210
63 $\frac{1}{2}$ -----	1.2480698	1.2413334
63 $\frac{3}{4}$ -----	1.2677668	1.2604359
64-----	1.2874638	1.2795384
64 $\frac{1}{4}$ -----	1.3086036	1.2999470
64 $\frac{1}{2}$ -----	1.3297434	1.3203557
64 $\frac{3}{4}$ -----	1.3508832	1.3407644
65 and over-----	1.3720230	1.3611730

The fractions herein set forth at ages other than sixty (60) are based on the credited interest rate and mortality tables used under the system on July 1, 1962, and shall be adjusted by the board in accordance with such credited interest rate and mortality tables as the board may adopt.

SEC. 33. Section 14260 of the Education Code is amended to read:

14260. Upon retirement for disability, a member shall receive a retirement allowance which shall consist of:

(a) A retirement salary derived from the Permanent Fund, payable monthly equal to the retirement salary calculated under subdivision (a) of Section 14240 if the member has attained the age of 60 years at the effective date of his re-

tirement; or if the member has not attained such age, a retirement salary payable monthly equal to ninety percent (90%) of an amount which bears the same ratio to fifty dollars (\$50) as the number of years of service credited, not to exceed thirty (30) years, bears to 30 years, and

(b) A disability annuity, derived from the Retirement Annuity Fund, computed pursuant to Section 14262, and

(c) An annuity which shall be the actuarial equivalent of the accumulated annuity deposits standing to the credit of his individual account at the time of his retirement, and

(d) A tax-sheltered annuity which shall be the actuarial equivalent of the accumulated tax-sheltered contributions standing to the credit of his individual account at the time of his retirement.

Such retirement allowance, prior to modification under options in Section 14280, and exclusive of the annuities referred to in subdivisions (c) and (d) of this section, shall be at least an amount, by increase in the annuity under the Retirement Annuity Fund, which, when added to the retirement allowance, prior to optional modification, the person is entitled to receive from a local system, shall equal the retirement allowance, prior to option modification, to which the person would be entitled under this system if he were not entitled to any allowance from a local system, minus one-half the retirement annuity on account of service rendered after June 30, 1944, to which the person would be so entitled, but for which he did not make annuity contributions. However, no amount shall be paid under this section to any retired person who has the right to receive a retirement allowance from a local system upon his subsequent attainment of a minimum age after the retired person attains that minimum age unless he affirmatively exercises his right to receive the retirement allowance from the local system, and if such a retired person does so exercise his right, only if some amount is then payable under this paragraph.

SEC. 34. Section 14263 of the Education Code is amended to read:

14263. In no event shall the disability annuities under Section 14262 be more than sufficient to make the disability retirement allowance, exclusive of any annuities provided by accumulated annuity deposits and accumulated tax-sheltered contributions, exceed the service retirement allowance, exclusive of any annuities purchased by accumulated annuity deposits and accumulated tax-sheltered contributions receivable by the member should he continue until retirement at age 60.

SEC. 35. Section 14264 of the Education Code is amended to read:

14264. In no event shall the retirement allowance for disability, exclusive of any annuity provided by accumulated annuity deposits and accumulated tax-sheltered contributions, be less than the amount of the service retirement allowance, exclusive of any annuity purchased by accumulated annuity

deposits and accumulated tax-sheltered contributions, which the retiring member would have received if he had retired for service instead of disability.

SEC. 36. Section 14332 of the Education Code is amended to read:

14332. The increase is an amount derived by applying the percentage set forth in the following table opposite the period during which the retirement was effective, to so much of the allowance which otherwise would be payable for such time, excluding any annuity provided by accumulated annuity deposits or accumulated tax-sheltered contributions and prior to any modification under an option, which does not exceed three hundred dollars (\$300):

Period during which retirement became effective	Percentage of increase in monthly allowance
1. Prior to and including July 1, 1956-----	23
2. 12 months ending on July 1, 1957-----	19
3. 12 months ending on July 1, 1958-----	14
4. 12 months ending on July 1, 1959-----	13
5. 12 months ending on July 1, 1960-----	10
6. 12 months ending on July 1, 1961-----	9
7. 12 months ending on July 1, 1962-----	7
8. 12 months ending on July 1, 1963-----	6
9. 12 months ending on July 1, 1964-----	4
10. 12 months ending on July 1, 1965-----	2
11. After July 1, 1965-----	0

SEC. 37. Section 14334 of the Education Code is amended to read:

14334. If the allowance payable on July 1, 1967, is due a beneficiary, the percentages shall be applied to so much of the monthly allowance payable on that date, excluding annuities from the Annuity Deposit Fund or from tax-sheltered contributions, which does not exceed three hundred dollars (\$300) and shall be based on the effective date of the member's retirement if the allowance is payable under Section 14280, or the date of the member's death if payable under Section 14193 or 14284.

SEC. 38. Section 14441 of the Education Code is amended to read:

14441. Subject to minimum payments and time limits fixed by the board, the member may make the deposit of the amount in one or more sums.

If the deposit is not made within 30 days after the election to deposit is received in the office of the system in Sacramento, California, the member shall also pay regular interest on the unpaid portion of the amount at the same rate.

SEC. 39. Section 14447 of the Education Code is amended to read:

14447. If a retirant ceases to be entitled to benefits from a local system, on account of which service was excluded in the

calculation of his annuity, but who continues to be retired under this system, he is entitled to an annuity on account of such service. Such annuity shall be effective on the first day of the month in which he notifies the board at its office in Sacramento, if within 90 days after the effective date the retirant deposits in the Retirement Annuity Fund an amount equal to the contributions which he would have been required to make to the fund during service performed after June 30, 1944, if he had not then been a member of the local system, less the portion of the annuity which would have been payable prior to said date, and an amount equal to that which was not paid to the local district under Section 14122 or 14131 with regular interest on the balance of the contributions remaining, after deducting the portion as it would have been paid from month to month, from the first of the year next following the date on which such contribution would have been payable to the date the deposit is made at the current rate of regular interest. The annuity shall be calculated with respect to all such service on the basis of the effective date of retirement of such person.

SEC. 40. Section 14448 of the Education Code is amended to read:

14448. If deposit of such contributions and regular interest is not made as provided in Section 14447, the annuity shall be calculated in the same manner, but including only such service performed prior to July 1, 1944, and the minimum retirement allowance applicable to such member shall be the minimum allowance calculated as if the deposit were made, and then reduced by the amount of the annuity equaling the actuarial equivalent of such deposit.

SEC. 41. Section 14449 of the Education Code is amended to read:

14449. If a person, after retirement, becomes entitled to a benefit from a local retirement system, based on service which was included in the calculation of his annuity, the annuity shall be recalculated as of the effective date of the person's retirement, excluding such service, and the reduced retirement allowance shall be effective on the day the benefit under the local system began to accrue. Annuity contributions made on account of such service, plus credited interest and less the annuity paid to him on account of the contributions, shall be paid to him.

CHAPTER 408

An act to amend Section 8552 of the Water Code, relating to the Reclamation Board.

[Approved by Governor July 29, 1971 Filed with
Secretary of State July 29, 1971]

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

SECTION 1. Section 8552 of the Water Code is amended to read:

8552. Each member of the board shall receive the necessary expenses incurred by him in the performance of his duties, and twenty-five dollars (\$25) for each day attending the meetings of the board, but such per diem shall not exceed two thousand dollars (\$2,000) in any one year.

In addition to the amounts above provided, any member of the board traveling outside the state pursuant to authorization of the board, and the approval of the Governor and Director of Finance as provided by Section 11032 of the Government Code, while so engaged shall receive such per diem and his necessary expenses.

CHAPTER 409

*An act to amend Section 771 of the Insurance Code,
relating to insurance.*

[Approved by Governor July 29, 1971. Filed with
Secretary of State July 29, 1971.]

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

SECTION 1. Section 771 of the Insurance Code is amended to read:

771. Section 770 shall not prevent:

(a) The exercise by any person engaged in such business of his right to approve or disapprove, for reasonable cause, as determined by appropriate regulatory authority, of the insurer selected to underwrite the insurance, nor of his right to furnish such insurance or to renew any insurance required by the contract of sale or trust deed or other loan agreement if the borrower or purchaser shall have failed to furnish the insurance or renewal thereof within such reasonable time or form as may be specified in the sale or loan agreement. The lender shall not refuse to accept insurance provided by an acceptable insurer on the ground that such insurance provides more coverage than is required in the sale or loan agreement, unless the additional coverage consists of automobile, life or disability insurance.

The Savings and Loan Commissioner, the Superintendent of Banks, and the Corporations Commissioner, in conjunction with the Insurance Commissioner, shall issue appropriate regulations defining "reasonable cause."

(b) Any lender from recommending to any borrower or prospective borrower the placing of insurance with a specified insurer or through a specified insurance agent or broker as

long as such recommendation, with respect to a sale of real property or a loan upon the security of real property, clearly sets forth both the name and the mailing address of the recommended insurer or insurance agent or broker and does not violate the provisions of Section 770 or of any other section of this code. On and after July 1, 1972, such recommendation clearly setting forth the name and the mailing address of the recommended insurer or insurance agent or broker, shall be in writing.

(c) The free choice of insurance agent or broker by any borrower or purchaser at any time, and he may revoke any designation of insurance agent or broker at any time irrespective of the provisions of any loan or purchase agreement or trust deed.

(d) The exercise of any person engaged in such business of his right to furnish such insurance or to renew such insurance, and to charge the account of the borrower or purchaser with the costs thereof, if the borrower or purchaser fails to deliver to the lender such insurance at least 30 days prior to the expiration of the policy. If an insurance policy procured by the borrower or purchaser is subsequently substituted for that then in force, the lender may impose a reasonable service charge as determined by the Insurance Commissioner for the transaction, the payment of which charge by the agent or broker is not a violation of any other provision of this code. No service charges shall be imposed for normal insurance changes made during the term of the policy.

(e) The Insurance Commissioner is authorized to adopt a uniform statewide schedule of permissive maximum charges for the substitution of policies authorized in subdivision (d).

CHAPTER 410

An act to add Section 8410.5 to the Water Code, relating to flood control.

[Approved by Governor July 29, 1971. Filed with
Secretary of State July 29, 1971.]

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

SECTION 1. Section 8410.5 is added to the Water Code, to read:

8410.5. All public agencies shall comply with flood plain regulations established to meet the requirements of Section 8411. For the purposes of this section, "public agencies" includes the state or any department or agency thereof.

CHAPTER 411

*An act to amend Section 1748 of the Insurance Code,
relating to insurance.*

[Approved by Governor July 29, 1971. Filed with
Secretary of State July 29, 1971.]

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

SECTION 1. Section 1748 of the Insurance Code is amended to read:

1748. The commissioner, in any proceeding under the provisions of this article, may, by an alternative order, permit a licensee to elect in writing to pay a specified money penalty, within a specified time in lieu of a license suspension or other permitted action. If the licensee so elects, the sum of money specified shall be paid to the commissioner for the use of the State of California. The sum specified shall not exceed:

(a) One thousand dollars (\$1,000) for each offense.

(b) Five thousand dollars (\$5,000) in the aggregate for all offenses involved in any one proceeding.

(c) Thirty percent of the gross commissions on insurance transacted by such licensee in the preceding calendar year.

(d) Any amount proven, or admitted, in such proceeding to have been received and retained by such licensee as a rebate or otherwise, in violation of a provision of this code.

The commissioner shall determine the penalty to be paid in any given case and in doing so shall not be limited to the selection of that penalty specified in any of the above subdivisions, as compared with that in any of the other three subdivisions, that will result in the payment by the licensee of the least amount.

Should a licensee so electing fail to pay the specified sum within the specified time, the commissioner may, unless such order be lawfully stayed, revoke the license of the licensee or suspend the same for such period as he may determine.

CHAPTER 412*An act to amend Section 13209 of the Public Utilities Code
and to amend Section 8 of Chapter 1038 of the Statutes of
1970, relating to municipal utility district bonds.*

[Approved by Governor July 29, 1971. Filed with
Secretary of State July 29, 1971.]

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

SECTION 1. Section 13209 of the Public Utilities Code is amended to read:

13209. All special bond elections held in even-numbered years shall be consolidated with the direct primary or general

election. All special bond elections held in odd-numbered years shall be held on the first Tuesday after the first Monday in November and may be held separately, or may be consolidated with any other election authorized by law at which the voters of the district may vote. When a special bond election is consolidated with a statewide primary or a general election, the board shall in the ordinance calling the special bond election consolidate it with the statewide primary or the general election to be held at the same time in the respective counties in which the district is located and authorize the respective boards of supervisors to canvass the returns and certify the result of the canvass to the board; it shall be the duty of the board or boards of supervisors to so consolidate the election, canvass the returns, and cause the result thereof to be properly certified to the board. If a special bond election is consolidated with any other election, the provisions of this chapter setting forth the procedure for the calling and holding of the special bond election shall be complied with, except that the ordinance calling the election need not set forth the election precincts, polling places, and officers of election, but may provide that the precincts, polling places, and officers of election shall be the same as those set forth in the ordinance, notice, or other proceedings calling the election with which the special bond election is consolidated, and shall refer to the ordinance, notice, or other proceedings by number and title, or by other definite description.

SEC. 2. Section 8 of Chapter 1038 of the Statutes of 1970 is amended to read:

Sec. 8. All bond elections affected by this act and held in even-numbered years shall be consolidated with the direct primary or general election, and all bond elections affected by this act and held in odd-numbered years shall be held on the first Tuesday after the first Monday in November and consolidated with any district elections held on that date. The provisions of this section shall not apply to any bond elections held by a municipal utility district.

CHAPTER 413

An act to amend Sections 1, 3, 4, and 6 of, and to add Sections 6.1, 6.2, 6.3, and 6.4 to, the American River Flood Control District Act (Chapter 808 of the Statutes of 1927), relating to the American River Flood Control District.

[Approved by Governor July 29, 1971. Filed with Secretary of State July 29, 1971.]

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

SECTION 1. Section 1 of the American River Flood Control District Act (Chapter 808 of the Statutes of 1927) is amended to read:

Section 1. A flood control district is hereby created to be called "American river flood control district," within the county of Sacramento and the boundaries of and territory included within said district shall be as follows:

Beginning at the intersection of the easterly boundary line of reclamation district number one thousand with the south line of fractional section thirty-one, township ten north, range five east, Mount Diablo base and meridian, and running thence easterly along the south line of said section thirty-one to the westerly line of section six of the Rancho del Paso, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento in book A of surveys, survey number ninety-four; thence southerly along the westerly line of said section six of the Rancho del Paso to the southwest corner of said section; thence easterly along the section lines common to sections five, six, nine and ten of said Rancho del Paso to the northeast corner of section ten of said Rancho del Paso, which corner is in the center of a north and south public road; thence southerly along the center line of said road one and one-half miles, more or less, to the quarter-section corner common to sections eleven and eighteen of said Rancho del Paso, said quarter-section corner being the northwest corner of Cope subdivision number eleven, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento, in book fourteen of maps, map number thirty; thence easterly one-quarter mile, more or less, along the center line of a street designated as Jean avenue on said plat of Cope subdivision number eleven to the northeast corner of said Cope subdivision number eleven; thence southerly one-half mile, more or less, along the easterly boundary of said Cope subdivision number eleven to the center line of North avenue as the same is shown on said Cope subdivision number eleven; thence westerly along the center line of North avenue to the center line of Cedar street as said street is shown on the plat of Del Paso Heights, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento, in book twelve of maps, map number one; thence southerly one-quarter mile, more or less, along the center line of said Cedar street to the center line of Grand avenue as the same is shown on the plat of said Del Paso Heights; thence easterly one-quarter mile, more or less, along the center line of said Grand avenue to the center line of Maple street as the same is shown on the plat of said Del Paso Heights; thence southerly one-quarter mile, more or less, along the center line of said Maple street to the north line of lot thirteen of Oak Ridge acres, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento in book thirteen of maps, map number forty-five; thence westerly along the northerly boundary line of said lot thirteen of Oak Ridge acres to the northwest corner of said lot thirteen; thence southerly along the lot lines common to

lots thirteen, fourteen, twenty-two, twenty-one, forty-six, forty-seven, fifty-three and fifty-two of said Oak Ridge acres to the center line of Los Robles boulevard as said boulevard is shown on said plat of Oak Ridge acres; thence easterly along the center line of said Los Robles boulevard to the intersection of said center line with the center line of Marysville boulevard as shown on said plat of said Oak Ridge acres; thence southwesterly along the center line of said Marysville boulevard and the center line of Marysville road to the center line of Arcade boulevard as shown on the map of subdivision number three, North Sacramento, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento in book eleven of maps, maps numbers thirty-four and thirty-five; thence easterly along the center line of said Arcade boulevard to the intersection of the center line of Ben Ali avenue as shown upon said map of said subdivision number three, North Sacramento with the center line of Del Paso boulevard as shown on said map of subdivision number three, North Sacramento; thence southeasterly along the center line of said Ben Ali avenue to the center line of Kenwood street as shown on said map of subdivision number three, North Sacramento; thence northeasterly and easterly along the center line of said Kenwood street to the center line of Twentieth street as shown on said map of subdivision number three, North Sacramento; thence southerly along the center line of said Twentieth street to the intersection of said center line with the westerly right of way line of the Central Pacific railway; thence southwesterly along the said westerly right of way line of the said Central Pacific railway to the lot line common to lots thirteen and twelve of block forty of North Sacramento subdivision number eight according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento in book thirteen of maps, map number forty-nine; thence northwesterly along said lot line common to lots thirteen and twelve of block forty of said North Sacramento subdivision number eight and the production of said lot line to the center line of Helena avenue as shown on the said plat of North Sacramento subdivision number eight; thence southwesterly along the center line of said Helena avenue to the center line of Sixteenth street as shown on the plat of said North Sacramento subdivision number eight; thence northwesterly along the center line of Sixteenth street to the center line of Iris avenue as shown on the plat of said North Sacramento subdivision number eight; thence westerly along the center line of said Iris avenue to the center line of Land avenue as shown on the plat of said North Sacramento subdivision number eight; thence along the center line of said Land avenue to the intersection of said center line with the center line of a twenty foot alley between lots one to eight and lots nine and eleven of block thirty-five as shown on the plat of said North Sacramento subdivision number eight; thence southwesterly along the center line of said alley to the northwesterly production of the lot line common to lots eighteen

and nineteen of block thirty of said North Sacramento subdivision number eight; thence southeasterly to the northerly corner of lot nineteen of block thirty of said North Sacramento subdivision number eight; thence southeasterly along the lot line common to said lots eighteen and nineteen of said block thirty to the northwest corner of lot twenty of said block thirty; thence southerly along the lot line common to said lots nineteen and twenty of said block thirty and the production thereof to the center line of Helena avenue as shown on the plat of said North Sacramento subdivision number eight; thence westerly to the center line of San Antonio street as shown on the plat of said North Sacramento subdivision number eight; thence southerly along the center lines of San Antonio street as shown on the plat of said North Sacramento subdivision number eight and Thirteenth street as shown on the plat of North Sacramento subdivision number one, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento in book eleven of maps, map number twenty-six, to the center line of El Camino avenue as shown on the plat of said North Sacramento subdivision number one; thence easterly along the center line of said El Camino avenue to the west line of section twenty-seven of the Rancho del Paso; thence southerly along the west line of said section twenty-seven of the Rancho del Paso to the center line of Stephenson avenue as shown on the plat of subdivision of section number twenty-eight, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento in book fourteen of maps, map number nine; thence easterly along the center line of said Stephenson avenue one-quarter mile, more or less, to the intersection of said center line with the lot line common to lots six and seven of said subdivision of section number twenty-eight; thence southerly one-half mile, more or less, along the lot lines common to lots six, seven, eleven, twenty-one and twenty-three of said subdivision of section number twenty-eight to the southerly lot corner common to lots twenty-one and twenty-three of said subdivision of section number twenty-eight; thence westerly one-quarter mile, more or less, along the southerly line of lots twenty-three, twenty-six and twenty-five of said subdivision of section number twenty-eight to the center line of Nineteenth street as shown on the plat of said subdivision of section number twenty-eight; thence southerly one-quarter mile, more or less, along the center line of said Nineteenth street to the northwest corner of lot fifty-six of said subdivision of section number twenty-eight; said corner being the northwest corner of maintenance area No. 10, the description of which was passed and adopted by the reclamation board, State of California, the 17th day of September, 1958, thence along the boundary of said maintenance area No. 10, south $24^{\circ}00'35''$ west 1767.74 feet to the riverside right of way line of the American river flood control district north levee; thence along said right

of way line, the following twelve (12) courses and distances: (1) South $09^{\circ}31'58''$ east 400.00 feet, (2) north $80^{\circ}28'02''$ east 70.00 feet, (3) south $09^{\circ}31'58''$ east 231.70 feet, (4) south $16^{\circ}43'02''$ west 459.98 feet, (5) south $42^{\circ}58'02''$ west 302.75 feet, (6) south $47^{\circ}01'58''$ east 20.00 feet, (7) south $42^{\circ}58'02''$ west 500.00 feet, (8) south $47^{\circ}01'58''$ east 55.00 feet, (9) south $42^{\circ}58'02''$ west 169.29 feet, (10) south $50^{\circ}55'40''$ west 583.07 feet, (11) north $31^{\circ}06'42''$ west 15.00 feet and (12) south $66^{\circ}22'00''$ west 578.86 feet to a point on the landside right of way line of the north levee of the American river; thence along said right of way line, the following two (2) courses and distances: (1) south $56^{\circ}28'20''$ east 243.52 feet and (2) south $49^{\circ}44'31''$ east 1773.43 feet; thence north $39^{\circ}40'40''$ east 842.33 feet; thence south $50^{\circ}19'20''$ east 230.49 feet to a point located on the property line common to that land, now or formerly owned, by Swanston Land Company and that land, now or formerly owned, by the State of California; thence along said property line, south $50^{\circ}19'20''$ east 439.51 feet; thence south $39^{\circ}40'40''$ west 523.48 feet to a point located on said property line; thence along said property line, south $00^{\circ}20'20''$ east 416.35 feet to the southwest corner of said maintenance area No. 10; thence southerly, continuing along said property line to a point located on the center of the American river; thence southeasterly, southerly and northeasterly, along the center of the American river to the section line common to sections five and six, township eight north, range six east, Mount Diablo base and meridian; thence south along said section line to a point eleven and seventy one-hundredths chains north of the section corner common to sections five, six, seven and eight, township eight north, range six east; thence south twenty degrees east to the southerly line of the right of way of the Sacramento Valley railroad; thence southwesterly and westerly along the said southerly right of way line of said Sacramento Valley railroad to the intersection thereof with the northerly production of the easterly boundary line of lot number thirty-two of New Ramona colony, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento in book two of maps, map number seven; thence southerly along the easterly boundary of lots thirty-two, thirty-one, twenty-three, twenty-four and thirty of said New Ramona colony to the southeast corner of lot thirty of said New Ramona colony; thence continuing southerly along the production of the easterly lot line of said lot thirty to the center line of a county road, said road being the easterly production of Vine street as shown on the plat of Raffetto Heights, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento in book fourteen of maps, map number fifty-seven; thence westerly along the center line of said county road and said Vine street to the southeast corner of the city limits of the city of Sacramento in 1929, thence westerly along the

southerly city limits of the city of Sacramento in 1929 to the intersection thereof with the easterly bank of the Sacramento river; thence northerly along said east bank of the Sacramento river to the intersection thereof with the southerly boundary of reclamation district number one thousand; thence easterly and northerly along the boundary of said reclamation district number one thousand to the point of beginning, being composed of the city of Sacramento and certain contiguous unincorporated territory in Sacramento county.

SEC. 2. Section 3 of the American River Flood Control District Act (Chapter 808 of the Statutes of 1927) is amended to read:

Sec. 3. The American River Flood Control District herein created shall be governed by and under the control of five trustees, to be selected and elected as hereinafter provided, who shall constitute the board of trustees thereof. Each trustee shall be a registered voter of the district and shall have resided therein at least one year next preceding his appointment or election. Said trustees shall hold office for the term of four years and until their successors are elected and qualified.

SEC. 3. Section 4 of the American River Flood Control District Act (Chapter 808 of the Statutes of 1927) is amended to read:

Sec. 4. At each general state election, as provided by Section 2500 of the Elections Code, there shall be held an election in said district for the purpose of electing trustees to succeed those whose terms expire in that year, and which election shall be consolidated with and held in connection with said state election.

SEC. 4. Section 6 of the American River Flood Control District Act (Chapter 808 of the Statutes of 1927) is amended to read:

Sec. 6. Any qualified elector in the district may be nominated for the office of trustee upon the written petition of not less than 25 nor more than 40 qualified electors of the district. Nomination petition forms shall first be available at the district's office on the 89th day prior to the election. Notice shall be published by the district secretary on or before the 90th day prior to the election that such nomination petition forms will be available. Any person desiring to be a candidate at any election for trustees shall also file a statement under oath with the board which statement shall set forth the candidate's full name, address and that he is a registered voter within the district and that he will not withdraw his name before the election. Said statement, together with the completed nomination petition, shall be filed with the county clerk not later than 5 p.m. on the 59th day prior to the election. Nothing in this act contained shall be construed as prohibiting any member of the board from being a candidate to succeed himself.

SEC. 5. Section 6.1 is added to the American River Flood Control District Act (Chapter 808 of the Statutes of 1927), to read:

Sec. 6.1. If, by 5 p.m. on the 59th day prior to the election, the number of nominees for the office of trustee does not exceed the number of trustee offices to be filled in that election, an election shall not be held and the county clerk shall so inform the office of the Governor of the State of California forthwith.

SEC. 6. Section 6.2 is added to the American River Flood Control District Act (Chapter 808 of the Statutes of 1927), to read:

Sec. 6.2. If the number of nominees for the office of trustee equals the number of trustee offices to be filled at the election, the Governor shall appoint to such offices, on or before the date of the general election, the persons who have been nominated. If the number of nominees for the office of trustee is fewer than the number of trustee offices to be filled at the election, the Governor shall appoint to each trustee office for which there is no candidate, any qualified person. The person appointed shall qualify and take office and serve exactly as if elected for such office.

SEC. 7. Section 6.3 is added to the American River Flood Control District Act (Chapter 808 of the Statutes of 1927), to read:

Sec. 6.3. No later than December 31 of each even-numbered year, the district secretary shall file with the Secretary of State a statement containing the following information:

- (a) The list of district offices filled in the calendar year,
- (b) The name of each candidate, including occupational designation, if any,
- (c) The name of each successful candidate,
- (d) The number of voters eligible to vote in the district,
- (e) The number of votes for each candidate,
- (f) The list of offices for which appointments have been made in lieu of election pursuant to Section 6.2 together with the names of the persons so appointed.

SEC. 8. Section 6.4 is added to the American River Flood Control District Act (Chapter 808 of the Statutes of 1927), to read:

Sec. 6.4. District trustees, elected or appointed pursuant to the provisions of this act, take office at noon on the last Friday in November next following the general election.

CHAPTER 414

*An act to amend Section 20654 of the Government Code,
relating to the Public Employees' Retirement System.*

[Approved by Governor July 29, 1971. Filed with
Secretary of State July 29, 1971.]

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

SECTION 1. Section 20654 of the Government Code is amended to read:

20654. A member may redeposit at any time in the Retirement Fund, in a lump sum or by installment payments over such period and subject to such minimum payments as may be prescribed by regulations of the board, (1) an amount equal to the accumulated contributions that he has withdrawn at one or more terminations of service, but in reverse chronological order in which they occurred, and (2) an amount equal to the interest which would have been credited to his account to the first day of the calendar month following the date the election to redeposit is received in the office of the system had such contributions not been withdrawn, and (3) if he elects to redeposit in other than one sum, interest on the unpaid balance of the amount payable to the Retirement Fund, beginning on such first day, assuming with respect to the computation in (2) and (3) that the annual interest rate in effect on the date of election had been and continues in effect throughout such period.

SEC. 2. This act shall become operative on the first day of the month following the month in which statutes enacted at the 1971 Regular Session become effective.

CHAPTER 415

An act to amend Sections 10091 and 10094, and to add Chapter 10 (commencing with Section 10101) to Part 1 of Division 2 of, the Insurance Code, relating to crime insurance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 29, 1971 Filed with
Secretary of State July 29, 1971]

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

SECTION 1. Section 10091 of the Insurance Code is amended to read:

10091. Unless the provision or context otherwise requires, the following definitions shall govern the construction of this chapter:

(a) "Association" means a joint reinsurance association (the California FAIR Plan Association) consisting of all insurers licensed to write and engaged in writing in this state on a direct basis, basic property insurance and crime insurance, or any component thereof in multiperil policies.

(b) "Commissioner" means the Insurance Commissioner of this state.

(c) "Basic property insurance" means insurance against direct loss to real or tangible personal property at a fixed location in those geographic or urban areas designated by the commissioner, from perils insured under the standard fire policy and extended coverage endorsement and vandalism and malicious mischief and such other insurance coverages as may

be added with respect to such property by the industry placement facility with the approval of the commissioner or by the commissioner, but shall not include insurance on automobile or farm risks.

(d) "Inspection bureau" means the fire insurance rating organization designated by the industry placement facility with the approval of the commissioner to make inspections to determine the condition of the properties for which basic property insurance is sought and to perform such other duties as may be authorized by the industry placement facility.

(e) "Industry placement facility," or "facility," means the organization formed by insurers licensed to write and engaged in writing basic property insurance within this state to assist persons in securing basic property insurance and to formulate and administer a program for the equitable apportionment among such insurers of such basic property insurance.

(f) "Premiums written" means gross direct premiums charged with respect to property in this state on all policies of basic property insurance and the basic property insurance premium components of all multiperil policies, less return premiums, dividends paid or credited to policyholders, or the unused or unabsorbed portions of premium deposits.

(g) "Insurer" means any person who undertakes to indemnify another against loss, damage, or liability arising from a contingent or unknown event, and shall include reciprocals and interinsurance exchanges.

SEC. 2. Section 10094 of the Insurance Code is amended to read:

10094 Within 30 days after the effective date of this chapter, with the approval of the commissioner, all insurers licensed to write and engaged in writing in this state, on a direct basis, basic property insurance or any component thereof in multiperil policies, shall establish an industry placement facility, the California FAIR Plan Association, to formulate and administer a program for the equitable apportionment among such insurers of basic property insurance which may be afforded persons having an interest in real or tangible personal property who, after diligent effort (as specified in subdivision (a) of Section 10093), are unable to procure such insurance through normal channels from an admitted insurer or a surplus line broker. Each such insurer, as a condition of its authority to transact such kinds of insurance in this state, shall participate in such industry placement facility program in accordance with rules to be established by a governing committee consisting of nine insurers elected annually in the manner to be provided in the program. The governing committee shall, in addition, have as nonvoting members one representative of insurance agents, one representative of insurance brokers, one representative of surplus line brokers, and one representative of the public, each to be appointed by the Governor. The governing committee may establish separate classifications of written premiums for the purpose of equitable distribution but

shall not include premiums from automobile or farm risks. The program may also provide, with the approval of the commissioner, for assessment of all members in amounts sufficient to operate the facility, and may establish maximum limits of liability to be placed through the program, reasonable underwriting standards for determining insurability of a risk, and commission to be paid to the licensed producer designated by the applicant.

SEC. 3. Chapter 10 (commencing with Section 10101) is added to Part 1 of Division 2 of the Insurance Code, to read:

CHAPTER 10. CRIME INSURANCE POOL

10101. This chapter is known and may be cited as the "California Crime Insurance Act of 1971." The purposes of this chapter are to do all of the following:

(a) To assure stability in the crime insurance market for property located in the State of California.

(b) To assure the availability of crime insurance as defined by this chapter.

(c) To encourage maximum use in obtaining crime insurance in the normal insurance market provided by insurers and licensed surplus line brokers.

(d) To provide for equitable distribution among insurers of responsibility for insuring qualified property for which crime insurance cannot be obtained through the normal insurance market by the establishment of a crime insurance pool.

10102. Unless the provision or context otherwise requires, the following definitions shall govern the construction of this chapter:

(a) "Association" means the California FAIR Plan Association, as defined in Section 10091.

(b) "Commissioner" means the Insurance Commissioner of this state.

(c) "Governing Committee" means the Governing Committee of the California FAIR Plan Association, as constituted under Section 10094.

(d) "Crime insurance" means insurance against direct loss to real or tangible personal property in those geographic areas designated by the commissioner, by the perils of burglary, robbery, theft, larceny, and similar crimes, and such other insurance coverage as may be added with respect to such property by the industry placement facility with the approval of the commissioner or by the commissioner, but shall not include insurance on automobiles or losses from embezzlement.

(e) "Inspection Bureau" means the organization or organizations designated by the association, with the approval of the commissioner, to make inspections to determine the condition of the properties for which crime insurance is sought and to perform such other duties as may be authorized by the association.

(f) "Crime premiums written" means gross direct premiums charged with respect to property in this state on all

policies of basic property insurance, crime insurance, and the basic property and crime insurance components of multiperil and inland marine policies, less return premiums, dividends paid or credited to policyholders, or the unused or unabsorbed portions of premium deposits.

(g) "Insurer" means any person who undertakes to indemnify another against loss, damage, or liability arising from a contingent or unknown event, and shall include reciprocals and interinsurance exchanges.

10103. (a) Any person having an insurable interest in real or tangible personal property who, after diligent effort, has been unable to obtain crime insurance, at pool rates or less, through normal channels from an insurer or a licensed surplus line broker, may be entitled, upon application to the association, to an inspection of the property by representatives of the inspection bureau.

(b) The manner and scope of the inspection, and the form of the inspection report, shall be prescribed by the association with the approval of the commissioner. The inspection shall include, but need not be limited to, pertinent structural and occupancy features as well as the general condition of the building and surrounding structures. A representative photograph of the property may be taken as part of the inspection.

(c) Whenever an inspection is made, one copy of the completed inspection report shall be filed with the association, and one copy of the completed inspection report shall be sent to the applicant upon request.

10104. Within 30 days after the effective date of this chapter, with the approval of the commissioner, the association shall establish a Crime Insurance Pool to formulate and administer a program for the equitable apportionment among such insurers of crime insurance which may be afforded persons having an interest in real or tangible personal property who, after diligent effort are unable to procure crime insurance through normal channels from an insurer or a surplus line broker. Each such insurer, as a condition of its authority to transact insurance in this state, shall participate in such Crime Insurance Pool in accordance with rules to be established by the governing committee of the California FAIR Plan Association. The governing committee may establish separate classifications of written crime insurance premiums for the purpose of equitable distribution. The program may also provide, with the approval of the commissioner, for the assessment of all members in amounts sufficient to operate the Crime Insurance Pool, and may establish maximum limits of liability to be placed, reasonable underwriting standards for determining the insurability of the risk, deductible provisions, co-insurance provisions, and commissions to be paid to the licensed producers designated by the applicant.

10104.1. (a) Within 30 days following the effective date of this chapter, for the purposes of writing crime insurance, the association shall submit to the commissioner for his review a

plan of operation, consistent with the provisions of this chapter, for all insurers licensed to write and engaged in writing in this state, on a direct basis, crime insurance or any component thereof in multiperil policies. Every such insurer shall be a member of the Crime Insurance Pool and shall remain a member as a condition of its authority to transact insurance in this state.

(b) The plan shall authorize the association to assume and cede reinsurance on risks written by insurers in conformity with the program.

(c) Under the plan, each insurer shall participate in the writings, expenses, profits, and losses of the Crime Insurance Pool in the proportion that its crime premiums written during the second preceding calendar year bear to the aggregate crime premiums written by all insurers in the program, excluding that portion of the crime premiums written attributable to the operation of the association.

(d) The plan shall provide for administration by the governing committee, under rules to be adopted by it with the approval of the commissioner. Voting on administrative questions of the association and Crime Insurance Pool shall be weighed in accordance with each insurer's crime premiums written during the second preceding calendar year as disclosed in the reports filed by the insurer with the commissioner.

(e) The plan shall be subject to the approval of the commissioner, and shall go into effect upon the written approval of the commissioner. The commissioner may, at any time, withdraw his approval or he may at any time after he has given his approval revoke such approval if he feels it is necessary to carry out the purposes of the chapter. The withdrawal or revocation of such approval shall not affect the validity of any policies executed prior to the date of such withdrawal. If the commissioner disapproves or withdraws or revokes his approval to all or any part of the plan of operation, the association shall, within 30 days, submit for review an appropriately revised plan or part thereof, and, if the association fails to do so, or if the revised plan so filed is unacceptable, the commissioner shall promulgate such a plan of operation or part thereof as he may deem necessary to carry out the purposes of this chapter.

(f) The association may, on its own initiative, or at the request of the commissioner, amend the plan of operation, subject to approval by the commissioner, who shall have supervision of the Crime Insurance Pool of the association. The commissioner or any person designated by him, shall have the power of visitation of and examination into the operation and free access to all the books, records, files, papers, and documents that relate to operation of the Crime Insurance Pool and association, and may summon, qualify, and examine as witnesses all persons having knowledge of such operations including officers, agents, or employees thereof.

(g) The commissioner may terminate the plan for the writing of crime insurance at any time after he has certified to the Secretary of Housing and Urban Development of the United States, in writing, that crime insurance cannot be offered in the State of California at an "affordable rate" as defined by Section 1203(a)(1) of the National Housing Act, as amended (12 U.S.C. 1749 bbb-2).

10104.2. (a) Within 30 days after the effective date of this section, and annually thereafter, the State of California is authorized to enter into an excess loss agreement with the Crime Insurance Pool, wherein the Crime Insurance Pool shall be reimbursed by the State of California up to and including the sum of five hundred thousand dollars (\$500,000).

(b) The commissioner is authorized to take such action as may be necessary in order to reimburse the Crime Insurance Pool for losses, due to claims for losses covered by crime insurance, and expenses, which are in excess of losses and expenses assumed by the Crime Insurance Pool in accordance with the excess loss agreement entered into under subdivision (a) of this section.

(c) Such reimbursement, if necessary, shall be made available within 60 days following the close of the fiscal year of the Crime Insurance Pool, and annually thereafter, pursuant to agreement, in consideration of Crime Insurance Pool providing for the availability of crime insurance as defined by this chapter.

(d) The level of losses to be retained by the Crime Insurance Pool for purposes of this chapter is established at that level of aggregate net losses which will produce a combined ratio of losses incurred to premiums earned and expenses incurred to premiums written of 105 percent, accumulated experience from the fiscal year of the Crime Insurance Pool, as determined by the association.

(e) All losses, expenses, and reserves used by the Crime Insurance Pool in such loss and expense ratio calculation shall be certified by the facility and shall be subject to review by the commissioner.

10104.3. (a) Any applicant or affected insurer shall have the right of appeal from any act or decision of the Crime Insurance Pool or the association to the governing committee. A decision of the governing committee may be appealed to the commissioner within 30 days after such decision. Upon such appeal, the commissioner may make any order to implement the purposes of the chapter and the plan.

(b) All orders or decisions of the commissioner made pursuant to this chapter shall be subject to judicial review.

10104.4. There shall be no liability on the part of, and no cause of action of any nature shall arise against, the insurers, the Crime Insurance Pool, the association, the governing committee, their agents or employees, or the commissioner or his authorized representative, with respect to any inspections required to be undertaken by this chapter, or for any acts or

omissions in connection therewith, or for any statements made in any reports and communications concerning the insurability of the property, or in the findings required by the provisions of this chapter, or at the hearings conducted in connection therewith. The reports and communications of the inspection bureau, the Crime Insurance Pool, the association, and the records of the governing committee shall be considered public documents.

10104.5. Participation in the Crime Insurance Pool and performance of any act required by this chapter is a condition of the right to continue to hold a certificate of authority to transact insurance business in this state. All insurers, on and after the effective date of this chapter, by continuing to hold a certificate of authority to transact insurance business shall be deemed to have consented to the responsibilities imposed by this chapter.

10105. In addition to any powers conferred upon him by this or any other law, the commissioner is authorized to do all things necessary to enable the state and any insurer participating in any program approved by the commissioner to participate fully in any federal program of reinsurance which may be enacted for purposes similar to the purposes of this chapter.

10106. The commissioner may require such reports from insurers concerning risks insured under any program approved pursuant to this chapter as he shall deem necessary to effect the purposes of this chapter.

SEC. 4. There is hereby appropriated from the General Fund the sum of five hundred thousand dollars (\$500,000) for the purpose of carrying out the provisions of this act.

SEC. 5. This is an urgency statute necessary for the immediate preservation of the public peace, health and safety within the meaning of Article IV of the Constitution, and shall go into immediate effect. The facts constituting such necessity are:

Immediate legislation is necessary to insure the availability of crime insurance to members of the public in the State of California, where heretofore such insurance had been unavailable. The United States of America, by Public Law 91-609, enacted in the 91st Congress and approved December 31, 1970, imposes a time deadline of August 1, 1971, wherein the several states must provide for crime insurance at an affordable rate, or the federal government will go into the business of writing such crime insurance in the several states absent such action.

CHAPTER 416

An act to amend Section 1 of Chapter 1031 of the Statutes of 1969, relating to executive reorganization.

[Approved by Governor July 30, 1971 Filed with
Secretary of State July 30, 1971.]

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

SECTION 1. Section 1 of Chapter 1031 of the Statutes of 1969 is amended to read:

Section 1. Notwithstanding any other provision of law, Chapter 5 (commencing with Section 3000) of Division 2 of the Vehicle Code and Section 11723 shall remain in effect.

SEC. 2. It is the intent of the Legislature in enacting this act to conform Chapter 1031 of the Statutes of 1969, providing for the continued existence of the New Car Dealers Policy and Appeals Board despite the contrary provisions of Reorganization Plan No. 1 of 1969, to the provisions of Chapter 1300 of the Statutes of 1970 removing the termination date for the existence of the board.

CHAPTER 417

An act to add Section 11926 to the Revenue and Taxation Code, relating to the Documentary Transfer Tax Act.

[Approved by Governor July 30, 1971. Filed with
Secretary of State July 30, 1971.]

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

SECTION 1. Section 11926 is added to the Revenue and Taxation Code, to read:

11926. Any tax imposed pursuant to this part shall not apply with respect to any deed, instrument, or writing to a beneficiary or mortgagee, which is taken in lieu of a foreclosure.

CHAPTER 418

An act to amend Sections 736, 1061, 12975.5 and 12975.7 of, and to add Section 12975.1 to, and to repeal Sections 737 and 12974 of, the Insurance Code, relating to insurance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 30, 1971. Filed with
Secretary of State July 30, 1971.]

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

SECTION 1. Section 736 of the Insurance Code is amended to read:

736. All examinations shall be at the expense of the insurer, organization or person examined, except that special examinations which are in addition to regular examinations may be at the expense of the state in the discretion of the commissioner. The costs and expenses of all such examinations shall be paid

from the support appropriation for the Department of Insurance current at the time of the examination but shall be charged to and collected from the insurer, organization or person examined. If any such insurer, organization, or person refuses to pay such costs and expenses promptly when due, the commissioner may refuse to issue its certificate of authority, certificate of exemption or license, as the case may be, and may revoke any existing certificate of authority, certificate of exemption or license.

SEC. 2. Section 737 of the Insurance Code is repealed.

SEC. 3. Section 1061 of the Insurance Code is amended to read:

1061. In verification of the matters set forth in Section 1060 of this code, the Department of Finance shall, at least every two years or more often if requested by the commissioner, examine the commissioner's books and accounts relating to all proceedings under this article and Article 8 (commencing with Section 12550), Chapter 2, Part 6, Division 2 of this code, and shall file a report of each such examination with the court in which the respective proceeding is pending and shall furnish the commissioner a certified copy of each such report. The expense of examining the books and accounts of the commissioner as conservator or liquidator under this article or under Article 8 (commencing with Section 12550), Chapter 2, Part 6 of Division 2 of this code shall be paid out of the support appropriation for the Department of Insurance current at the date of billing for such expense and shall, upon order of the court or courts before which the proceedings under said articles are pending, be ratably reimbursed to such appropriation out of the assets of the estates administered by the commissioner as conservator or liquidator under this article or under Article 8 (commencing with Section 12550), Chapter 2, Part 6 of Division 2 of this code.

SEC. 4. Section 12974 of the Insurance Code is repealed.

SEC. 5. Section 12975.1 is added to the Insurance Code, to read:

12975.1. All examination expense moneys collected by the Department of Insurance under the provisions of Sections 736, 1061, and 1857.4 are hereby appropriated to the department and shall be deposited in the General Fund to the credit of the support appropriation for the department current at the time of the deposit.

SEC. 6. Section 12975.5 of the Insurance Code is amended to read:

12975.5. The commissioner may in any investigation or hearing conducted by him take or cause to be taken the deposition of any witness residing within or without this state and may pay the expense thereof out of the current support appropriation of the department. He may pay out of such appropriation to any witness subpoenaed by him the necessary and reasonable traveling expenses of any such witness, to the place of hearing or investigation and return and a per diem

of twelve dollars (\$12) for each day that such witness is in attendance at or en route to and from such place of hearing or investigation in obedience to such subpoena. The provisions of this section shall not apply to proceedings conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, such proceedings to be governed solely by said chapter.

SEC. 7. Section 12975.7 of the Insurance Code is amended to read:

12975.7. Except as provided in Section 12975.1, all moneys received by the commissioner pursuant to this code shall be transmitted to the State Treasurer to be deposited in the State Treasury to the credit of the Insurance Fund. The money in the Insurance Fund received from the commissioner pursuant to this section is hereby appropriated as follows:

(a) To pay the refunds authorized by this code.

(b) The balance of the money in the fund shall, on order of the Controller, be transferred to the State General Fund.

SEC. 8. The provisions of this act shall become operative on July 1, 1971.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to have the provisions of this act become operative on July 1, 1971 it is necessary that this act take effect immediately.

CHAPTER 419

An act to add Sections 10118, 10122, 10277, 10278 and 11512.15 to the Insurance Code, and to add Section 12532.9 to the Government Code, relating to health.

[Approved by Governor July 30, 1971 Filed with
Secretary of State July 30, 1971.]

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

SECTION 1. Section 10118 is added to the Insurance Code, to read:

10118. A policy of disability insurance delivered or issued for delivery in this state more than 120 days after the effective date of this section, which provides that coverage of a dependent child shall terminate upon attainment of the limiting age for dependent children specified in the policy or contract, shall also provide in substance that attainment of such limiting age shall not operate to terminate the coverage of such child while the child is and continues to be both (a) incapable of self-sustaining employment by reason of mental retardation or physical handicap and (b) chiefly dependent upon the insured for support and maintenance, provided proof of such inca-

capacity and dependency is furnished to the insurer by the insured within 31 days of the child's attainment of the limiting age and subsequently as may be required by the insurer, but not more frequently than annually after the two-year period following the child's attainment of the limiting age.

Disability policies currently approved by the commissioner which are delivered or issued for delivery more than 120 days after the effective date of this section shall be automatically construed to be in compliance with this section and need not be refiled or reprinted. Disability policies submitted to the commissioner for approval on and after the effective date of this section shall contain provisions in compliance with this section.

SEC. 2. Section 10122 is added to the Insurance Code, to read:

10122. (a) A self-insured employee welfare benefit plan delivered or issued for delivery in this state more than 120 days after the effective date of this section, which provides that coverage of a dependent child of an employee shall terminate upon attainment of the limiting age for dependent children specified in the policy or contract, shall also provide in substance that attainment of such limiting age shall not operate to terminate the coverage of such child while the child is and continues to be both (a) incapable of self-sustaining employment by reason of mental retardation or physical handicap and (b) chiefly dependent upon the employee for support and maintenance, provided proof of such incapacity and dependency is furnished to the employer or employee organization providing the plan or program of benefits by the employee within 31 days of the child's attainment of the limiting age and subsequently as may be required by such employer or employee organization, but not more frequently than annually after the two-year period following the child's attainment of the limiting age.

(b) As used in this section, "self-insured employee welfare benefit plan" means any plan or program of benefits provided by an employer or an employee organization, or both, for the purpose of providing hospital, medical, surgical, nursing, or dental services, or indemnification for the costs incurred for such services, to such employer's employees or their dependents.

SEC. 3. Section 10277 is added to the Insurance Code, to read:

10277. A group hospital, medical or surgical expense insurance policy delivered or issued for delivery in this state more than 120 days after the effective date of this section, which provides that coverage of a dependent child of an employee or other member of the covered group shall terminate upon attainment of the limiting age for dependent children specified in the policy, shall also provide in substance that attainment of such limiting age shall not operate to terminate the coverage of such child while the child is and continues to be

both (a) incapable of self-sustaining employment by reason of mental retardation or physical handicap and (b) chiefly dependent upon the employee or member for support and maintenance, provided proof of such incapacity and dependency is furnished to the insurer by the employee or member within 31 days of the child's attainment of the limiting age and subsequently as may be required by the insurer, but not more frequently than annually after the two-year period following the child's attainment of the limiting age.

Group hospital, medical or surgical expense insurance policies currently approved by the commissioner which are delivered or issued for delivery more than 120 days after the effective date of this section shall be automatically construed to be in compliance with this section and need not be refiled or reprinted. Such policies submitted to the commissioner for approval on and after the effective date of this section shall contain provisions in compliance with this section.

SEC. 4. Section 10278 is added to the Insurance Code, to read:

10278. An individual hospital, medical or surgical expense insurance policy delivered or issued for delivery in this state more than 120 days after the effective date of this section, which provides that coverage of a dependent child shall terminate upon attainment of the limiting age for dependent children specified in the policy, shall also provide in substance that attainment of such limiting age shall not operate to terminate the coverage of such child while the child is and continues to be both (a) incapable of self-sustaining employment by reason of mental retardation or physical handicap and (b) chiefly dependent upon the policyholder or subscriber for support and maintenance, provided proof of such incapacity and dependency is furnished to the insurer by the policyholder within 31 days of the child's attainment of the limiting age and subsequently as may be required by the insurer but not more frequently than annually after the two-year period following the child's attainment of the limiting age.

Individual hospital, medical or surgical expense insurance policies currently approved by the commissioner which are delivered or issued for delivery more than 120 days after the effective date of this section shall be automatically construed to be in compliance with this section and need not be refiled or reprinted. Such policies submitted to the commissioner for approval on and after the effective date of this section shall contain provisions in compliance with this section.

SEC. 5. Section 11512.15 is added to the Insurance Code, to read:

11512.15. A family hospital service contract delivered or issued for delivery in this state more than 120 days after the effective date of this section, which provides that coverage of a dependent child of a subscriber shall terminate upon attainment of the limiting age for dependent children specified in the contract, shall also provide in substance that attainment of

such limiting age shall not operate to terminate the coverage of such child while the child is and continues to be both (a) incapable of self-sustaining employment by reason of mental retardation or physical handicap and (b) chiefly dependent upon the subscriber for support and maintenance, provided proof of such incapacity and dependency is furnished to the corporation by the subscriber within 31 days of the child's attainment of the limiting age and subsequently as may be required by the corporation, but not more frequently than annually after the two-year period following the child's attainment of the limiting age.

SEC. 6. Section 12532.9 is added to the Government Code, to read:

12532.9. Every health care service plan delivered or issued for delivery in this state more than 120 days after the effective date of this section, which provides that coverage of a dependent child of a member shall terminate upon attainment of the limiting age for dependent children specified in the plan, shall also provide in substance that attainment of such limiting age shall not operate to terminate the coverage of such child while the child is and continues to be both (a) incapable of self-sustaining employment by reason of mental retardation or physical handicap and (b) chiefly dependent upon the member for support and maintenance, provided proof of such incapacity and dependency is furnished to the health care service plan by the member within 31 days of the child's attainment of the limiting age and subsequently as may be required by the plan but not more frequently than annually after the two-year period following the child's attainment of the limiting age.

CHAPTER 420

An act to amend Section 2 of Chapter 1938 of the Statutes of 1963, relating to the California Heritage Preservation Commission.

[Approved by Governor July 30, 1971 Filed with
Secretary of State July 30, 1971]

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

SECTION 1. Section 2 of Chapter 1938 of the Statutes of 1963 is amended to read:

Sec. 2. In order to provide for the restoration, preservation and display of the historical documents of the State of California on deposit with the Secretary of State, including but not limited to the Spanish Census of 1798, the Constitution of 1849, the minutes of the Constitutional Convention of 1849, the manuscript returns of the election of 1849, the Joaquin Murietta papers, the documents of Treaty of Peace and Friendship with the Stanislaus Indians dated 1851, Indian

War papers of 1850-60, Vallejo's Capitol Plan papers, and many other priceless documents, there is hereby established a California Heritage Preservation Commission composed of the Secretary of State or his designate and the following members:

(a) One representative of the Interpretative Services Section of the Division of Beaches and Parks appointed by the Director of Parks and Recreation.

(b) Six private citizens, at least one of whom shall be an American Indian, appointed by the Governor.

(c) One member affiliated with a private college or university, appointed by the Governor.

(d) One member appointed by the Regents of the University of California.

(e) One member appointed by the Trustees of the State Colleges.

(f) One representative of the California State Library appointed by the California State Librarian.

(g) Two Members of the Senate, appointed by the President pro Tem of the Senate and two Members of the Assembly, appointed by the Speaker, shall meet with, and participate in, the work of the commission to the extent that such participation is not incompatible with their positions as Members of the Legislature. The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power. For the purposes of this act, such Members of the Legislature shall constitute a joint interim legislative committee on the subject of this act and shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

CHAPTER 421

An act to amend Section 986.1 of the Military and Veterans Code, relating to the Veterans' Farm and Home Purchase Act of 1943.

[Approved by Governor July 30, 1971 Filed with
Secretary of State July 30, 1971.]

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

SECTION 1. Section 986.1 of the Military and Veterans Code is amended to read:

986.1. (a) If a veteran dies after filing his application for a farm or a home, and his application setting forth his eligibility and qualifications is subsequently approved, his widow may, in the discretion of the department, succeed to his rights under the application, and may be entitled to the rights, privileges, and benefits under this article that would have been his, but for his death. The contract of purchase which the department otherwise would have made with such veteran may be made with his widow.

(b) If a man was a member of the armed forces on active military duty, entered active duty while in the State of California and lived in this state for six months immediately preceding his entry into active duty and was killed in line of duty while on active duty, he shall be considered to be a "veteran" for the purposes of this article, and his unremarried widow may file an application, may be entitled to the same rights, privileges and benefits and may contract with the department as provided in the case of a widow under the provisions of subdivision (a) of this section.

(c) If a member of the armed forces entered active military duty while in the State of California, and lived in this state for six months immediately preceding his entry into active duty, and is being held as a prisoner of war or has been designated by the armed forces as missing in action, he shall be considered to be a "veteran" for the purposes of this article, and his wife may file an application, may be entitled to the same rights, privileges, and benefits, and may contract with the department as provided in the case of a widow under the provisions of subdivision (a) of this section.

CHAPTER 422

An act to add Section 6201.5 to the Public Utilities Code, relating to public utility franchises by local government.

[Approved by Governor July 30, 1971 Filed with
Secretary of State July 30, 1971.]

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

SECTION 1. Section 6201.5 is added to the Public Utilities Code, to read:

6201.5. As used in this chapter, municipality includes counties, but no county shall grant a franchise pursuant to this chapter in any incorporated area.

CHAPTER 423

An act relating to the apportionment of state school funds to the Marysville Joint Unified School District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 30, 1971 Filed with
Secretary of State July 30, 1971.]

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

SECTION 1. Due to an error by the Department of Education in the computation of apportionments, and the disbursement thereof, during the 1967-1968 fiscal year and the 1969-

1970 fiscal year, the Marysville Joint Unified School District received an apportionment overpayment of two hundred sixty-three thousand three hundred seventy-eight dollars (\$263,378). This overpayment was not discovered until March 1970.

The Superintendent of Public Instruction, pursuant to Section 17414 of the Education Code, proposes to withhold this entire amount from the 1970-1971 fiscal year apportionments to the district. Such a withholding will require a drastic reduction in the general educational program of the district, causing irreparable damage to the pupils' welfare.

The Legislature finds that the unique circumstances in the Marysville Joint Unified School District require immediate and special legislation and that a general statute cannot be made applicable to these circumstances within the meaning of Section 16 of Article IV of the California Constitution. The provision for repayment of the apportionment overpayment made by Section 2 of this act is made in view of the unique circumstances in the Marysville Joint Unified School District, and is made for that purpose only. It is not the intention of the Legislature to establish a precedent with respect to the repayment procedure made by this act, but rather to assist in a situation involving unique circumstances when appropriate justification for such assistance has been found.

SEC. 2 (a) Notwithstanding the provisions of Section 17414 of the Education Code, the Superintendent of Public Instruction shall, during the 1971-1972, 1972-1973, 1973-1974, 1974-1975, and 1975-1976 fiscal years, withhold from the apportionments to be made to the Marysville Joint Unified School District from the State School Fund in each of those years an amount equal to one-fifth of the amount specified in Section 1 of this act, together with amounts representing interest at a rate based on the most current investment rate of the Pooled Money Investment Account as of the effective date of this act. No amounts shall be withheld in the fiscal year 1970-1971 on account of the apportionment overpayment, and the Superintendent of Public Instruction shall correct the computed allowances and apportionments for the district to offset amounts withheld in the 1970-1971 fiscal year prior to the effective date of this act.

(b) If the Legislature, at the 1971 Regular Session, enacts legislation which increases the amount of money available per unit of average daily attendance in the state, the Superintendent of Public Instruction shall withhold from the apportionments to be made to the Marysville Joint Unified School District from the State School Fund, in any fiscal year, the amount of such increase which would have been apportioned to the district until the total amount specified in Section 1 of this act, together with amounts representing interest at a rate based on the most current investment rate of the Pooled Money Investment Account as of the effective date of this act, is recouped by the state. The Superintendent of Public Instruction shall withhold the amount prescribed by this subdivision only

if such amount is greater than the amount which would be withheld pursuant to subdivision (a).

(c) The withholding prescribed by subdivisions (a) and (b) shall be directed to the end that the entire amount of the apportionment overpayment specified in Section 1 of this act, plus interest, shall have been recouped by the state by the end of the 1975-1976 fiscal year. In no event shall an amount greater than the amount specified in Section 1 of this act, plus interest, be withheld from apportionments made to the district.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the withholding of funds by the Superintendent of Public Instruction can be prepared for and established on the five-year basis prescribed by this act at the earliest possible time, in order to permit allowances and apportionments to the Marysville Joint Unified School District for the 1970-1971 fiscal year to be corrected before the expiration of that year, and to aid the district in averting a financial crisis which directly involves the entire area of the district, it is necessary that this act take immediate effect.

CHAPTER 424

An act to repeal Section 9606.2 of the Revenue and Taxation Code, and to repeal Section 2 of Chapter 1267 of the Statutes of the 1970 Regular Session of the Legislature, relating to the Motor Vehicle Transportation License Tax Law, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 30, 1971. Filed with
Secretary of State July 30, 1971.]

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

SECTION 1. Section 9606.2 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 2 of Chapter 1267 of the Statutes of the 1970 Regular Session of the Legislature is repealed.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

By the repeal of Section 9606.2 of the Revenue and Taxation Code by Section 1 of this act, the Legislature has obviated the need for the study required by Section 2 of Chapter 1267 of the Statutes of the 1970 Regular Session. In order to make clear at the earliest possible time that such study, among

the many already assigned to the State Board of Equalization, is no longer required, it is necessary that this act take effect immediately.

CHAPTER 425

An act to amend Section 155.1 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 30, 1971 Filed with
Secretary of State July 30, 1971]

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

SECTION 1. Section 155.1 of the Revenue and Taxation Code is amended to read:

155.1. Notwithstanding any provision of law to the contrary, the board of supervisors may, in any year, by ordinance, provide that every person who at 12:01 a. m. on the immediately preceding March 1 was the owner of, or had in his possession, or under his control, any taxable property, or who acquired such property after such date and is liable for the taxes thereon for the fiscal year commencing the immediately following July 1, which property was thereafter damaged or destroyed, without his fault, by a major misfortune or calamity, in an area or region subsequently proclaimed by the Governor to be in a state of disaster, if such property was damaged or destroyed by the major misfortune or calamity which caused the Governor to proclaim the area or region to be in a state of disaster, may, within the time specified in the ordinance, apply for reassessment of such property by delivering to the assessor a written application showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown therein to be in excess of one thousand dollars (\$1,000). The application shall be executed under penalty of perjury, or if executed outside the State of California, verified by affidavit.

Upon receiving a proper application, the assessor shall reassess the property according to its full cash value immediately after the damage or destruction. The assessor shall notify the applicant in writing of the amount of the proposed reassessment. The notice shall state that the applicant may appeal the proposed reassessment to the local board of equalization within 14 days of the date of mailing the notice. If an appeal is requested within the 14-day period, the board shall hear and decide the matter as if the proposed reassessment had been entered on the roll as an assessment made outside the regular assessment period. The decision of the board regarding the damaged value of the property shall be final, provided that a decision of the local board of equalization regarding any reassessment made pursuant to this section shall create no pre-

sumption as regards the value of the affected property subsequent to the date of the damage.

If the damaged full cash value of the property as determined above is not at least one thousand dollars (\$1,000) less than the full cash value shown on the assessment roll for the year in question, no adjustment shall be made to said roll and no taxes shall be canceled or refunded. Those reassessed values resulting from reductions in full cash value of at least one thousand dollars (\$1,000), as determined above, shall be forwarded to the auditor by the assessor or the clerk of the board, as the case may be. The auditor shall enter the reassessed values on the roll. After being entered on the roll, said reassessed values shall not be subject to review except by a court of competent jurisdiction.

If no such application is made and the county assessor determines that the full cash value of such property for the assessment year is reduced from the full cash value of such property for the immediately preceding assessment year by more than one thousand dollars (\$1,000) due to the damage or destruction caused by the major misfortune or calamity, the assessor shall notify the property owner that the property will be reassessed. The assessor shall assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall transmit to the local board of equalization a description of the property so reassessed, the name of the person making the application in connection with the property, if any, or the name of the property owner notified of the reassessment, and the value of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization shall equalize any such assessment or reassessment.

As used in this section, "damage" includes property which has diminished in value as a result of restricted access to the property where such diminution in value was caused by the major misfortune or calamity.

The tax rate fixed for property on the roll on which the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the reassessment determined in accordance with this section. In the event that the resulting figure is less than the tax theretofore computed, the tax shall be determined as follows:

(a) With respect to property on the secured roll a prorated portion of the tax due on the property as originally assessed at the rate established for property on the secured roll for the current fiscal year, such proration to be determined on the basis of the number of months in the year during which the property was in an undamaged condition plus a proration of the tax due on the property as reassessed in its damaged or destroyed condition at the rate established for property on the secured roll for such fiscal year, such proration to be determined on the basis of the number of months in the year in

which the property was in a damaged condition, including the month in which the damage was incurred.

(b) With respect to property on the unsecured roll, he shall be liable for a prorated portion of the tax computed on the original assessment of the property and a prorated portion of the tax computed on the reassessment of the property as determined in the preceding paragraph.

Any tax paid in excess of the total tax due shall be refunded to the taxpayer pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of this division, as an erroneously collected tax or by order of the board of supervisors without the necessity of a claim being filed pursuant to Chapter 5.

This section applies to all counties, whether operating under a charter or under the general laws of this state.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

As a result of the Los Angeles earthquake of February 9, 1971, thousands of parcels of property are being reassessed by the Los Angeles County Assessor upon his own motion. Before any property owner can receive a refund, however, he must file a verified claim for the exact amount to which he is entitled. Unless this requirement is waived immediately, thousands of persons will suffer needless delay and complication in receiving the amounts which are legitimately due them.

CHAPTER 426

An act to add Section 11153.7 to, and to repeal Section 11153 of, the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

[Approved by Governor July 31, 1971. Filed with Secretary of State July 31, 1971.]

I am reducing the appropriation contained in Senate Bill No. 132 from \$10,896,024 to \$9,971,274 by deleting paragraph (1) (i) Residential care review by the Department of Health Care Services and (1) (ii) Review of nursing homes and intermediate care facilities.

The appropriation contained in paragraph (1) has been deleted because it would jeopardize the operation of the medical social team function currently being conducted in the Department of Health Care Services.

With the above reduction, I have approved Senate Bill 132.

RONALD REAGAN, Governor

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

SECTION 1. Section 11153 of the Welfare and Institutions Code is repealed.

SEC. 2. Section 11153.7 is added to the Welfare and Institutions Code, to read:

11153.7. Real property owned by the applicant or recipient, or in combination with his spouse, which is producing in-

come, reasonably consistent with its value, which is used for the support of the applicant or recipient, may be retained in an amount not to exceed an assessed valuation of five thousand dollars (\$5,000) as assessed by the county assessor.

Any mortgage or note secured by a deed of trust not exceeding a market value of twenty thousand dollars (\$20,000) that is obtained by the applicant or recipient, or in combination with his spouse, through the sale of such real property which was producing income shall be deemed real property when the income from the same is used to meet the needs of the recipient.

SEC. 3. Sections 1 and 2 of this act shall have no force and effect if its provisions are not in conformity with federal law as determined in accordance with Section 11003 of the Welfare and Institutions Code.

SEC. 4. There is hereby appropriated: (a) ten million eight hundred ninety-six thousand twenty-four dollars (\$10,896,024), for public social services, payable as follows:

(1) To the Department of Health Care Services, payable from funds appropriated by Item 228 of the Budget Act of 1971----- 1,104,750
Schedule:

(i) For residential care review by the Department of Health Care Services—\$65,000

(ii) For review of nursing homes and intermediate care facilities, to be contracted with the Department of Public Health—\$1,039,750.

(2) To the Department of Social Welfare, payable from the funds appropriated in Item 254 of the Budget Act of 1971----- 9,791,274

for the purposes set forth in said items and subject to the conditions set forth therein except said funds shall be used to fund positions which were authorized on December 1, 1970, or specifically approved by the Legislature for inclusion in the 1971 Budget Act until July 31, 1971; provided, however, that the Director of the Department of Social Welfare may reclassify positions in accordance with all prescribed procedures beginning July 1, 1971, but such reclassifications effectuated after August 1, 1971, shall be reported in writing monthly to the Joint Legislative Budget Committee; and provided further, that a report on all such positions authorized on or subsequent to December 1, 1970, which were not in existence prior to December 1, 1970, and those positions which were specifically approved by the Legislature for inclusion in the 1971 Budget Act, shall be reported by the Director of the Department of Social Welfare to the Joint Legislative Budget Committee prior to September 1, 1971.

(b) The appropriation for transfer to the Health Care Deposit Fund of funds by Item 229 of the Budget Act of 1971, shall not be subject to the limitation of \$13,300,000 on the amount to be expended from the General Fund for fiscal intermediaries.

CHAPTER 427

An act to codify Chapter 1027 of the Statutes of 1947 by adding Chapter 7 (commencing with Section 23581) to Division 17 of the Education Code, and repealing Chapter 1027 of the Statutes of 1947, relating to the University of California.

[Approved by Governor August 2, 1971. Filed with Secretary of State August 2, 1971.]

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

SECTION 1. Chapter 1027 of the Statutes of 1947 is repealed.

SEC. 2. Chapter 7 (commencing with Section 23581) is added to Division 17 of the Education Code, to read:

CHAPTER 7. THE UNIVERSITY OF CALIFORNIA DORMITORY REVENUE BOND ACT OF 1947

Article 1. Definitions and General Provisions

23581. This chapter may be cited as "the University of California Dormitory Revenue Bond Act of 1947."

23581.1. Wherever used or referred to in this chapter, or in any indenture entered into pursuant to this chapter, the definitions set forth in this article govern the construction of this chapter, unless a different meaning appears from the context.

23581.2. "Bonds" or "revenue bonds" means the written evidence of any obligation issued by the regents, payment of which is secured by a pledge of revenues or any part of revenues, as provided in this chapter, in order to obtain funds with which to carry out the purposes of this chapter, irrespective of the form of such obligation.

23581.3. "Holder of bonds" or "bondholder" or any similar term means any person who shall be the bearer of any outstanding revenue bond or bond registered to bearer or not registered or the registered owner of any such outstanding revenue bond or bond which shall at the time be registered other than to bearer.

23581.4. "Indenture" means an agreement entered into by the regents pursuant to which revenue bonds are issued, regardless of whether such agreement is expressed in the form of a resolution of the regents or by other instrument.

23581.5. "Person" includes any individual, firm, corporation, association, copartnership, trust, business trust, or receiver or trustee or conservator for any individual or any such entity. It does not, however, include the state or any public corporation, political subdivision, city, county, district, or any agency of any such entity or of the state.

23581.6. "Project" means any one or more dormitories, other housing facilities, boarding facilities, student union fa-

ilities, vehicle parking facilities, or any other auxiliary or supplementary facilities for individual or group accommodation, owned or operated, or authorized to be acquired, constructed, furnished, equipped, and operated, by the regents for use by students, faculty members, or employees of the University of California, or a combination of such facilities, which may include facilities already completed and facilities authorized for future completion, designated by the regents as a project in providing for the issuance of revenue bonds. The term "project" also includes any one or more hospitals, clinics, medical and nursing facilities, and related facilities, including professional office buildings, parking facilities, and other facilities which the regents may deem necessary or convenient for the operation of a hospital or medical center, or incidental to a hospital or medical center, designated by the regents as a project in providing for the issuance of revenue bonds.

23581.7. "Regents" means the existing corporation known as "the Regents of the University of California," as such corporation is constituted by the provisions of Section 9 of Article IX of the Constitution.

23581.8. "Revenues" means and includes any and all fees, rates, rentals, and other charges received or receivable in connection with, and any and all other incomes and receipts of whatever kind and character derived by, the regents from the operation of a project or arising from a project, including any such revenue as may have been or may be impounded or deposited in any sinking fund, redemption or reserve fund, or other fund created for the security of revenue bonds or for the purpose of providing for the payment of revenue bonds or the interest on revenue bonds.

23581.9. "University of California" means the public trust created by Section 9 of Article IX of the Constitution, and each and all of the campuses of the university within the state.

23581.10. The provisions of this chapter shall be liberally construed to carry out the objectives and purposes and the declared policy of the state expressed in this chapter.

Article 2. Powers of Regents

23582. In addition to, and in amplification of, all other powers conferred upon the regents by the Constitution or by any statute of this state, the regents shall have all of the powers set forth in this article.

23582.1. The regents may acquire by grant, purchase, gift, devise, lease, or by the exercise of the right of eminent domain, and may hold, use, sell, lease, or dispose of any real or personal property necessary for the full exercise or convenient or useful for the carrying on of any of its powers pursuant to this chapter.

23582.2. The regents may construct, own, operate, and control any project.

23582.3. The regents may fix rates, rents, or other charges for the use of any facilities acquired, constructed, equipped, furnished, operated, or maintained by the regents, or for services rendered in connection with such facilities, and may alter, change, or modify such rates, rents, or other charges at its pleasure, subject to any contractual obligation which may be entered into by the regents with respect to the fixing of such rates, rents, or charges.

23582.4. The regents may enter into covenants to increase rates or charges from time to time as may be necessary pursuant to any contract or agreement with the holders of any bonds of the regents.

23582.5. The regents may at any time and from time to time issue revenue bonds in order to raise funds for the purpose of establishing any project or of acquiring lands for any project, or of acquiring, constructing, improving, equipping, or furnishing any project, or of refinancing any project, or for any combination of such purposes, which bonds may be secured as provided in this chapter.

23582.6. The regents may contract with any department or agency of the United States or of this state upon such terms and conditions as the regents find are for the best interests of the university.

23582.7. The regents may make contracts, leases, and agreements with any person or public corporation, political subdivision, city, county, district, or any agency of any person or such entity and may generally perform all acts necessary for the full exercise of the powers vested in the regents.

23582.8. The regents may sell, lease, convey, or otherwise dispose of any of its rights, interest, or properties, subject to any contractual obligation which may be entered into by the regents with respect to the issuance of revenue bonds.

23582.9. The regents may exercise the right of eminent domain for the condemnation of private property, or of any right or interest in private property.

23582.10. The regents may adopt such rules and regulations as may be necessary to enable the regents to exercise the powers and to perform the duties conferred or imposed upon the regents by this chapter.

23582.11. The regents has full charge of the acquisition, construction, and completion of all projects authorized by the regents and may proceed with such work forthwith.

23582.12. The regents may construct any project and acquire all property necessary for a project in such manner and at such location and on such terms and conditions as the regents deems advisable. A project may, but need not, be constructed or acquired on any campus and may be constructed or acquired at any location deemed by the regents advisable for the accomplishment of the purposes of this chapter.

23582.13. Title to all property acquired by the regents, and the revenues and income from such property, is in the regents. The title to any moneys, revenues, sinking funds, reserve funds,

and other funds of the regents and the income from such moneys, revenues, and funds pledged to the payment of the principal or interest or any bonds issued thereunder is subject to trusts declared in favor of the bondholders. All such property, and the income from such property, are exempt from all taxation by the state or by any county, city and county, city, district, political subdivision, or public corporation of any such entity. The management, operation, and control of all improvements acquired, constructed, or completed by the regents are vested in the regents.

23582.14. At all times the operation, maintenance, control, repair, construction, reconstruction, alteration, and improvement of any project are vested in the regents.

23582.15. The regents may use for the payment of the costs of acquisition, construction, or completion of any project any funds made available to the regents by the state or any other funds provided by the regents from any source, to be expended for the accomplishing of the purposes set forth in this chapter, together with the proceeds of revenue bonds issued and sold by the regents.

23582.16. The regents may insure against loss of revenues from any cause whatsoever and the proceeds of any such insurance shall be used solely for the payment of bonds and the interest on the bonds.

23582.17. The regents may insure against public liability or property damage and against loss by fire or other hazards. The regents may provide in an indenture for the carrying of such insurance, or any other insurance, in such amount and of such character as it shall determine, and for the payment of the premiums on such insurance.

23582.18. The regents may authorize any officer or officers of the regents to prepare and procure the printing or engrossing of bonds, coupons, indentures, or other instruments and contracts or agreements of every kind required or convenient for, or pertaining to, the issuance or sale of bonds.

23582.19. The regents shall fix rents, charges, and fees for all projects acquired, constructed, or completed under the terms of this chapter for the use of such projects by any persons utilizing the facilities of such projects, subject to such contractual obligations as may be entered into by the regents and the holders of bonds issued pursuant to this chapter. The regents may change rents, charges, and fees from time to time, as conditions warrant. All rents, charges, and fees shall at all times be fixed to yield annual revenue equal to annual operating and maintenance expenses, including repairs and insurance costs and all redemption payments and interest charges and reserve fund requirements on revenue bonds at any time issued and outstanding pursuant to this chapter, as they become due.

23582.20. Nothing in this article or elsewhere in this chapter shall be construed directly or by implication to be in any way in derogation of, or in limitation of, powers conferred

upon, or existing in, the regents by virtue of provisions of the Constitution or statutes of this state.

Article 3. Revenue Bonds

23583. The regents shall issue revenue bonds in the name of the regents and as obligations of the regents, but neither the principal of, nor interest on, any bond issued or sold pursuant to this chapter shall be or become a lien, charge, or liability against this state or against the regents or against the property or funds of either, except to the extent of the pledge of revenues or part of revenues of the project, as may be provided by the indenture pursuant to which revenue bonds are issued, and every such bond issued by the regents shall contain a recital on its face, substantially as follows: "This bond is not a lien, charge, or liability, as to either principal or interest, against the State of California or against the Regents of the University of California or against the property or funds of either, except to the extent of the pledge of revenues or part of revenues, as provided by the indenture pursuant to which it is issued."

23583.1. The regents shall determine the time, form, and manner of the issuance of revenue bonds.

23583.2. The validity of the authorization and issuance of any revenue bonds by the regents is not dependent on nor affected in any way by any of the following:

(a) Proceedings taken by the regents for the acquisition, construction, or completion of any project or any part of any project.

(b) Any contracts made by the regents in connection with the acquisition, construction, or completion of any project.

(c) The failure to complete any project for which bonds are authorized to be issued.

23583.3. Before issuing any bond or bonds pursuant to this chapter, the regents shall by resolution declare the purpose for which the proceeds of the bonds proposed to be issued shall be expended and shall specify the maximum amount of bonds to be issued or sold for such purpose. Bonds shall not be issued or sold for such purpose in an amount exceeding the maximum specified in such resolution except with the consent of bondholders, pursuant to amendment or modification of an indenture, as provided in Sections 23584.18 and 23584.19. Nothing in this section shall be construed to prevent the regents from amending any such resolution prior to the issuance of bonds authorized thereby to increase or decrease the maximum amount of bonds to be issued or sold. The issuance of bonds for one or more projects may be included in a single resolution of authorization.

23583.4. The regents may provide for one or several issues of bonds and may issue bonds in series or may divide any issue into one or more divisions and fix different maturities or dates of such bonds, different rates of interest, or prescribe dif-

ferent terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security, or be of the same interest rate, but the terms of such bonds shall in each case be provided for by the regents, at or prior to the issue of the bonds.

23583.5. Bonds may be issued as coupon bonds or as registered bonds. The regents may provide for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds, and may provide that the bonds shall be registered as to principal only, or as to both principal and interest, or otherwise as the regents may determine.

23583.6. Bonds shall bear interest at a rate of not to exceed 8 percent per annum, payable annually or semiannually, or in part annually and in part semiannually.

23583.7. Bonds may be callable upon such terms, conditions, and upon such notice as the regents may determine, and upon the payment of such premium as may be fixed by the regents in the proceedings for the issuance of the bonds. No bond is subject to call or redemption prior to its fixed maturity date unless the right to exercise such call is expressly stated on the face of the bond.

23583.8. The regents may provide for the payment of the principal and interest of bonds at any place within or without the state, and in specified coin or currency of the United States.

23583.9. The regents may provide for the execution and authentication of bonds by the manual, lithographed, or printed facsimile signature of officers of the regents and by additional authentication by a trustee or fiscal agent appointed by the regents. If any of the officers whose signatures or countersignatures appear upon the bonds or coupons cease to be officers before the delivery of the bonds or coupons, their signatures or countersignatures are nevertheless valid and of the same force and effect as if the officers had remained in office until the delivery of the bonds and coupons.

23583.10. Bonds shall bear dates prescribed by the regents. Bonds may be serial bonds or sinking fund bonds with such maturities as the regents may determine. No bond by its terms shall mature in more than 50 years from its own date and, in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date authorized in this section shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

23583.11. Bonds may be sold at either public or private sale. The regents may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The regents may sell bonds at less than their par or face value, but no bond may be sold at a price below the par or face value of the bond which would result in a sale price yielding to the

purchaser an average of more than 8 percent per annum, payable semiannually, according to standard tables of bond values.

23583.12. The regents may provide for the security of bonds. The regents may use and expend all or any part of any funds or proceeds of any property owned by it, whether received by gift, appropriation or otherwise, if not restricted as to the use of such funds or proceeds of property by the terms of any gift or trust or provision of law, for the redemption of bonds issued pursuant to this chapter and the payment of interest due on the bonds.

23583.13. All costs and expenses incident to the issuance and sale of bonds may be paid out of the proceeds of the sale of the bonds. Interest on bonds may be paid out of the proceeds of the sale of the bonds during the actual construction of any project for the acquisition, construction, or completion of which the bonds have been issued, and for a period of not to exceed two years after the completion of the actual construction of the project as provided for in the indenture.

23583.14. The regents may provide that the bonds and the interest on the bonds shall be secured by all or by part of revenues of a project upon the basis of which revenue bonds are issued or authorized to be issued, and shall constitute such lien upon the revenues of such project as may be provided for in the indenture.

23583.15. Pending the actual issuance or delivery of revenue bonds, the regents may issue temporary or interim bonds, certificates, or receipts of any denominations whatsoever, and with or without coupons, to be exchanged for definitive bonds when ready for delivery.

23583.16. The regents may provide for the replacement of lost, destroyed, or mutilated bonds, or coupons.

23583.17. Bonds issued pursuant to this chapter and the interest or income from such bonds, are exempt from all taxation in this state other than gift, inheritance, and estate taxes.

23583.18. The regents may designate a bank or trust company, qualified to do business in this state, as a trustee for the regents and the holders of bonds issued pursuant to this chapter, and may authorize the trustee to act on behalf of the holders of the bonds, or any stated percentage of the bonds, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders.

23583.19. The regents may fix and determine the conditions upon which any trustee shall receive, hold, or disburse any or all revenues deposited with it by or by authority of the regents. The regents shall prescribe the duties and powers of any such trustee with respect to the issuance, authentication, sale, and delivery of the bonds and the payment of principal of, and interest on, the bonds, the redemption of the bonds, the registration and discharge from registration of the bonds, and the management of any sinking fund or other funds provided as security for the bonds.

23583.20. All bonds issued pursuant to this chapter are negotiable instruments, except when registered in the name of a registered owner.

23583.21. Except as provided otherwise in any indenture, the holder of any bond issued pursuant to this chapter may, by mandamus or other appropriate proceeding, require and compel the performance of any of the duties imposed upon the regents or upon any official or employee or assumed by the regents or any official or employee, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction, or insurance of any project, or the collection, deposit, investment, application, and disbursement of rents, rates, charges, fees, and all other revenues derived from the operation and use of any project or in connection with the deposit, investment, and disbursement of the proceeds received from the sale of bonds pursuant to this chapter. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds issued pursuant to this chapter.

23583 22. Notwithstanding any other provision of law, all bonds sold and delivered pursuant to this chapter are legal investments for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, trust companies, the state school funds, and any public or private funds which may be invested in county, municipal, or school district bonds, and may be deposited as security for the performance of any act whenever the bonds of any county, municipality, or school district may be so deposited, and may also be used as security for the deposit of public moneys in banks in this state.

Article 4. Indentures

23584. The regents may enter into indentures providing for the aggregate principal amount, date or dates, maturities, interest rates, denominations, form, registration, transfer, and interchange of any revenue bonds and coupons issued pursuant to this chapter, and the terms and conditions on which the bonds shall be executed, issued, secured, sold, paid, redeemed, funded, and refunded. Reference on the face of the bonds to such indenture by its date of adoption, or the apparent date on the face thereof, is sufficient to incorporate all of the provisions of the indenture and of this chapter into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to, or detached from, the bonds, has recourse to all of the provisions of the indenture and of this chapter, and is bound thereby.

23584 1. An indenture pursuant to which bonds are issued may include any and all such covenants and agreements on the part of the regents as the regents deems necessary or advisable

for the better security of the bonds issued pursuant to the indenture.

23584.2. An indenture shall provide the means by which payments of principal and interest of bonds shall be secured.

23584.3. An indenture may include a clause relating to the bonds issued pursuant to the indenture requiring the regents to pay or cause to be paid punctually the principal of all such bonds and the interest on such bonds on the date or dates, or at the place or places, and in the manner mentioned in such bonds and in the coupons appertaining to the bonds in accordance with such indenture.

23584.4. The regents may include in an indenture such limitations as to competitive projects, both as to location and comparative rentals, as may be deemed necessary or desirable for the security of revenue bonds issued pursuant to this chapter.

23584.5. The regents may also include in an indenture a covenant that no project acquired, constructed, or completed from the proceeds of revenue bonds issued by the regents shall be used without charge for such use or that no facilities of any such project shall be furnished free of charge to any person.

23584.6. An indenture may include a clause relating to the bonds issued pursuant to the indenture, requiring the regents to operate the project continuously, to the extent practicable under conditions as they may from time to time exist, in an efficient and economical manner.

23584.7. An indenture may include a clause relating to the bonds issued pursuant to the indenture requiring the regents to make all necessary repairs, renewals, and replacements to any project, and to keep the project at all times in good repair, working order, and condition.

23584.8. An indenture may include a clause relating to the bonds issued pursuant to the indenture requiring the regents to preserve and protect the security of the bonds and the rights of the holders of the bonds and to warrant and defend such rights.

23584.9. An indenture may include a clause relating to the bonds issued pursuant to the indenture requiring the regents to pay and discharge, or cause to be paid and discharged, all lawful claims for labor, materials, and supplies or other charges which, if unpaid, might become a lien or charge upon the revenues, or any part of the revenues, of any project acquired, constructed, or completed from the proceeds of the sale of the bonds, or upon any physical properties, or which might impair the security of the bonds.

23584.10. An indenture may include a clause relating to the bonds issued pursuant to the indenture which limits, restricts, or prohibits any right, power, or privilege of the regents to mortgage or otherwise encumber, sell, lease, or dispose of any improvements constructed from the proceeds of the bonds, or to enter into any lease or agreement which impairs or impedes the operation of a project, or any part of a project, necessary

to secure adequate revenues or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues.

23584.11. An indenture may include a clause relating to the bonds issued pursuant to the indenture requiring the regents to fix, prescribe, and collect rates, rentals, or other charges in connection with the services and facilities furnished from the project acquired, constructed, or purchased from part or all of the proceeds of the bonds, sufficient to pay the principal of, and interest on, the bonds as they become due and payable, together with such additional sums as may be required for any sinking fund, reserve fund, or other special fund provided for the further security of such bonds or as a depreciation charge or other charges in connection with such project.

23584.12. An indenture may include a clause relating to the bonds issued pursuant to the indenture requiring the regents to hold, or cause to be held, in trust the revenues, or any part of revenues, pledged to the payment of such bonds and the interest on such bonds, or to any reserve or other fund created for the further protection of the bonds, and to apply such revenues, or part of revenues, or cause them to be applied only as provided in the indenture.

23584.13. An indenture may include a clause defining the power of the regents in applying the proceeds of the sale of any issue of bonds for the acquiring, constructing, or completing of any project or any part of any project.

23584.14. An indenture may include a clause limiting the power of the regents to issue additional bonds for the purpose of acquiring, constructing, or completing any project or any part of any project.

23584.15. An indenture may include a clause requiring, specifying, or limiting the kind, amount, and character of insurance to be maintained by the regents on any project, or any part of any project, and the use and disposition of the proceeds of any such insurance thereafter collected.

23584.16. An indenture may include a clause providing the events of default and the terms and conditions upon which any or all of the bonds of the regents then or thereafter issued may become or be declared due and payable prior to maturity, and the terms and conditions upon which such declaration and its consequences may be waived.

23584.17. An indenture may include a clause designating the rights, limitations, powers, and duties arising upon breach by the regents of any of the covenants, conditions, or obligations contained in any indenture.

23584.18. An indenture may include a clause prescribing procedure by which the terms and conditions of the indenture may be subsequently amended or modified with the consent of the regents and the vote or written assent of the holders of a specified principal amount or specified proportion of the bonds issued and outstanding. Such clause may provide for meetings

of bondholders and for the manner in which the consent of the bondholders may be given. The clause shall specifically state the effect of such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining to the bonds, whether attached to the bonds or detached from the bonds.

23584.19. With respect to any clause providing for the modification or amendment of an indenture, the regents may agree that bonds held by the regents or by the state or any political subdivision of the state, including any public corporation, board, or agency of any class or kind, shall not be counted as outstanding bonds, or be entitled to vote or assent, but shall, nevertheless, be subject to any such modification or amendment.

23584.20. An indenture may include a clause or clauses providing for such other acts and matters as may be necessary or convenient or desirable in order better to secure the bonds or to make the bonds more marketable.

23584.21. The regents may provide in an indenture that the proceeds from the sale of all revenue bonds authorized pursuant to this chapter shall be paid directly to any bank or trust company designated by the regents as the fiscal agent or depository of the regents, to be held in a separate account to be designated the "construction fund" and to be disbursed in the manner and upon the conditions provided in the indenture for any of the following:

(a) The acquisition, construction, and completion of the project, including the payment of the cost of all surveys, preparation of plans and specifications, and the payment of all architectural, engineering, legal, and administrative costs.

(b) The payment of all costs and expenses of, and incident to, the issuance and sale of bonds.

(c) The payment of interest due, or to become due, on the bonds during the period of actual construction, and for such further period as may be specified in the indenture for the issuance of the bonds not exceeding two years after the period of construction.

23584.22. Moneys in any construction fund may be invested as the regents in its sole discretion shall determine, subject only to such limitations as may be provided in an indenture providing for the issuance of revenue bonds.

23584.23. After all the revenue bonds shall have been fully paid and discharged, or provision for their payment and discharge irrevocably made, any surplus moneys in the construction fund shall, subject to the limitations and restrictions in any indenture providing for the issuance of the revenue bonds, become and be the property of the regents, and be used by the regents for any lawful purpose.

Article 5. Funding or Refunding Bonds

23585. The regents may provide for the issuance, sale, or exchange of refunding bonds for the purpose of redeeming

or retiring any revenue bonds issued by the regents. All provisions of this chapter applicable to the issuance of revenue bonds are applicable to the funding or refunding bonds and to the issuance, sale, or exchange of funding or refunding bonds.

23585.1. Funding or refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be funded or refunded by such funding or refunding bonds, and in addition for the payment of all expenses incident to the calling, retiring, or paying of such outstanding bonds, and the issuance of such funding or refunding bonds. These expenses include the difference in amount between the par value of the funding or refunding bonds and any amount less than par for which the funding or refunding bonds are sold, any amount necessary to be made available for the payment of interest upon such funding or refunding bonds from the date of sale of the funding or refunding bonds to the date of payment of the bonds to be funded or refunded or to the date upon which the bonds to be funded or refunded will be paid pursuant to the call of the bonds to be funded or refunded or agreement with the holders of the bonds to be funded or refunded, and the premium, if any, necessary to be paid in order to call or retire the outstanding bonds and the interest accruing on the outstanding bonds to the date of the call or retirement.

SEC. 3. It is the intent of the Legislature in enacting this act to codify the University of California Dormitory Revenue Bond Act of 1947 (Chapter 1027 of the Statutes of 1947) with certain clarifying, nonsubstantive changes. It is not the intent of the Legislature to make any substantive change in the law.

CHAPTER 428

An act to add Chapter 6 (commencing with Section 2575) to Division 3 of the Fish and Game Code, relating to wild rodents.

[Approved by Governor August 2, 1971. Filed with Secretary of State August 2, 1971.]

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

SECTION 1. Chapter 6 (commencing with Section 2575) is added to Division 3 of the Fish and Game Code, to read:

CHAPTER 6. CAPTURE, TRANSPORT OR SALE OF WILD RODENTS

2575. "Wild rodents" as used in this chapter means wild ground squirrels, chipmunks, rats, mice or any other members of the order Rodentia native to California except muskrats and beavers.

2576. It is unlawful to knowingly capture for sale, transport for sale or sell wild rodents, except as provided in Article 1.5 (commencing with Section 1000) of Chapter 3 of Division 2.

CHAPTER 429

An act to add Section 2924.5 to the Civil Code, relating to mortgages and deeds of trust.

[Approved by Governor August 2, 1971. Filed with Secretary of State August 2, 1971.]

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

SECTION 1. Section 2924.5 is added to the Civil Code, to read:

2924.5. No clause in any deed of trust or mortgage on property containing four or fewer residential units or on which four or fewer residential units are to be constructed or in any obligation secured by any deed of trust or mortgage on property containing four or fewer residential units or on which four or fewer residential units are to be constructed that provides for the acceleration of the due date of the obligation upon the sale, conveyance, alienation, lease, succession, assignment or other transfer of the property subject to the deed of trust or mortgage shall be valid unless the clause is printed, in its entirety in both the body of the deed of trust or mortgage and the promissory note or other document evidencing the secured obligation. This section shall apply to all such deeds of trust, mortgages, and obligations secured thereby executed on or after July 1, 1972.

CHAPTER 430

An act to amend Sections 607, 9000, 9011, 9014, 9015, 9016, 9033, 9035, 9036, 9040, 9042, 9042.5, 9043, 9046, 9048, 9049, 9053.2, 9054, 9074, 9142, 9801, 9851, and 9906 of, and to amend the headings of Chapter 2 (commencing with Section 9035), Article 4 (commencing with Section 9054) of Chapter 2, Chapter 3 (commencing with Section 9074), and Chapter 10 (commencing with Section 9850) of Division 9 of, the Public Resources Code, relating to soil conservation districts.

[Approved by Governor August 2, 1971. Filed with Secretary of State August 2, 1971.]

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

SECTION 1. Section 607 of the Public Resources Code is amended to read:

607. The work of the department shall be divided into at least five divisions, known as the Division of Forestry, the Division of Mines and Geology, the Division of Oil and Gas, the Division of Resource Conservation, and the Division of State Lands.

SEC. 2. Section 9000 of the Public Resources Code is amended to read:

9000. The Legislature hereby declares that the conservation of the soil is of fundamental importance to the prosperity and welfare of the people of this state. Severe pressure has been placed upon the state's soil resources in order to supply the basic food requirements of a greatly expanded population, and the productivity of agricultural, range and forest lands must be preserved and increased if the present standard of living is to be maintained under continuing population increases. Special effort must be made to speed up the present program of soil and water conservation in order to provide for permanent productive use of all remaining resources. To promote such effort, the Legislature believes that the state must assume leadership in formulating and putting into effect a statewide program of soil and water conservation and hereby declares that the provisions of this division of this code are enacted to accomplish the following purposes:

(a) To provide a means by which the state may cooperate with the United States and with resource conservation districts organized pursuant to this division in securing the adoption in this state of farm, range, and woodland practices best adapted to save the soil resources of the state from unreasonable and economically preventable waste.

(b) To provide for the organization and operation of resource conservation districts for the purposes of soil and water conservation, the control of runoff and the prevention and control of soil erosion, including, but not limited to, the improvement of farm irrigation, the development of storage and distribution of water, land drainage and land clearing. Such districts, in addition to their other powers, shall have legal authority:

(1) To cooperate with the United States, this state, counties, public districts, other resource conservation districts, persons, associations, and corporations in matters relating to the control of runoff and to soil conservation through the prevention and control of soil erosion.

(2) With the consent of the owner, to construct on privately or publicly owned lands necessary works for the control of runoff and the prevention and control of soil erosion.

Such districts shall not have legal authority to conserve water for power purposes or to produce or distribute power for their own use or for the use of others.

SEC. 3. Section 9011 of the Public Resources Code is amended to read:

9011. "Commission" means the State Resource Conservation Commission.

SEC. 4. Section 9014 of the Public Resources Code is amended to read:

9014. "Division" means the Division of Resource Conservation of the department.

SEC. 5. Section 9015 of the Public Resources Code is amended to read:

9015. "Chief" means the Chief of the Division of Resource Conservation.

SEC. 6. Section 9016 of the Public Resources Code is amended to read:

9016. "District" or "soil conservation district" means a resource conservation district.

SEC. 7. Section 9033 of the Public Resources Code is amended to read:

9033. All persons who, at the time this Division 9 (commencing with Section 9000) goes into effect, are officers or employees of a soil conservation district operating under the Division 9 repealed upon the enactment of this Division 9 shall continue to be officers or employees, of a resource conservation district as though Division 9 had not been repealed.

SEC. 8. The heading of Chapter 2 (commencing with Section 9035) of Division 9 of the Public Resources Code is amended to read:

CHAPTER 2. THE DIVISION OF RESOURCE CONSERVATION

SEC. 9. Section 9035 of the Public Resources Code is amended to read:

9035. There is in the Department of Conservation the Division of Resource Conservation.

SEC. 10. Section 9036 of the Public Resources Code is amended to read:

9036. The Division of Resource Conservation is in charge of a chief, designated as Chief of the Division of Resource Conservation, who is appointed by the director with the advice and consent of the commission. The appointment shall be made pursuant to the State Civil Service Act from an eligible list prepared by the State Personnel Board from the results of an open examination.

SEC. 11. Section 9040 of the Public Resources Code is amended to read:

9040. The chief shall assist in the formation, organization and operation of resource conservation districts.

SEC. 12. Section 9042 of the Public Resources Code is amended to read:

9042. He may advise with organized resource conservation districts as to plans and proposals relating to soil conservation activities, and, when such plans or proposals are presented to him, approve, disapprove, or suggest modifications of such plans or proposals.

SEC. 13. Section 9042.5 of the Public Resources Code is amended to read:

9042.5. He may, with the approval of the State Resource Conservation Commission, provide technical assistance to resource conservation districts to aid cooperators in carrying out conservation practices and to aid districts in developing plans for achieving their soil and water conservation objectives. These plans shall include but not be limited to watershed planning pursuant to the Watershed Protection and Flood Prevention Act (Public Law 566, Chapter 656, 83rd Congress, Second Session, as amended).

SEC. 14. Section 9043 of the Public Resources Code is amended to read:

9043. He may cooperate with the United States, any resource conservation district, county, public district, or person in the furtherance of the purposes of this division, and to that end may receive and use contributions of funds or services or both for the investigating of, or planning works for, the control of runoff or the control or prevention of soil erosion.

SEC. 15. Section 9046 of the Public Resources Code is amended to read:

9046. All persons, other than temporary employees, serving in the state civil service and engaged in the performance of a function transferred to the Division of Resource Conservation, Department of Conservation or engaged in the administration of a law, the administration of which is transferred to said division, shall remain in the state civil service and are hereby transferred to the division on the effective date of this act. The status, positions, and rights of such persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position that is exempt from civil service. In pursuance hereof the person holding the position of secretary to the commission on the day prior to the effective date of this act is hereby continued as secretary on the effective date of this act, and his status, position, and rights shall not be affected by such transfer and shall be continued to be retained by him pursuant to the State Civil Service Act.

SEC. 16. Section 9048 of the Public Resources Code is amended to read:

9048. The Division of Resource Conservation shall succeed to and is hereby vested with all of the powers, duties, purposes, responsibilities, and jurisdiction in matters pertaining to soil conservation now or hereafter vested by law in the State Resource Conservation Commission, or any officer or employee thereof. The division shall have possession and control of all records, books, papers, and other property, real, personal and mixed, now or hereafter held for the benefit or use of the State Resource Conservation Commission, except that property heretofore purchased or acquired by the commission for the use of districts may be disposed of by the commission pursuant to Article 3 of this chapter.

The Chief of the Division of Resource Conservation shall succeed to and is hereby vested with all the powers, duties, responsibilities and jurisdiction now or hereafter vested by law in the commission, except as to duties specifically vested in the commission by this code.

SEC. 17. Section 9049 of the Public Resources Code is amended to read:

9049. The commission may receive contributions from the United States, public districts, resource conservation districts, public agencies, or persons and may use such contributions for the purposes of the district.

SEC. 18. Section 9053.2 of the Public Resources Code is amended to read:

9053.2. All equipment and machinery made available to any resource conservation district pursuant to this Division 9 is subject to call for emergency use in fire, storm, flood or disaster by a federal or state agency, a county, city, or district of this state.

SEC. 19. The heading of Article 4 (commencing with Section 9054) of Chapter 2 of Division 9 of the Public Resources Code is amended to read:

Article 4. The State Resource Conservation Commission

SEC. 20. Section 9054 of the Public Resources Code is amended to read:

9054. There is in the Department of Conservation the State Resource Conservation Commission. It shall consist of seven members who shall be appointed by the Governor, subject to the confirmation of the Senate, and shall be appointed for a term of four years.

SEC. 21. The heading of Chapter 3 (commencing with Section 9074) of Division 9 of the Public Resources Code is amended to read:

CHAPTER 3. RESOURCE CONSERVATION DISTRICTS

SEC. 22. Section 9074 of the Public Resources Code is amended to read:

9074. A resource conservation district may be formed pursuant to this division for the control of runoff, the prevention or control of soil erosion, the development and distribution of water, and the improvement of land capabilities.

SEC. 23. Section 9142 of the Public Resources Code is amended to read:

9142. If upon the canvass it appears that a majority of all of the votes cast are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare the territory duly organized as a resource conservation district under the name designated. The formation of the district is complete when the order is entered on the minutes of the board.

SEC. 24. Section 9801 of the Public Resources Code is amended to read:

9801. In order to carry out the purposes of the Soil Conservation and Domestic Allotment Act enacted by the Congress of the United States, the State Resource Conservation Commission (hereinafter referred to as "commission") is hereby designated as the agency of the State of California to administer any state plan authorized by this chapter which shall be approved by the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary of Agriculture") for the State of California pursuant to the provisions of the Soil Conservation and Domestic Allotment Act.

SEC. 25. The heading of Chapter 10 (commencing with Section 9850) of Division 9 of the Public Resources Code is amended to read:

CHAPTER 10. IMPROVEMENT DISTRICTS IN RESOURCE CONSERVATION DISTRICTS

SEC. 26. Section 9851 of the Public Resources Code is amended to read:

9851. As used in connection with improvement districts:

(a) "Improvement" includes operation, maintenance, change, and acquisition of existing works, and the construction, operation, and maintenance of new works.

(b) "Construction" includes, but is not limited to, the preparation and execution of plans, maintenance and operation

(c) "Real property" means land only.

(d) "Owner of real property" means "owner of land".

(e) "Improvement district" means a resource conservation district improvement district formed pursuant to this chapter.

(f) "Land" means land within the improvement district or proposed improvement district.

SEC. 27. Section 9906 of the Public Resources Code is amended to read:

9906 The directors may provide for the maintenance and operation of the works of an improvement district from the funds of the resource conservation district in lieu of levying further improvement district assessments for such purposes.

CHAPTER 431

An act to amend Section 6908 of the Public Resources Code, relating to geothermal resources.

[Approved by Governor August 2, 1971. Filed with
Secretary of State August 2, 1971.]

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

SECTION 1. Section 6908 of the Public Resources Code is amended to read:

6908. An application for a prospecting permit or lease shall not be made for less than 640 acres nor more than 2,560 acres and shall embrace a reasonably compact area; provided, however, that a permit or lease may be issued for a parcel less than 640 acres if such parcel is isolated from or not contiguous with other parcels of land available for permit or lease hereunder. The commission may provide for compensatory agreements on those parcels of state land which it feels should be subjected to such agreements rather than to leasing thereof. No person, association, or corporation shall take, hold, own, or control at one time, whether acquired directly from the commission under this act or otherwise, any direct or indirect interests in state geothermal leases or permits exceeding 25,600 acres. In computing acreage holdings or control, the accountable acreage of a party owning an undivided interest in a lease or permit shall be such party's proportionate part of the total lease or permit acreage. Likewise, the accountable acreage of a party owning an interest in a corporation or association shall be his proportionate part of the corporation's or association's accountable acreage, except that no person shall be charged with his pro rata share of any acreage holdings of any association or corporation unless he is the beneficial owner of more than 10 percent of the stock or other instruments of ownership or control of such association or corporation. Parties owning a royalty or other interest determined by or payable out of a percentage of production from a lease or permit will be charged with a similar percentage of the total acreage. Prospecting permits or leases for lands beneath lakes and rivers, and below the mean high tide level of tide and submerged lands, may be issued for not less than 640 acres nor more than 5,760 acres and shall embrace a reasonably compact area, except that a permit or lease may be issued for a parcel less than 640 acres if such parcel is isolated from or not contiguous with other parcels of land available for permit or lease hereunder. No limitation shall apply to the number of permits or leases granted under this act. The unitizing of acreage by two or more lessees pursuant to a cooperative or unit plan of development or operation approved by the commission shall be excepted in determining acreage holdings and any lease or portion so committed shall continue in force so long as committed to the plan beyond the expiration date of its primary term. Any lease eliminated from any approved cooperative plan of development shall continue in effect for the original term of the lease or for two years after its elimination from the plan or the termination thereof, whichever is longer, and so long thereafter as geothermal resources are being produced or utilized in commercial quantities. A purchaser of geothermal

resources pursuant to a sales contract approved by the commission shall not be deemed to have a direct or indirect interest in geothermal leases or permits.

CHAPTER 432

An act to amend Sections 10770 and 10854 of the Revenue and Taxation Code, and to amend Sections 4604, 4611, 5015, 5903, 8150, 8153, 8155, 8156, 9553, 9556, and 9860 of the Vehicle Code, relating to registration of vehicles.

[Approved by Governor August 2, 1971 Filed with
Secretary of State August 2, 1971.]

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

SECTION 1. Section 10770 of the Revenue and Taxation Code is amended to read:

10770. If the fee is not paid within 30 days after it becomes delinquent, a penalty equal to one-half of the fee shall be added thereto and be collected therewith. If, however, the annual registration of a trailer coach is being renewed, the penalty shall be added to any payment made on or after the first Saturday following the first Friday of February.

If the fee, due and delinquent, and the amount of penalty prescribed in this paragraph, are paid within 30 days from the date the penalty becomes due, the amount of the penalty shall be reduced to 10 percent of the total amount of the fee, but in no event less than one dollar (\$1).

SEC. 2. Section 10854 of the Revenue and Taxation Code is amended to read:

10854. If the fee is not paid within 30 days after it becomes delinquent, a penalty equal to one-half of the fee shall be added thereto and be collected therewith. If, however, the annual registration of a vehicle is being renewed, the penalty shall be added to any payment made on or after the first Saturday following the first Friday of February unless the vehicle has not been operated on the highways since the expiration of the prior registration

If the fee due and delinquent and the amount of penalty prescribed in this paragraph are paid within 30 days from the date the penalty becomes due the amount of the penalty shall be reduced to 10 percent of total amount of the fee but in no event less than one dollar (\$1).

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

4604. When the registration of a vehicle has expired at midnight on the 31st day of December of any year and the vehicle is not thereafter operated, moved, or left standing upon any highway, then any application for renewal made subsequent to the first Friday of February following the expiration of the registration and for succeeding calendar years in which

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

SEC. 4. Section 4611 of the Vehicle Code is amended to read:

4611. (a) When the home state license plates of a foreign vehicle expire on December 31, and the owner of such vehicle has previously established residence or accepted gainful employment in this state, such owner shall make application for registration of said vehicle in this state between January 1st and midnight of the first Friday of February succeeding such expiration date. Such application shall be deemed an application for renewal of registration.

(b) Whenever the home state license plates of a foreign vehicle expire on a date other than December 31 and the owner of such vehicle has previously established residence or accepted gainful employment in this state, such owner shall make application for registration of the vehicle in this state within 30 days following the home state license plate's expiration date. Such application shall be deemed an application for renewal of registration.

SEC. 5. Section 5015 of the Vehicle Code is amended to read:

5015. (a) The application for an identification plate for special construction, special mobile, and cemetery equipment shall be made before any such piece of equipment is moved over a highway.

(b) (1) An identification plate shall be issued for a snowmobile before such snowmobile may be operated on a highway or public or private property.

(2) Every identification card issued for a snowmobile on or after January 1, 1971, shall expire at midnight on the 31st day of December of the even-numbered year next following the date of issuance.

(3) Any person owning a snowmobile with an identification plate issued before January 1, 1971, is not required to renew its identification plate before January 1, 1973.

(4) Application for the renewal of an identification card and plate for a snowmobile shall be made by the owner between January 1st and midnight of the first Friday of February succeeding the expiration date.

SEC. 6. Section 5903 of the Vehicle Code is amended to read:

5903. (a) Whenever any application for transfer is filed with the department between December 1st and the first Friday of February, inclusive, the application for transfer shall be accompanied by the full annual renewal fees in addition to any other fees then due and payable.

(b) Whenever any application for registration is filed with the department between December 1st and December 31st, inclusive, the application shall be accompanied by the full annual renewal fees for the ensuing year in addition to any other fees then due and payable.

SEC. 7. Section 8150 of the Vehicle Code is amended to read:

8150. The Legislature declares that in enacting this article, it adheres to the principle that each state should have the freedom to develop the kind of highway user tax structure that it determines to be most appropriate to itself, that the method of taxation of interstate vehicles should not be a determining factor in developing its user tax structure, and that annual taxes or other taxes of the fixed fee type which are not imposed on a basis that reflects the amount of highway use should be apportioned among the states, within limits of practicality, on the basis of vehicle miles traveled within each of the states. In the event the department determines that apportionment of taxes on the basis of vehicle miles for a particular fleet of vehicles is impractical, the department may require the taxes on such fleet to be apportioned on an equivalent basis other than miles, as determined by the department.

SEC. 8. Section 8153 of the Vehicle Code is amended to read:

8153. The application shall declare the total mileage operated, or equivalent when required by the department, with each fleet of vehicles in all foreign jurisdictions and the total mileage, or equivalent as required, operated by each fleet in this state during the preceding calendar year, or a preceding 12-month period as determined by the department, and shall describe and identify each vehicle in each fleet to be operated in this state during the ensuing license year. The application shall also designate a sufficient number of certain vehicles in each fleet to be registered and licensed under Division 3 (commencing with Section 4000) of this code and Part 5 (commencing with Section 10701) of Division 2, Revenue and Taxation Code, to produce total fee payments not less than an amount obtained by applying the proportion of in-state fleet miles to total fleet miles, or equivalents when required, as reported in the application, to the fees which would otherwise be required for complete licensing and registration of the fleet in this state or, in the discretion of the department with respect to any fleet, shall, in lieu of the designation of vehicles as heretofore in this section provided, be accompanied by a fee equal to the amount computed as heretofore in this section provided.

SEC. 9. Section 8155 of the Vehicle Code is amended to read:

8155. Mileage proportions, or their equivalents when required, for interstate fleets not operated in this state during the preceding year shall be determined by the department upon verified application on forms to be supplied by the department, upon request, which will show the operations of the preceding year in foreign jurisdictions and the estimated operation in this state. If no operations were conducted the previous year a full statement of the proposed method of operation shall accompany the application.

SEC. 10. Section 8156 of the Vehicle Code is amended to read:

8156. Applications under which fees are due and payable on or before the next following first Friday of February may be filed with the department on or after November 1st.

SEC. 11. Section 9553 of the Vehicle Code is amended to read:

9553. (a) A penalty shall be added upon any application for annual renewal of registration or any application for renewal of special identification plates made on or after the first Saturday following the first Friday of February except as provided in Section 4604.

(b) A penalty shall be added upon any application for renewal of any special plate or plates made on or after December 1st.

(c) Except as otherwise provided in this section, if any fee is not paid within 30 days after the same becomes delinquent a penalty shall be added thereto.

SEC. 12. Section 9556 of the Vehicle Code is amended to read:

9556. Whenever any person or organization authorized by the department under Section 4610 receives an application for annual renewal of registration accompanied by the proper fee and endorses a receipt or validates a registration card or potential registration card in respect to the application for renewal of registration prior to midnight of the first Friday of February in any year, the application and payment of fees shall not be deemed delinquent or subject to penalty except that the person or organization so receiving the application and fees shall transmit the application and fees to the department as promptly as practicable in the immediate course of business.

SEC. 13. Section 9860 of the Vehicle Code is amended to read:

9860. Certificates of number shall be renewed by the owner between January 1, 1969, and February 4, 1969, between January 1, 1972, and February 4, 1972, and between January 1 and the first Friday of February every year thereafter, by presentation of the certificate of number last issued for the vessel or by presentation of a potential registration card issued by the department. The fee for renewal shall be three

dollars (\$3) up to December 31, 1971, and two dollars (\$2) per year thereafter and shall accompany the request for such renewal.

CHAPTER 433

An act to amend Section 9561 of the Vehicle Code, relating to vehicles.

[Approved by Governor August 2, 1971 Filed with
Secretary of State August 2, 1971]

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

SECTION 1. Section 9561 of the Vehicle Code is amended to read:

9561. When a legal owner or his agent repossesses a vehicle on which renewal fees are due, the department shall waive any penalties that are due for late payment if all other fees are paid within 30 days of taking possession.

CHAPTER 434

An act to amend Sections 53651, 53654, 53661, and 53663 of the Government Code, relating to deposits of public moneys.

[Approved by Governor August 2, 1971 Filed with
Secretary of State August 2, 1971.]

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

SECTION 1. Section 53651 of the Government Code is amended to read:

53651. Eligible securities are any of the following:

(a) United States Treasury notes, bonds, bills or certificates of indebtedness, or obligations for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) Notes or bonds or any obligations of a local public agency (as defined in the United States Housing Act of 1949) or any obligations of a public housing agency (as defined in the United States Housing Act of 1937) for which the faith and credit of the United States are pledged for the payment of principal and interest.

(c) Bonds of this state or of any local agency or district of the State of California having the power, without limit as to rate or amount, to levy taxes to pay the principal and interest of such bonds upon all property within its boundaries subject to taxation by such local agency or district, and in addition, sales tax revenue bonds, and revenue bonds payable solely out of the revenues from a revenue-producing property owned,

controlled or operated by such state, local agency or district or by a department, board, agency or authority thereof.

(d) Bonds of any public housing agency (as defined in the United States Housing Act of 1937, as amended) as are secured by a pledge of annual contributions under an annual contribution contract between such public housing agency and the Public Housing Administration if such contract shall contain the covenant by the Public Housing Administration which is authorized by subsection (b) of Section 22 of the United States Housing Act of 1937, as amended, and if the maximum sum and the maximum period specified in such contract pursuant to said subsection 22(b) shall not be less than the annual amount and the period for payment which are requisite to provide for the payment when due of all installments of principal and interest on such obligations.

(e) Registered warrants of this state.

(f) Bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, bonds, or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, bonds, debentures and other obligations of the Federal National Mortgage Association or of the Government National Mortgage Association established under the National Housing Act, as amended, and bonds of any federal home loan bank established under said act.

(g) Notes, tax anticipation warrants or other evidence of indebtedness issued pursuant to Article 7 (commencing with Section 53820), Article 7.5 (commencing with Section 53840) or Article 7.6 (commencing with Section 53850) of this Chapter 4.

(h) State of California notes.

SEC. 2. Section 53654 of the Government Code is amended to read:

53654. (a) The depository may add securities to the pool or substitute securities of equal value for those in the pool at any time.

(b) Withdrawal of securities from the pool without replacement at equal value may be ordered only by bonded officers or employees of the depository who have satisfied such requirements as may be set by the administrator. The agent of depository is responsible for the safekeeping and disbursement of securities placed in its custody by a depository. It shall release securities only upon presentation by the depository of the most reasonably current statement of the total deposits subject to this article held by the depository, such statement to be verified and countersigned by two bonded officers, other than those who may have ordered the withdrawal of securities. A copy of this statement shall be forwarded to the administrator concurrently by the agent of depository.

SEC. 3. Section 53661 of the Government Code is amended to read:

53661. The Superintendent of Banks shall act as Administrator of Local Agency Security and shall be responsible for the administration of this article. He shall:

(a) Issue such rules and regulations consistent with law as he may deem necessary or advisable in executing the powers, duties and responsibilities assigned by this article.

(b) In addition to other remedies, have the power and authority to impose the following sanctions for noncompliance with this article, after a hearing if requested by the party deemed in noncompliance, except as provided in subsection (4):

(1) Assess against and collect from a depository a fine of two hundred fifty dollars (\$250) for each day such depository fails to maintain with the agent of depository securities as required by Section 53652.

(2) Assess against and collect from a depository a fine of one hundred dollars (\$100) for each day beyond the time period specified in subdivision (b) of Section 53663 the depository negligently or willfully fails to file in the office of the administrator a written report required by such section.

(3) Assess against and collect from a depository a fine of one hundred dollars (\$100) for each day beyond the time period specified in subdivision (c) of Section 53661 that a depository negligently or willfully fails to file in the office of the administrator a written report required by that section.

(4) Declare an agent of depository who fails to comply with its agreement filed pursuant to Section 53657 ineligible to act as an agent of depository, and order securities held by such agent of depository transferred to another agent of depository designated by the administrator. Following such declaration of ineligibility and transfer of securities, the administrator shall hold a hearing upon request of the agent of depository pursuant to regulations issued under this article.

(c) Require from every depository a report verified by the agent of depository listing all securities, and the market value thereof, which are securing local agency deposits together with the total deposits then secured by the pool, such report to confirm compliance with Section 53652. Such reports may be required whenever deemed necessary by the administrator, but shall be required at least four times each year at the times designated by the Comptroller of the Currency for reports from national banking associations. Such reports shall be filed in the office of the administrator by the depository within 20 business days of the date the administrator calls for such report.

(d) Verify pooled securities reported to be held by an agent of a depository at such times as he deems necessary.

(e) Have access to reports of examination made by the Comptroller of the Currency insofar as they relate to the trust departments of national banking associations.

(f) Determine when any security listed in Section 53651 is not qualified to secure public deposits and to require in such case that an additional security be substituted immediately in the pooled securities if necessary to comply with Section 53652. Failure to comply with such requirement shall be reported by the administrator promptly to those treasurers having money on deposit in that depository and, in addition, when that depository is a national bank, shall be reported to the Comptroller of the Currency of the United States.

(g) Require from each treasurer at appropriate times a statement of the amount and location of each deposit together with such other information deemed necessary by the administrator for effective operation of this article. The facts recited in any statement from a treasurer to the administrator are conclusively presumed to be true for the single purpose of the administrator fulfilling responsibilities assigned to him by this article and for no other purpose.

(h) In his discretion, whenever it appears to the administrator that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this article or any rule, regulation or order issued under this article, bring an action in the name of the people of the State of California in the superior court to enjoin the acts or practices or to enforce compliance with this article or any rule, regulation or order issued under this article. Upon a proper showing, a permanent or preliminary injunction, restraining order, or writ of mandate shall be granted, and the court may not require the administrator to post a bond.

SEC. 4. Section 53663 of the Government Code is amended to read:

53663. (a) Each agent of depository shall report in writing to the administrator within two business days after any withdrawal, substitution or addition of pooled securities and shall state the name and market value of the securities withdrawn, substituted or added together with the total deposits then secured by the pool. This information shall be available from the administrator to the treasurer upon request.

(b) Each depository shall report in writing to the administrator weekly, giving the total amount of all deposits held by such depository pursuant to this article. Such report shall be as of close of business on Wednesday of each week and shall be filed in the office of the administrator on or before Tuesday of the next succeeding week.

CHAPTER 435

An act to add Section 31558.8 to the Government Code, relating to retirement.

[Approved by Governor August 2, 1971. Filed with Secretary of State August 2, 1971.]

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

SECTION 1. Section 31558.8 is added to the Government Code, to read:

31558.8. Any member whose duties are described in Section 31470.6 and employed by a county having a population of 2,000,000 or less and in excess of 500,000 who filed with the board a written election to become a safety member pursuant to Section 31558.5 and failed to file an election pursuant to Section 31639.7, may file an election pursuant to Section 31639.7 at any time subject to the approval of the board.

This section shall have no force or effect after the 61st day following the final adjournment of the 1972 Regular Session of the Legislature.

CHAPTER 436

An act to amend Sections 1063.1, 1063.2, and 1063.5 of the Insurance Code, relating to insolvent insurers.

[Approved by Governor August 2, 1971 Filed with
Secretary of State August 2, 1971.]

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

SECTION 1. Section 1063.1 of the Insurance Code is amended to read:

1063.1. As used in this article:

(a) "Member insurer" means an insurer required to be a member of the association in accordance with the provisions of subdivision (a) of Section 1063, except and to the extent that such insurer is participating in an insolvency program adopted by the United States government.

(b) "Insolvent insurer" means a member insurer for which a domiciliary or ancillary liquidator has been appointed in this state after the effective date of this article.

(c) (1) "Covered claims" means the obligations of an insolvent insurer, (i) imposed by law and arising out of an insurance policy of the insolvent insurer; (ii) which were unpaid by the insolvent insurer; (iii) which are presented as a claim to the liquidator in this state or to the association on or before the last date fixed for the filing of claims in the domiciliary liquidating proceedings; (iv) which were incurred prior to, on, or within 30 days after the date the liquidator was appointed; (v) for which the assets of the insolvent insurer are insufficient to discharge in full; (vi) in the case of a policy of workmen's compensation insurance, to provide workmen's compensation benefits under the workmen's compensation law of this state and (vii) in the case of other classes of insurance if such policy is issued to a resident of this state or claim

against an insured thereunder is made by a resident of this state.

(2) "Covered claims" shall not include any obligations arising from life, title, surety, disability, credit, mortgage, or mortgage guaranty insurance, nor arising from a policy of ocean marine insurance.

(3) "Covered claims" shall not include any obligations to refund unearned premiums, nor any obligations of the insolvent insurer arising out of any reinsurance contracts, nor any obligations incurred after the expiration date of the insurance policy or after the insurance policy has been replaced by the insured or canceled at the insured's request or after the insurance policy has been canceled by the association as provided in this chapter, nor any obligations to any state or to the federal government.

(4) "Covered claims" shall not include any obligations to insurers, insurance pools, or underwriting associations, except as otherwise provided in this chapter.

(5) "Covered claims," except in the case of a claim for workmen's compensation benefits, shall not include any claim in an amount of one hundred dollars (\$100) or less, nor the first one hundred dollars (\$100) of any claim in excess of one hundred dollars (\$100), nor that portion of any claim which is in excess of any applicable limits provided in the insurance policy issued by the insolvent insurer.

(6) "Covered claims" shall not include that portion of any claim, other than a claim for workmen's compensation benefits, which is in excess of five hundred thousand dollars (\$500,000).

(7) "Covered claims" shall not include (a) any claim to the extent it is covered by any other insurance of a class covered by the provisions of this article available to the claimant nor (b) any claim by any person other than the original claimant under the insurance policy in his own name, his executor, administrator, guardian or other personal representative or trustee in bankruptcy and shall not include any claim asserted by an assignee or one claiming by right of subrogation, except as otherwise provided in this chapter.

(d) "Admitted to transact insurance in this state" means an insurer possessing a valid certificate of authority issued by the California Department of Insurance.

SEC. 2. Section 1063.2 of the Insurance Code is amended to read:

1063.2. (a) The association shall pay and discharge covered claims and in connection therewith pay for or furnish loss adjustment services and defenses of claimants when required by policy provisions. It may do so either directly by itself or through a servicing facility or through a contract for reinsurance and assumption of liabilities by one or more member insurers or through a contract with the liquidator, upon terms satisfactory to the association and to the liquidator, under which payments on covered claims would be made by the liquidator using funds provided by the association.

(b) The association shall be a party in interest in all proceedings involving a covered claim, and shall have the same rights as the insolvent insurer would have had if not in liquidation, including but not limited to the right to: (1) to appear, defend, and appeal a claim in a court of competent jurisdiction; (2) to receive notice of, investigate, adjust, compromise, settle, and pay a covered claim; and (3) to investigate, handle, and deny a noncovered claim. The association shall have no cause of action against the insureds of the insolvent insurer for any sums it has paid out, except as provided by this article.

(c) (1) If damages against uninsured motorists are recoverable by the claimant from his own insurer, such damages recoverable shall be a credit against a covered claim payable under this article. If damages against an insured who is not a resident of this state are recoverable by a claimant who is a resident of this state, in whole or in part, from any insolvency fund or its equivalent in the state where the insured is a resident, such damages recoverable shall be a credit against a covered claim payable under this article. A member insurer may recover in subrogation from the association only one-half of any amount paid by such insurer under uninsured motorist coverage for bodily injury or wrongful death (and nothing for a payment for anything else), in those cases where the injured person insured by such an insurer has proceeded under his uninsured motorist coverage on the ground that the tortfeasor is uninsured as a result of the insolvency of his liability insurer (an insolvent insurer as defined in this article), provided that such member insurer shall waive all rights of subrogation against such tortfeasor. Any amount paid a claimant in excess of the amount authorized by this section may be recovered by action brought by the association.

(2) Any claimant having collision coverage on a loss which is covered by the insolvent company's liability policy shall first proceed against his collision carrier. Neither that claimant nor the collision carrier, if it is a member of the association, shall have the right to sue or continue a suit against the insured of the insolvent insurance company for such collision damage.

(d) The association shall receive the benefit of any amounts recoverable on reinsurance contracts or treaties entered into by the insolvent insurer which cover any of the liabilities incurred by the insolvent insurer in the category or categories involved provided such benefits shall be limited to payments upon or loss adjustment expenses or defense costs actually paid out by the association (including defense costs, if any, unpaid at the date of insolvency) on account of claims covered in such contracts or treaties. The commissioner, as liquidator, shall receive the benefit of any such reinsurance recoverable to the extent of payments on claims, loss adjustment expenses or defense costs made prior to the order of liquidation.

(e) The association shall continue coverage for covered claims under all insurance policies of the insolvent insurer that were in force on the date the liquidator was appointed until the insurance policy has expired in accordance with its terms, or has been replaced by the insured, or canceled at the insured's request, or has been canceled by the association as provided in this article.

(f) The association shall have authority to cancel insurance policies of the insolvent insurer by mailing or delivering to the insured at the last known address within this state a written notice of cancellation at least 10 days prior to the effective date of such cancellation, notwithstanding any statute or policy provision to the contrary.

(g) "Covered claims" shall not include any judgments against or obligations or liabilities of the insolvent insurer or the commissioner, as liquidator, or otherwise resulting from alleged or proven torts, nor shall any default judgment against the insolvent insurer, or against the insured of the insolvent insurer, be binding against the association.

(h) "Covered claims" shall not include adjustment expense and attorney's fees incurred by the insolvent insurer prior to the appointment of a liquidator. The deductible provided for in paragraph (5) of subdivision (c) of Section 1063.1 shall apply to each person for each accident for which he makes a claim.

SEC. 3. Section 1063.5 of the Insurance Code is amended to read:

1063.5. Each time an insurer becomes insolvent then, to the extent necessary to secure funds for the association for payment of covered claims of that insolvent insurer and also for payment of reasonable costs of adjusting such claims, the association shall collect premium payments from its member insurers sufficient to discharge its obligations. The association shall allocate its claim payments and costs, incurred or estimated to be incurred, to one or more of the following categories: (a) workmen's compensation claims; (b) automobile claims, which shall include: automobile material damage, automobile liability (both personal injury and death and property damage), medical payments and uninsured motorist claims; and (c) claims other than workmen's compensation and automobile, as above defined. The association may establish separate categories for classes other than workmen's compensation and automobile. Separate premium payments shall be required for each category. The premium payments for each category shall be used to pay the claims and costs allocated to such category. The rate of premium charged shall be a uniform percentage of net direct written premium in the preceding calendar year applicable to such category. "Net direct written premiums" shall mean the amount of gross premiums, less return premiums and policyholder's dividends paid or allowed, received in such calendar year upon business done in this state, other than premiums received for reinsurance. In cases of

a dispute as to the amount of any such net direct written premium between the association and one of its members the written decision of the commissioner shall be final. The premium charged to any member insurer on account of a single insolvency for any of the three categories or a category established by the association shall not be more than 1 percent of the net direct premium written in that category in this state by such member insurer; provided that, in no event shall the total premium charged a member insurer in one calendar year exceed 2 percent of the net direct premium written. The association may exempt or defer, in whole or in part, the assessment of any member insurer, if the assessment would cause the member insurer's financial statement to reflect amount of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the member insurer is authorized to transact insurance. Such premium charges shall be recognized in the ratemaking procedures for insurance rates in the same manner that losses are recognized. After all covered claims of the insolvent insurer and expenses of administration have been paid, any unused premiums and any reimbursements or claims dividends from the liquidator remaining in any category shall be refunded by the association to the member insurers who paid the premiums for such category in proportion to their premiums paid. However, an insurer which ceases to be a member of the association shall have no right to a refund of any premium previously remitted to the association. The commissioner may suspend or revoke the certificate of authority to transact business in this state of a member insurer which fails to pay a premium when due and after demand has been made.

Interest at a rate equal to the current federal reserve discount rate plus $2\frac{1}{2}$ percent per annum shall be added to the premium of any member insurer which fails to submit the premium requested by the association within 30 days after such mailing request. However, in no event shall the interest rate exceed the legal maximum.

CHAPTER 437

An act to add Section 31663.3 to the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor August 2, 1971 Filed with
Secretary of State August 2, 1971]

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

SECTION 1. Section 31663.3 is added to the Government Code, to read:

31663.3. Notwithstanding any other provision of law, in any county having a population in excess of 199,000 but less

than 200,000 as determined by Section 28020 as amended in 1961, an undersheriff upon attaining the age of 70 shall thereafter be employed from year to year at the discretion of the county.

CHAPTER 438

An act relating to the maintenance of the various codes, as follows:

Agricultural Code:

By amending Section 11409

By repealing Sections 56252, 56253, and 56254, as added by Chapter 1105 of the Statutes of 1969

Business and Professions Code:

By amending Sections 1627.5, 10177, 10210, and 17820

By amending and renumbering Section 19534.5

By amending and renumbering Section 1207, as added by Chapter 1066 of the Statutes of 1970, Section 1207, as added by Chapter 1377 of the Statutes of 1970, Section 1208, as added by Chapter 1066 of the Statutes of 1970, and Section 1208, as added by Chapter 1377 of the Statutes of 1970

Civil Code:

By amending Sections 232 and 1714.6

By repealing Section 4800.5, as added by Chapter 269 of the Statutes of 1970, and Section 4800.5, as added by Chapter 962 of the Statutes of 1970

Code of Civil Procedure:

By amending Sections 682.1, 710, and 1822.51

Corporations Code:

By amending Sections 127, 14024, and 14032

By amending and renumbering the heading of Part 4 (commencing with Section 14000) of Division 3 of Title 1

Education Code:

By amending Sections 671, 1111.7, 3100.7, 5950, 6806, 6812.5, 11052, 11055, 12253, 16653.5, 16858, 17507.3, 17606, 18352, 25505.1, 25532, 27301, and 31801

By amending the heading of Article 7 (commencing with Section 13552) of Chapter 2 of Division 10 and the heading of Article 5.5 (commencing with Section 31801) of Chapter 5 of Division 22

By amending Section 13166, as added by Chapter 557 of the Statutes of 1970

By amending Sections 13220, 13220.1, 13220.4, 13220.7, 13220.10, 13220.13, 13220.18, 13294, and 25423.5, as amended by Chapter 557 of the Statutes of 1970

By amending and renumbering the heading of Chapter 6.8 (commencing with Section 6499.200) of Division 6

By amending and renumbering the heading of Article 6.1 (commencing with Section 8121) of Chapter 3 of Division 7, the heading of Article 5.5 (commencing with

Section 11475) of Chapter 3 of Division 9, and the heading of Article 2.7 (commencing with Section 13250) of Chapter 2 of Division 10

By amending and renumbering Sections 8121, 8122, 8123, 8124, 8125, 8126, 8127, 13250.1, and 13250.3

By amending and renumbering Sections 13250, 13250.2, and 13250.4, as added by Chapter 1586 of the Statutes of 1969

By amending and renumbering Section 7451.2, as added by Chapter 337 of the Statutes of 1969, Section 10754, as added by Chapter 1088 of the Statutes of 1969, and Section 13089, as added by Chapter 1413 of the Statutes of 1970

By amending and renumbering Section 11483, as added by Chapter 1009 of the Statutes of 1969

By adding Sections 5857 and 5858

By repealing Sections 3100.5, 12902.5, 19591.6, 20813, and 20814

By repealing Sections 13087.1 and 13089, as added by Chapter 1412 of the Statutes of 1970, and Section 24053.1, as added by Chapter 1405 of the Statutes of 1969

By repealing Chapter 18 (commencing with Section 20010) of Division 14 and Article 3 (commencing with Section 20631) of Chapter 2 of Division 16

Elections Code:

By amending Section 22804

By amending and renumbering Section 15875, as added by Chapter 489 of the Statutes of 1970

Evidence Code:

By amending Section 451

Financial Code:

By amending Sections 7163 and 9210

Fish and Game Code:

By repealing Article 3 (commencing with Section 260) of Chapter 2 of Division 1

Government Code:

By amending Sections 945.6, 3508, 10504, 10604, 13490, 13951, 14716, 14950, 15275, 16800, 20012, 25458, 31000, 34323.1, 50475, 66602, and 67120

By amending the heading of Chapter 2 (commencing with Section 13990) of Part 4.5 of Division 3 of Title 2

By amending and renumbering Sections 9612.5, 9619, 29880, and 29881

By amending and renumbering Section 16480.3, as added by Chapter 1474 of the Statutes of 1968

By repealing Sections 11564, 11565, 16801, 16802, 16803, 25350.5, 31558.1, and 51544.1

Harbors and Navigation Code:

By amending Section 151

By repealing Section 3000.7

Health and Safety Code:

By amending Sections 453, 505, 3226, 14811, 17911, 26235, 28616.1, and 28777

By amending the heading of Division 10.8 (commencing with Section 11940) and the heading of Chapter 3 (commencing with Section 17930) of Part 1.5 of Division 13

By repealing Section 215

Labor Code:

By amending Sections 212, 1687, 3211.91, 3211.93, 3211.93a, 3603, 4353, 4381, 4382, 4384, 4385, 4386, and 4753

By amending the heading of Article 6 (commencing with Section 4800) of Chapter 2 of Part 2 of Division 4

By repealing Section 1741

Military and Veterans Code:

By amending Sections 433.5 and 985

Penal Code:

By amending Sections 849, 1330, 4018.1, 4019, and 4530

Public Resources Code:

By amending Section 4156

By repealing Section 5003.3

By repealing Chapter 1.8 (commencing with Section 5098) of Division 5

Revenue and Taxation Code:

By amending Sections 13557 and 15304

Streets and Highways Code:

By amending Sections 186.3, 8624, and 10205

By repealing Article 3.5 (commencing with Section 30700) of Chapter 2 of Division 17

Vehicle Code:

By amending Sections 165, 1657, 4005, 5015, 9250.5, 11105.5, 11113, 11115, 11200, 12507, 12804, 13552, 16434, 16436, 17150.5, 23273, 40830, and 41402

By amending and renumbering Section 23337

Welfare and Institutions Code:

By amending Sections 1014 and 12205

By amending and renumbering Section 10850.1, as added by Chapter 910 of the Statutes of 1968.

[Approved by Governor August 2, 1971. Filed with Secretary of State August 2, 1971.]

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

SECTION 1. Section 11409 of the Agricultural Code is amended to read:

11409. Commercial production of plant and animal crops shall be defined in the rules and regulations referred to in Section 12007.

SEC. 2. Section 56252 of the Agricultural Code, as added by Chapter 1105 of the Statutes of 1969, is repealed. The repeal made by this section shall not affect the existence or

validity of Section 56252 of the Agricultural Code, as added by Chapter 1326 of the Statutes of 1969.

SEC. 3. Section 56253 of the Agricultural Code, as added by Chapter 1105 of the Statutes of 1969, is repealed. The repeal made by this section shall not affect the existence or validity of Section 56253 of the Agricultural Code, as added by Chapter 1326 of the Statutes of 1969.

SEC. 4. Section 56254 of the Agricultural Code, as added by Chapter 1105 of the Statutes of 1969, is repealed. The repeal made by this section shall not affect the existence or validity of Section 56254 of the Agricultural Code, as added by Chapter 1326 of the Statutes of 1969.

SEC. 5. Section 1207 of the Business and Professions Code, as added by Chapter 1066 of the Statutes of 1970, is amended and renumbered to read:

1210. As used in this chapter, "clinical chemist technologist," "clinical microbiologist technologist," and "clinical toxicologist technologist," or "other equivalent technologist" as defined by the board, means any person, other than those licensed to engage in the work and direction of laboratories as defined or licensed as a clinical laboratory technologist or trainee who is licensed to perform technical procedures limited to the science for which he is licensed under the direction of a person authorized to direct a laboratory under the provisions of this chapter.

SEC. 6. Section 1207 of the Business and Professions Code, as added by Chapter 1377 of the Statutes of 1970, is amended and renumbered to read:

1211. As used in this chapter, "owner" means any person who owns a clinical laboratory, or any portion thereof, licensed under this chapter.

SEC. 7. Section 1208 of the Business and Professions Code, as added by Chapter 1066 of the Statutes of 1970, is amended and renumbered to read:

1212. As used in this chapter, "unlicensed laboratory personnel" means individuals who may perform such functions as provided for by regulations of the board and under supervision as provided by regulations of the board.

SEC. 8. Section 1208 of the Business and Professions Code, as added by Chapter 1377 of the Statutes of 1970, is amended and renumbered to read:

1213. As used in this chapter, "school" means any place, establishment, or institution organized and operated to offer training for one or more of the personnel classifications included in this chapter or the regulations pertaining thereto.

SEC. 9. Section 1627.5 of the Business and Professions Code is amended to read:

1627.5. No person licensed under this chapter, who in good faith renders emergency care at the scene of the emergency occurring outside the place of his practice, or who, upon the request of another person so licensed renders emergency care, to a person for a complication arising from prior care of an-

other person so licensed, shall be liable for any civil damages as a result of any acts or omissions by him in rendering the emergency care.

SEC. 10. Section 10177 of the Business and Professions Code is amended to read:

10177. The commissioner may suspend or revoke the license of any real estate licensee, or may deny the issuance of a license to an applicant, who has done any of the following:

(a) Procured, or attempted to procure, a real estate license, for himself or any salesman, by fraud, misrepresentation or deceit, or by making any material misstatement of fact in an application for a real estate license.

(b) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provision of Section 1203.4 of the Penal Code allowing such licensee to withdraw his plea of guilty and to enter a plea of not guilty, or dismissing the accusation or information.

(c) Knowingly authorized, directed, connived at or aided in the publication, advertisement, distribution, or circulation of any material false statement or representation concerning his business, or any business opportunity or any land or subdivision (as defined in Chapter 1 (commencing with Section 11000) of Part 2 of this division) offered for sale.

(d) Willfully disregarded or violated any of the provisions of the Real Estate Law (commencing with Section 10000 of this code) or of Chapter 1 (commencing with Section 11000) of Part 2 of this division or of the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 of Part 2 of this division.

(e) Willfully used the term "realtor" or any trade name or insignia of membership in any real estate organization of which the licensee is not a member.

(f) Acted or conducted himself in a manner which would have warranted the denial of his application for a real estate license.

(g) Demonstrated negligence or incompetence in performing any act for which he is required to hold a license.

(h) If, as a broker licensee, failed to exercise reasonable supervision over the activities of his salesmen.

(i) Has used his employment by a governmental agency in a capacity giving access to records, other than public records, in such manner as to violate the confidential nature of such records.

(j) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

(k) Violated any of the terms, conditions, restrictions, and limitations contained in any order granting a restricted license.

(l) Solicited or induced the sale, lease or the listing for sale or lease, of residential property on the ground, wholly or in part, of loss of value, increase in crime, or decline of the quality of the schools, due to the present or prospective entry into the neighborhood of a person or persons of another race, color, religion, ancestry or national origin.

(m) Violated any of the provisions of the Franchise Investment Law (Division 5 (commencing with Section 31000) of Title 4 of the Corporations Code) or any regulations of the Corporations Commissioner pertaining thereto.

SEC. 11. Section 10210 of the Business and Professions Code is amended to read:

10210. The fee for an active original or renewal real estate broker license is eighty-five dollars (\$85).

In the case of an original applicant, the fee is payable after the applicant is notified of passing the examination for license.

SEC. 12. Section 17820 of the Business and Professions Code is amended to read:

17820. The board may refuse to issue a license, or may suspend or revoke the license of any licensee if he has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct shall include:

(a) Conviction of a felony, or of any offense involving moral turpitude, the record of conviction being conclusive evidence thereof.

(b) Securing a license by fraud or deceit practiced on the board.

(c) Using any narcotic as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any hypnotic drug or alcoholic beverage to an extent or in a manner dangerous to himself, or to any other person, or to the public and to an extent that such action impairs his ability to perform his work as a marriage, family, or child counselor with safety to the public.

(d) Improper advertising.

(e) Violating or conspiring to violate the terms of this chapter.

(f) Committing a dishonest or fraudulent act as a marriage, family, or child counselor resulting in substantial injury to another.

SEC. 13. Section 19534.5 of the Business and Professions Code is amended and renumbered to read:

19549.6. Notwithstanding subdivision (b) of Section 19531 and Section 19549, the maximum number of harness racing days which may be allocated to the California State Exposition and Fair shall be eight weeks, in addition to the days allocated pursuant to Section 19549. Such harness racing shall be conducted by a person other than the California State Exposition and Fair.

SEC. 14. Section 232 of the Civil Code is amended to read:
232. An action may be brought for the purpose of having any person under the age of 21 years declared free from the custody and control of either or both of his parents when such person comes within any of the following descriptions:

(a) Who has been left without provision for his identification by his parent or parents or by others or has been left by both of his parents or his sole parent in the care and custody of another without any provision for his support, or without communication from such parent or parents, for a period of six months with the intent on the part of such parent or parents to abandon such person. Such failure to provide identification, failure to provide, or failure to communicate for a period of six months shall be presumptive evidence of the intent to abandon. Such person shall be deemed and called a person abandoned by the parent or parents abandoning him. If in the opinion of the court the evidence indicates that such parent or parents have made only token efforts to support or communicate with the child, the court may declare the child abandoned by such parent or parents.

The fact that a child is in a foster care home, licensed under subdivision (a) of Section 16000 of the Welfare and Institutions Code, shall not prevent a licensed adoption agency which is planning adoption placement for the child, from instituting, under this subdivision, an action to declare such child free from the custody and control of his parents. When the requesting agency is a licensed county adoption agency, the county counsel and if there is no county counsel, the district attorney shall institute such action.

(b) Who has been cruelly treated or neglected by either or both of his parents, if such person has been a dependent child of the juvenile court, and such parent or parents deprived of his custody for the period of one year prior to the filing of a petition praying that he be declared free from the custody and control of such cruel or neglectful parent or parents.

(c) Whose parent or parents are habitually intemperate, or morally depraved, if such person has been a dependent child of the juvenile court, and the parent or parents deprived of his custody because of such intemperance, or moral depravity, for the period of one year continuously immediately prior to the filing of the petition praying that he be declared free from the custody and control of such habitually intemperate or morally depraved parent or parents.

(d) Whose parent or parents are deprived of their civil rights due to the conviction of a felony, if the felony of which such parent or parents were convicted is of such nature as to prove the unfitness of such parent or parents to have the future custody and control of the child, or if any term of sentence of such parent or parents is of such length that the child will be deprived of a normal home for a period of years.

(e) Whose parent or parents have, in a divorce action, been found to have committed adultery and been divorced on that ground, if the court finds that the future welfare of the child

will be promoted by an order depriving such parent or parents of the control and custody of the child.

(f) Whose parent or parents have been declared by a court of competent jurisdiction to be mentally deficient or mentally ill, if the State Director of Mental Hygiene and the superintendent of the state hospital of which, if any, such parent or parents are inmates or patients certify that such parent or parents so declared to be mentally deficient or mentally ill will not be capable of supporting or controlling the child in a proper manner.

(g) Whose parent or parents are, and will remain incapable of supporting or controlling the child in a proper manner because of mental deficiency or mental illness, if there is testimony to this effect from two medical examiners certified under Section 6750 of the Welfare and Institutions Code. The parent or parents shall be cited to be present at the hearing, and if he or they have no attorney, the judge shall appoint an attorney or attorneys to represent the parent or parents and fix the compensation to be paid by the county for such services, if he determines the parent or parents are not financially able to employ counsel.

A licensed adoption agency may institute under this section, an action to declare a child, as described in this section, free from the custody and control of his parents. When the requesting agency is a licensed county adoption agency, the county counsel, or if there is no county counsel, the district attorney shall in a proper case institute such action.

SEC. 15. Section 1714.6 of the Civil Code is amended to read:

1714.6. The violation of any statute or ordinance shall not establish negligence as a matter of law where the act or omission involved was required in order to comply with an order or proclamation of any military commander who is authorized to issue such orders or proclamations; nor when the act or omission involved is required in order to comply with any regulation, directive, or order of the Governor promulgated under the California Emergency Services Act. No person shall be prosecuted for a violation of any statute or ordinance when violation of such statute or ordinance is required in order to comply with an order or proclamation of any military commander who is authorized to issue such orders or proclamations; nor shall any person be prosecuted for a violation of any statute or ordinance when violation of such statute or ordinance is required in order to comply with any regulation, directive, or order of the Governor promulgated under the California Emergency Services Act. The provisions of this section shall apply to such acts or omissions whether occurring prior to or after the effective date of this section.

SEC. 16. Section 4800.5 of the Civil Code, as added by Chapter 269 of the Statutes of 1970, is repealed. The repeal made by this section shall not affect the existence or validity

of Section 4800.5 of the Civil Code, as added by Chapter 312 of the Statutes of 1970.

SEC. 17. Section 4800.5 of the Civil Code, as added by Chapter 962 of the Statutes of 1970, is repealed. The repeal made by this section shall not affect the existence or validity of Section 4800.5 of the Civil Code, as added by Chapter 312 of the Statutes of 1970.

SEC. 18. Section 682.1 of the Code of Civil Procedure is amended to read:

682.1. A writ of execution issued on a judgment for the recovery of money must be substantially in the following form:

(Title of Court)

(Number and abbreviated title of action)

The People of the State of California:

To the Sheriff, Constable or Marshal of

the _____ County of _____ Greeting:

On _____ a judgment was entered by the above entitled court in the above entitled * action in favor of _____ as judgment creditor * and against _____ as judgment debtor and said judgment was duly entered in (referring to where entered) for

** \$ principal,
** \$ attorney fees,
** \$ interest, and
** \$____costs, making a total amount of
** \$ the judgment as entered, and

Whereas, according to an affidavit and/or a memorandum of costs after judgment filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

** \$ accrued interest, and
** \$____accrued costs, together with \$____ fee for the issuance of this writ, making a total of
** \$____as accrued costs, accrued interest, and fees.

Credit must be given for payments and partial satisfactions in the amount of \$_____

which is to be first credited against the total accrued costs and accrued interest, with any excess credited against the judgment as entered, leaving a net balance actually due on the date of issuance of this writ of

** \$_____ of which \$_____ is due on the judgment as entered and bears interest at 7 percent per annum, in the amount of \$_____ per day, from the date of issuance of this writ to the date of levy, to which must be added the commissions and costs of the officer executing this writ.

Notice by mail of any sale under the writ of execution (has) (has not) been requested. The following named persons have requested such notice of sale:

Names

Addresses

After the levy has been made, a copy of this writ of execution shall be mailed by the levying officer to the judgment debtor at the address below unless a copy has been served at the time of the levy:

Name

Address

Notice to the Judgment Debtor: You may be entitled to file a claim exempting your property from execution. You may seek the advice of an attorney or may, within 10 days from the date your property was levied upon, deliver an affidavit to the levying officer seeking to exempt such property, as provided in Section 690.50 of the Code of Civil Procedure.

These presents are therefore to command you to satisfy the said judgment with interest and costs as provided by law and your costs and disbursements out of the personal property of said debtor not exempt from execution, and if sufficient personal property cannot be found, then out of his real property; or if the judgment be a lien upon real property, then out of the real property belonging to him on the day when the abstract of judgment was filed as provided in Section 674 of the Code of Civil Procedure, or at any time thereafter, make notice by mail of any levy pursuant to this writ of execution, and make return of this writ within not less than 10 days nor more than 60 days after your receipt thereof, with what you have done endorsed hereon.

Given under my hand (and the seal of -----) on -----
19__.

Note to printer: where the asterisk (*) appears in the foregoing form, it is intended that the printed form shall have the same arrangement and number of words in the line.

Where the double asterisk (**) appears in the foregoing form, it is intended that the dollar sign characters (\$) shall appear under one another in vertical column.

SEC. 19. Section 710 of the Code of Civil Procedure is amended to read:

710. (a) Whenever a judgment for the payment of money is rendered by any court of this state against a defendant to whom money is owing and unpaid by this state or by any county, city and county, city or municipality, quasi-municipality, district or public corporation, the judgment creditor may file a duly authenticated abstract or transcript of such judgment together with an affidavit stating the exact amount then due, owing and unpaid thereon and that he desires to avail himself of the provisions of this section in the manner as follows:

1. If such money, wages or salary is owing and unpaid by this state to such judgment debtor, said judgment creditor shall file said abstract or transcript and affidavit with the state department, board, office or commission owing such money, wages or salary to said judgment debtor prior to the time such state department, board, office or commission pre-

sents the claim of such judgment debtor therefor to the State Controller or to the State Personnel Board. Said state department, board, office or commission in presenting such claim of such judgment debtor to said State Controller shall note thereunder the fact of the filing of such abstract or transcript and affidavit and state the amount unpaid on said judgment as shown by said affidavit and shall also note any amounts advanced to the judgment debtor by, or which the judgment debtor owes to, the State of California by reason of advances for expenses or for any other purpose. Thereupon the State Controller, to discharge such claim of such judgment debtor, shall pay into the court which issued such abstract or transcript by his warrant or check payable to said court the whole or such portion of the amount due such judgment debtor on such claim, after deducting from such claim an amount sufficient to reimburse the state department, board, office or commission for any amounts advanced to said judgment debtor or by him owed to the State of California, and after deducting therefrom an amount equal to one-half or such greater portion as is allowed by statute of the United States, of the earnings owing to the judgment debtor for his personal services to the state rendered at any time within 30 days next preceding the filing of such abstract or transcript, as will satisfy in full or to the greatest extent the amount unpaid on said judgment and the balance thereof, if any, to the judgment debtor.

2. If such money, wages or salary is owing and unpaid to such judgment debtor by any county, city and county, city or municipality, quasi-municipality, district or public corporation, said judgment creditor shall file said abstract or transcript and affidavit with the auditor of such county, city and county, city or municipality, quasi-municipality, district or public corporation (and in case there be no auditor then with the official whose duty corresponds to that of auditor). Thereupon said auditor (or other official) to discharge such claim of such judgment debtor shall pay into the court which issued such abstract or transcript by his warrant or check payable to said court the whole or such portion of the amount due on such claim of such judgment debtor, less an amount equal to one-half or such greater portion as is allowed by statute of the United States, of the earnings of the debtor owing by the county, city and county, city, municipality, quasi-municipality, district or public corporation to the judgment debtor for his personal services to such public body rendered at any time within 30 days next preceding the filing of such abstract or transcript, as will satisfy in full or to the greatest extent the amount unpaid on said judgment and the balance thereof, if any, to the judgment debtor.

(b) The judgment creditor upon filing such abstract or transcript and affidavit shall pay a fee of two dollars and fifty cents (\$2.50) to the person or agency with whom the same is filed.

(c) Whenever a court receives any money hereunder, it shall pay as much thereof as is not exempt from execution under this code to the judgment creditor and the balance thereof, if any, to the judgment debtor. The procedure for determining the claim of exemption shall be governed by the procedure set forth in 690.26 of this code.

(d) In the event the moneys owing to a judgment debtor by any governmental agency mentioned in this section are owing by reason of an award made in a condemnation proceeding brought by the governmental agency, such governmental agency may pay the amount of the award to the clerk of the court in which such condemnation proceeding was tried, and shall file therewith the abstract or transcript of judgment and the affidavit filed with it by the judgment creditor. Such payment into court shall constitute payment of the condemnation award within the meaning of Section 1251 of this code. Upon such payment into court and the filing with the county clerk of such abstract or transcript of judgment and affidavit, the county clerk shall notify by mail, through their attorneys, if any, all parties interested in said award of the time and place at which the court which tried the condemnation proceeding will determine the conflicting claims to said award. At said time and place the court shall make such determination and order the distribution of the money held by the county clerk in accordance therewith.

(e) The judgment creditor may state in the affidavit any fact or facts tending to establish the identity of the judgment debtor. No public officer or employee shall be liable for failure to perform any duty imposed by this section unless sufficient information is furnished by the abstract or transcript together with the affidavit to enable him in the exercise of reasonable diligence to ascertain such identity therefrom and from the papers and records on file in the office in which he works. The word "office" as used herein does not include any branch or subordinate office located in a different city.

(f) Nothing in this section shall authorize the filing of any abstract or transcript and affidavit against any wages, or salary owing to the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, and Attorney General.

(g) Any fees received by a state agency under this section shall be deposited to the credit of the fund from which payments were, or would be, made on account of a garnishment under this section. For the purpose of this paragraph, payments from the State Pay Roll Revolving Fund shall be deemed payments made from the fund out of which moneys to meet such payments were transferred to said revolving fund.

SEC. 20. Section 1822.51 of the Code of Civil Procedure is amended to read:

1822.51. An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the place, dwelling, structure, premises, or vehicle to be searched

and the purpose for which the search is made. In addition, the affidavit shall contain either a statement that consent to inspect has been sought and refused or facts or circumstances reasonably justifying the failure to seek such consent.

SEC. 21. Section 127 of the Corporations Code is amended to read:

127. Any agreement, certificate, or other instrument relating to a domestic or foreign corporation filed with the Secretary of State pursuant to the provisions of this division may, within three years from the date of such filing, be corrected with respect to any misstatement of fact contained therein, any defect in the execution thereof, or any other error or defect contained therein, by filing with the Secretary of State a certificate of correction entitled "Certificate of Correction of _____ (insert here the title of the agreement, certificate or other instrument to be corrected, and name(s) of corporation or corporations)"; provided, however, that no such certificate of correction shall alter the wording of any resolution which was in fact adopted by directors or shareholders or effect a corrected amendment of articles of incorporation which amendment as so corrected would not in all respects have complied with the requirements of this division at the time of filing of the agreement, certificate or other instrument being corrected; and provided, further, that only one certificate of correction may be filed for the same agreement, certificate or other instrument. Such certificate of correction shall be signed and verified or acknowledged as provided in this division with respect to the agreement, certificate, or other instrument being corrected. It shall set forth the following:

- (a) The name or names of the corporation or corporations.
- (b) The date the agreement, certificate, or other instrument being corrected was filed with the Secretary of State.
- (c) The provision in the agreement, certificate, or other instrument as corrected or eliminated and, if the execution was defective, wherein it was defective.

The filing of the certificate of correction with the Secretary of State shall not alter the effective time of the agreement, certificate, or instrument being corrected, which shall remain as its original effective time, and such filing shall not affect any right or liability accrued or incurred before such filing, except that any right or liability accrued or incurred by reason of the error or defect being corrected shall be extinguished by such filing.

The fee for filing the certificate of correction shall be the greater of (i) the fee which would have been payable for the filing of the agreement, certificate, or other instrument being corrected had it not contained the error or defect referred to in such certificate of correction, less the fee actually paid for the filing of such agreement, certificate, or other instrument, and (ii) five dollars (\$5). In no event shall there be any right to a refund of any portion of the fee paid for the filing of the

agreement, certificate or other instrument being corrected. The fee for recording the certificate of correction shall be two dollars (\$2).

SEC. 22. The heading of Part 4 (commencing with Section 14000) of Division 3 of Title 1 of the Corporations Code is amended and renumbered to read:

PART 5. CALIFORNIA JOB DEVELOPMENT CORPORATIONS

SEC. 23. Section 14024 of the Corporations Code is amended to read:

14024. The executive board shall not allocate any funds to a job development corporation unless the executive board determines to its satisfaction:

(a) That there is sufficient interest in the region, including commitments to provide financial support, business consultation and education, and other assistance.

(b) That the corporation will agree to repay administrative cost allocations within a reasonable period of time.

(c) That the plan of operation submitted by the corporation includes:

(1) Substantiation of the ability of the corporation to maintain and increase its loan guarantee fund.

(2) A reasonably complete description of the disadvantaged area to be served.

(3) A description of methods to be used to mobilize community resources within the region to carry out the purposes of this chapter.

(4) An agreement that at least one-third of the corporation's lendable funds and guarantee capacity will be utilized to make or guarantee small business loans. There shall be no discrimination on the basis of race in considering individual applications for loans. To prevent discrimination, small business loans shall be made to persons whose minority group characteristics coincide, to the fullest extent possible consistent with provisions of law, with the minority group characteristics of the economically disadvantaged area.

(5) An agreement to require, as a condition to the granting of any loan or guarantee, that the borrower in an employment incentive loan will accept for permanent employment a significant number of disadvantaged persons referred for placement by the Department of Human Resources Development. There shall be no discrimination on the basis of race by an employment incentive borrower in hiring employees from disadvantaged areas. To prevent discrimination, the minority group characteristics of these employees shall, to the fullest extent possible consistent with provisions of law, coincide with the minority group characteristics of the unemployed in the economically disadvantaged area.

(6) An agreement to require, as a condition to the granting of any loan or guarantee, that the borrower in a small business

loan will agree to a continuing consulting relationship with the corporation for a period of two years or during the existence of the loan or guarantee, whichever is shorter.

(7) An agreement to coordinate to the maximum extent feasible with existing job development and placement programs.

SEC. 24. Section 14032 of the Corporations Code is amended to read:

14032. The articles of incorporation shall set forth:

(a) The name of the corporation, which shall include the words "job development corporation."

(b) The purposes for which the corporation is formed, which shall be those specified in Section 14002. This requirement shall not be deemed to preclude a statement of powers.

(c) A geographical description of the economically disadvantaged area or areas that the corporation proposes to serve and a geographical description of the region, including the county in this state where the principal office for the transaction of the business of the corporation will be located.

(d) The names and addresses of seven or more persons who are to act in the capacity of directors until the selection of their successors, which number shall constitute the number of directors of the corporation until changed by an amendment to the articles of incorporation.

(e) That the corporation is organized pursuant to the California Job Development Corporation Law.

SEC. 25. Section 671 of the Education Code is amended to read:

671. The county board of supervisors, by resolution, may transfer all of the following duties and functions of the county board of supervisors to the county board of education:

(a) Approval of the county superintendent's estimate of anticipated revenue and expenditures pursuant to Section 653, following which it shall be filed with the county board of supervisors.

(b) Allowance of the actual and necessary travel expenses, the expenses of the office of the county superintendent of schools, and the expenses of providing housing for all the services of the county superintendent of schools pursuant to Sections 751, 752, 753, and 754.

(c) By agreement with the county board of education, any other duties and functions of an educational, or educational and recreational, nature which by law are required or permitted to be performed by the county board of supervisors.

(d) By agreement with the county board of education, in addition to the functions specified in Section 658, any duties and functions relative to the organization or reorganization of school districts.

(e) By agreement with the county board of education, the community recreation functions authorized by Chapter 6 (commencing with Section 16651) of Division 12.

The transfer of duties and functions under the provisions of this article shall not alter the requirement that the expenses

for such duties and functions be paid out of the county general fund as provided elsewhere in this code, provided however that the county board of supervisors and the county board of education may agree that all or any portion of the expenses for such duties and functions which are by law required or permitted to be paid from the county general fund shall be included in that part of the single budget prepared by the county board of education for which a county tax is levied pursuant to Section 20403.

SEC. 26. Section 1111.7 of the Education Code is amended to read:

1111.7. When an elementary, unified, high school, community college district, or community college district trustee area includes within its boundaries the same territory, or territory that is in part the same, as a city which holds a city election on the second Tuesday in April in each even-numbered year, the consolidated governing board member elections of the elementary, unified, high school, community college district, or community college district trustee area may be held on the second Tuesday in April in the even-numbered year and may be further consolidated with the city election pursuant to Chapter 4 (commencing with Section 23300) of Part 2 of Division 12 of the Elections Code. Such consolidation shall be effected by the county superintendent of schools having jurisdiction of the elementary, unified, high school, or community college district upon the written request of the governing board of the elementary, unified, high school, or community college district, with the written consent of the legislative body of the city and the written consents of all of the governing boards of the districts whose governing board member elections are affected. The provisions of this section shall be controlling in the event of any conflict with a prior order of the county superintendent of schools made pursuant to Section 1331.

Successors to incumbents holding office upon adoption of this section, who in the absence of this section would have been elected at a different time, shall be chosen for office at the election nearest the time the terms of office of such incumbents would have otherwise expired. If an incumbent's term of office is extended because of this section, he shall hold office until a successor qualifies therefor, but in no event shall the term of an incumbent be extended to exceed four years.

SEC. 27. Section 3100.5 of the Education Code is repealed.

SEC. 28. Section 3100.7 of the Education Code is amended to read:

3100.7. On or before June 4, 1968, an election shall be held within any school district territory which has not been included within a unified school district and within which no such election was held after July 1, 1964, on the question of the approval of a master plan developed under Chapter 9 (commencing with Section 3001) of this division or plans and recommendations developed under this chapter, which will ef-

fect the reorganization of the territory involved to comply with standards prescribed. A like election shall be held on the date of each succeeding presidential primary election. Like elections may be held in such territory at any time in odd-numbered years, and on the date of each gubernatorial primary election. Such like elections shall be called upon order of the county committee on school district organization, upon order resulting from the action of the governing boards of a majority of the school districts in the territory proposed to be reorganized, or by order resulting from the action of the governing boards of school districts which have enrolled in the schools under their collective jurisdictions a majority of the pupils in grades kindergarten through 12, inclusive, enrolled in all of the schools within the territory.

The county committee on school district organization shall, for purposes of any such election, develop any necessary master plan or plans and recommendations. In the event the county committee fails to do so, the election shall be based upon the master plan or plans and recommendations for the territory most recently approved by the State Board of Education.

A unified school district formed by operation of Section 1976 shall not be deemed to be unified for purposes of exemption from the requirements prescribed by the preceding provisions of this section, unless the district conforms to the requirements prescribed by Section 17672 or Section 17673.

It is the intent and purpose of the Legislature that eligibility for the increase in foundation program provided for pursuant to Section 17676 for any school district shall be determined, for the 1968-1969 fiscal year and fiscal years thereafter, on the basis of whether elections have been held within the time limits specified by this section.

SEC. 28.5. Section 5857 is added to the Education Code, to read:

5857. Any reference in any law to Article 6 (commencing with Section 8121) of Chapter 3 of Division 7, as added by Chapter 1454 of the Statutes of 1969, shall be deemed to refer to this article.

SEC. 29. Section 5858 is added to the Education Code, to read:

5858. This article shall remain in effect until July 1, 1974, and as of that date is repealed.

SEC. 30. Section 5950 of the Education Code is amended to read:

5950. In enacting this article, it is the intent of the Legislature that continuation education schools and classes shall be established and maintained in order to meet the special educational needs of pupils to provide: (1) an opportunity for the completion of the required academic courses of instruction to graduate from high school, (2) a program of individualized instruction that may emphasize occupational orientation or a work-study schedule which follows the intent

and purposes of Sections 5955, 5956, 8056, and 8505, or (3) a specially designed program of individualized instruction and intensive guidance services to meet the special needs of pupils with behavior or severe attendance problems, or (4) a flexible program combining the features in (1), (2), and (3).

SEC. 31. The heading of Chapter 6.8 (commencing with Section 6499.200) of Division 6 of the Education Code is amended and renumbered to read:

CHAPTER 6.9. EDUCATIONAL IMPROVEMENT ACT OF 1969

SEC. 32. Section 6806 of the Education Code is amended to read:

6806. Subject to the provisions of Section 894, any school district, other than a community college district, which does not maintain facilities for the education of physically handicapped minors shall enter into a contract with a school district in the same county, or a county superintendent of schools maintaining such facilities. A community college district may enter into such a contract. If there is no district in the same county or county superintendent of schools maintaining such facilities, the governing board of the school district shall enter into a contract with a school district maintaining such facilities in any other county. If the governing board of the district should determine the same to be more economical and practical, it may enter into a contract with a school district situated in another county, in lieu of entering into a contract with the county superintendent of schools or a school district in the county in which such district is situated.

If any question arises concerning the adequacy of the facilities provided for the education of physically handicapped minors by the school district in which the child is actually living, the parent or guardian of such child may appeal to the county superintendent of schools, and if the county superintendent of schools determines that the facilities offered are inadequate, he shall order the school district in which the child is actually living either to provide the facilities or enter into a contract with a school district maintaining adequate facilities.

Such contract shall provide for the payment of the cost of tuition by the district in which the physically handicapped minor actually lives and may provide for payment of the cost of the use of the buildings and equipment. The cost of tuition shall not be greater than the difference between current expenditures per unit of average daily attendance, including transportation, for the education of a pupil in the particular category of physically handicapped minors to which the pupil belongs and the apportionment of state funds for the education of physically handicapped minors in that category.

The amount shall be determined not later than the last Monday in December and the last Monday in May of each year by the county superintendent of schools of the county in which the child attends schools and certified to the superintendent of

schools having jurisdiction over the schools of the school district in which the child actually lives. The amount shall be forthwith paid from any funds of the school district available for that purpose.

SEC. 33. Section 6812.5 of the Education Code is amended to read:

6812.5. Minors who are deaf, severely hard of hearing, blind, or deaf-blind as determined by the State Board of Education, and who are between the ages of 18 months and three years, may be enrolled in experimental programs conducted by a school district or county superintendent of schools. Experimental programs for such minors shall be approved in advance by the Superintendent of Public Instruction and shall be conducted in accordance with rules and regulations established by him. Instruction in such experimental programs shall be afforded by a teacher possessing full qualifications to teach deaf, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped pupils as prescribed by rules and regulations of the State Board of Education.

Notwithstanding any provision of this code to the contrary, attendance of deaf, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped minors enrolled in experimental programs authorized by this section shall be credited to the school district or county superintendent of schools providing such instruction in the same manner as authorized for minors receiving special schooling pursuant to this chapter and Article 9 (commencing with Section 894) of Chapter 4 of Division 3.

Notwithstanding any provision of this code to the contrary, computations of allowances and apportionments from the State School Fund for deaf, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped minors enrolled in experimental programs authorized by this section shall be credited to the district or county superintendent of schools providing such instruction in the same manner as authorized for minors receiving special schooling pursuant to this chapter and Article 9 (commencing with Section 894) of Chapter 4 of Division 3.

Notwithstanding any provision of this code to the contrary, physically handicapped minors as prescribed in Section 895.8 shall include deaf, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped minors enrolled in experimental programs authorized by this section.

SEC. 34. Section 7451.2 of the Education Code, as added by Chapter 337 of the Statutes of 1969, is amended and renumbered to read:

7451.9. Credits earned from courses completed in a regional occupational center or regional occupational program may be applied toward fulfillment of requirements for a high school diploma. A governing board of a district maintaining a regional occupational center may confer a high school diploma upon any pupil who attends a regional occupational center maintained by the district full time and has satisfactorily completed the prescribed course of study of the school dis-

trict of residence or the course of study prescribed by the county superintendent of schools, school district, or school districts, as the case may be, maintaining such center.

SEC. 35. The heading of Article 6.1 (commencing with Section 8121) of Chapter 3 of Division 7 of the Education Code is amended and renumbered, to be Article 2.7 of Chapter 6 of Division 6, to read:

Article 2.7. Experimental Driver Training Districts

SEC. 36. Section 8121 of the Education Code is amended and renumbered to read:

5850. "Experimental driver training district," as used in this article, means a school district which may contract with a certified driver training school for the purpose of providing automobile driver training to eligible students.

SEC. 37. Section 8122 of the Education Code is amended and renumbered to read:

5851. "Certified commercial driving school," as used in this article, means a driving school licensed pursuant to Chapter 1 (commencing with Section 11100) of Division 5 of the Vehicle Code.

SEC. 38. Section 8123 of the Education Code is amended and renumbered to read:

5852. The Superintendent of Public Instruction, in consultation with, and with the approval of, the Department of Motor Vehicles, shall randomly select, using scientific methods, not to exceed 20 school districts which shall be designated experimental driver training districts.

SEC. 39. Section 8124 of the Education Code is amended and renumbered to read:

5853. The Department of Education shall reimburse fully the experimental driver training districts for all costs incurred by their automobile driver training programs from July 1, 1970, to June 30, 1971.

SEC. 40. Section 8125 of the Education Code is amended and renumbered to read:

5854. The experimental driver training districts shall contract with certified commercial driving schools for the training from July 1, 1970 to June 30, 1971, of a scientifically selected number of students designated by the Department of Motor Vehicles pursuant to Section 11200 of the Vehicle Code. The contract shall provide, among other things, that if the Department of Motor Vehicles determines that the driving school is not providing automobile driver training which satisfies the requirements for such training prescribed pursuant to the Education Code, the contract may be canceled.

SEC. 41. Section 8126 of the Education Code is amended and renumbered to read:

5855. For the period from July 1, 1970 to June 30, 1971, the certified commercial driving schools and the secondary schools shall each train their respective test groups established

by the Department of Motor Vehicles pursuant to Section 11200 of the Vehicle Code, as follows:

(a) One group shall receive the training prescribed by Section 18252.4 of the Education Code.

(b) The other group shall, in addition to the training prescribed by subdivision (a), receive four hours of behind-the-wheel practice driving instruction.

SEC. 42. Section 8127 of the Education Code is amended and renumbered to read:

5856. The Department of Education shall adopt reasonable regulations necessary to carry out the purposes of this article.

SEC. 43. Section 10754 of the Education Code, as added by Chapter 1088 of the Statutes of 1969, is amended and renumbered to read:

10759. The governing board of each school district shall prescribe regulations requiring the evaluation of each pupil's achievement for each marking period and requiring a conference with, or a written report to, parents of each pupil deemed to be failing not later than the week during which the end of the first half of the instruction for the course falls.

SEC. 44. Section 11052 of the Education Code is amended to read:

11052. The minimum schoolday in any high school, except in an evening high school, a regional occupational center, an opportunity school and in opportunity classes, a continuation high school, in continuation education classes, in late afternoon or Saturday occupationally organized vocational training programs conducted under a federally approved plan for vocational education, and for students enrolled in a work experience education program approved under the provisions of Article 5.5 (commencing with Section 5985) of Chapter 6 of Division 6, is 240 minutes.

SEC. 45. Section 11055 of the Education Code is amended to read:

11055. The minimum day in special day or Saturday vocational training programs and for students enrolled in a work experience education program approved under the provisions of Article 5.5 (commencing with Section 5985) of Chapter 6 of Division 6 is 180 minutes.

SEC. 46. The heading of Article 5.5 (commencing with Section 11475) of Chapter 3 of Division 9 of the Education Code is amended and renumbered to read:

Article 5. Community College Attendance

SEC. 47. Section 11483 of the Education Code, as added by Chapter 1009 of the Statutes of 1969, is amended and renumbered to read:

11484. For the purposes of computing average daily attendance of community college pupils in work experience education programs, the following provisions shall apply:

(a) One student contact hour is to be counted for each unit of work experience credit in which a student is enrolled during any census period. In no case shall duplicate student contact hours be counted for classroom study and work experience. The maximum contact hours counted for a student shall not exceed the maximum number of work experience units for which the student may be granted credit under the rules and regulations of the Board of Governors of the California Community Colleges.

(b) "Immediate supervision" of off-campus work stations shall be defined as student participation in on-the-job training as outlined under a training agreement, coordinated by the school district under a state-approved plan, wherein the employer and the certificated community college coordinator share responsibility for on-the-job supervision.

SEC. 48. Section 12253 of the Education Code is amended to read:

12253. A permit to work may be issued to a minor who is 16 or 17 years of age who is regularly enrolled in a high school or community college and who will work part time as a properly enrolled pupil in a work experience education course that meets all the requirements of such course as provided in this code.

SEC. 49. Section 12902.5 of the Education Code is repealed.

SEC. 50. Section 13087.1 of the Education Code, as added by Chapter 1412 of the Statutes of 1970, is repealed. The repeal made by this section shall not affect the existence or validity of Section 13087.1 of the Education Code, as added by Chapter 1413 of the Statutes of 1970.

SEC. 51. Section 13089 of the Education Code, as added by Chapter 1412 of the Statutes of 1970, is repealed.

SEC. 52. Section 13089 of the Education Code as added by Chapter 1413 of the Statutes of 1970, is amended and renumbered to read:

13090. This article shall be known and may be cited as the Gordon H. Winton, Jr., School Employer-Employee Relations Act or the Winton Act.

SEC. 53. Section 13166 of the Education Code, as added by Chapter 557 of the Statutes of 1970, is amended to read:

13166. The issuance of any teaching credential requires (1) the passing of a satisfactory examination on the provisions and principles of the Constitution of the United States in a community college, college, or university of recognized merit or (2) the satisfactory completion of two semester units of work on the provisions and principles of the Constitution of the United States in any university or college from which undergraduate credits earned are accepted by the commission as meeting undergraduate credit requirements for credentials issued by the commission or in any publicly supported community college in the state. Public and private institutions in California may be authorized to attest to the individual's satisfaction of this requirement.

SEC. 54. Section 13220 of the Education Code, as amended by Chapter 557 of the Statutes of 1970, is amended to read:

13220. An individual employed by a school district maintaining a community college in grades 13 and 14 as an instructor, supervisor, administrator, librarian, counselor, or student personnel worker shall be required to possess a credential or certification document specified in this article. The board of Governors of the California Community Colleges may prescribe, by regulation, the standards as to equivalency and standards for professional, vocational training, or experience, or any combination thereof, wherever referred to in this article and such additional minimum standards as they deem appropriate for the administration and enforcement of this article.

SEC. 55. Section 13220.1 of the Education Code, as amended by Chapter 557 of the Statutes of 1970, is amended to read:

13220.1. The minimum requirements for the community college instructor credential shall be either (a) or (b) and (c), as follows:

(a) Possession of a master's degree, or its equivalent, from an accredited institution, in any field except professional education; or

(b) Professional or vocational training or experience, or any combination thereof, established as adequate pursuant to regulations adopted by the Board of Governors of the California Community Colleges; and

(c) Compliance with the provisions of Sections 13165, 13168, 13169, 13169.1, and 13169.2 with respect to credentials authorized by this article.

SEC. 56. Section 13220.4 of the Education Code, as amended by Chapter 557 of the Statutes of 1970, is amended to read:

13220.4. The minimum requirements for the community college supervisor credential shall be either (a) or (b), (c), and (d), as follows:

(a) Possession of a master's degree, or its equivalent, from an accredited institution, in any field; or

(b) Professional or vocational training or experience, or any combination thereof, established as adequate pursuant to regulations adopted by the Board of Governors of the California Community Colleges; and

(c) A combination of not less than two years of teaching or counseling, or both, library science, research, administrative experience in higher education, or its equivalent in post-secondary education, or its equivalent in training and development experience in other related fields; and

(d) Compliance with the provisions of Sections 13165, 13169, 13169.1, and 13169.2 with respect to credentials authorized by this article.

SEC. 57. Section 13220.7 of the Education Code, as amended by Chapter 557 of the Statutes of 1970, is amended to read:

13220.7. The minimum requirements for the community college chief administrative officer credential shall be (a), either (b), or (c), and (d), as follows:

(a) Possession of a master's degree, or its equivalent, from any accredited institution, in any field; and

(b) A combination of not less than two years of teaching or counseling, or both, library science, research, and administrative experience in higher education, or its equivalent in postsecondary education, or its equivalent in training and development experience in other related fields; or

(c) Eminence in administration in higher education; and

(d) Compliance with the provisions of Sections 13165, 13169, 13169.1, and 13169.2 with respect to credentials authorized by this article.

SEC. 58. Section 13220.10 of the Education Code, as amended by Chapter 557 of the Statutes of 1970, is amended to read:

13220.10. The minimum requirements for the community college librarian, counselor, or student personnel worker credential shall be (a) and (b), as follows:

(a) Possession of a master's degree, or its equivalent, from an accredited institution, in a field related to library, counseling, or student personnel work, respectively; and

(b) Compliance with the provisions of Sections 13165, 13169, 13169.1, and 13169.2 with respect to credentials authorized by this article.

SEC. 59. Section 13220.13 of the Education Code, as amended by Chapter 557 of the Statutes of 1970, is amended to read:

13220.13. Any credential issued pursuant to this article shall remain valid, for employment by the original employing community college district or any other community college district, until revoked or suspended pursuant to Sections 13121, 13121.1, and 13121.2 and Article 2 (commencing with Section 13201) of this chapter. With respect to the revocation or suspension of any credential issued pursuant to this article, whenever reference is made in Article 2 (commencing with Section 13201) of this chapter to the Commission for Teacher Preparation and Licensing, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

SEC. 60. Section 13220.18 of the Education Code, as amended by Chapter 557 of the Statutes of 1970, is amended to read:

13220.18. (a) A provisional credential may be issued to instructional personnel in accordance with the regulations adopted by the Board of Governors of the California Community Colleges.

The minimum standards for a provisional credential shall be prescribed by the board of governors.

The regulations adopted by the board of governors prescribing the minimum standards for a provisional credential shall give consideration to training and teaching experience in California schools and shall establish the term of renewal for such a credential.

Any issuance of a provisional credential shall comply with the provisions of Sections 13165, 13169, 13169.1, and 13169.2 with respect to credentials authorized by this article.

(b) A limited service credential may be issued to instructional personnel in accordance with the regulations adopted by the Board of Governors of the California Community Colleges.

The minimum standards for a limited service credential shall be prescribed by the board of governors.

The regulations adopted by the board of governors prescribing the minimum standards for a limited service credential shall give consideration to training and teaching experience in California schools and shall establish the term of renewal for such a credential.

A limited service credential shall be issued to persons teaching 40 percent or less of the number of hours considered as a full-time assignment for permanent employees having similar duties in the community colleges of the district in which he is employed.

Any issuance of a limited service credential shall comply with the provisions of Sections 13165, 13169, 13169.1, and 13169.2 with respect to credentials authorized by this article.

Sec. 61. The heading of Article 2.7 (commencing with Section 13250) of Chapter 2 of Division 10 of the Education Code, as added by Chapter 1586 of the Statutes of 1969, is amended and renumbered to read:

Article 3.3. Teacher Preparation

Sec. 62. Section 13250 of the Education Code, as added by Chapter 1586 of the Statutes of 1969, is amended and renumbered to read:

13345. On and after July 1, 1974, each school with a substantial population of students of diverse ethnic backgrounds shall provide an in-service preparation program designed to prepare teachers and other professional school service personnel to understand and effectively relate to the history, culture, and current problems of these students and their environment. For purposes of this article a school shall be considered to have a substantial population of students of diverse ethnic backgrounds where 25 percent or more of all the students in the school are of diverse ethnic backgrounds.

Sec. 63. Section 13250.1 of the Education Code is amended and renumbered to read:

13346. The Department of Education shall develop a list of approved courses which shall be considered acceptable for meeting the requirements of this article. The department shall

cause a list of approved courses to be published and distributed to interested teachers, administrators, and governing boards of school districts. The department shall be responsible for coordinating the efforts of school districts and colleges to develop adequate course offerings to satisfy the requirements of this article.

SEC. 64. Section 13250.2 of the Education Code, as added by Chapter 1586 of the Statutes of 1969, is amended and renumbered to read:

13347. In-service programs designed to fulfill the requirements of this article may include, but need not be limited to, courses offered by community colleges and colleges and universities approved by the State Board of Education. A district may provide an in-service program consisting in whole or in part of preparation other than college courses.

Such a program shall be developed cooperatively with the Department of Education and shall have prior approval of the Department of Education. An in-service program which meets the intent of this article shall encompass the history, culture, and current problems of the students of diverse ethnic background.

All college courses approved by the Department of Education for the purposes of this article shall be considered acceptable for salary credit purposes by any school district. District in-service programs shall specify an amount of equivalent credit which shall be acceptable for salary credit purposes in the school district providing the in-service program.

SEC. 65. Section 13250.3 of the Education Code is amended and renumbered to read:

13348 The Department of Education shall provide in its budget for the necessary funds to employ appropriate staff to implement the intent of this article.

SEC. 66. Section 13250.4 of the Education Code, as added by Chapter 1586 of the Statutes of 1969, is amended and renumbered to read:

13349. The Department of Education shall make a progress report to the Legislature not later than the fifth legislative day of the 1972 Regular Session. The department shall further report not later than the fifth legislative day of the 1974 Regular Session the number of districts to which this article is applicable at that time and the extent to which implementation has been achieved. The department shall continually evaluate the results of this article.

SEC. 67. Section 13294 of the Education Code, as amended by Chapter 557 of the Statutes of 1970, is amended to read:

13294. The qualifications for a physician shall be a valid certificate to practice medicine and surgery issued by the State Board of Medical Examiners or Board of Osteopathic Examiners and a services credential with a specialization in health or a valid credential issued prior to the operative date of the amendment to this section enacted at the 1970 Regular Session of the Legislature. Any school district may employ and

compensate physicians meeting the foregoing qualifications for the performance of medical services for that district and shall provide liability insurance coverage for the period of his employment.

As used in this section "medical services" includes, but is not limited to, any medical services required to be performed while required to be in attendance at high school or community college athletic contests or meets.

SEC. 68. The heading of Article 7 (commencing with Section 13552) of Chapter 2 of Division 10 of the Education Code is amended to read:

Article 7. Rights and Duties of Certificated Employees

SEC. 69. Section 16653.5 of the Education Code is amended to read:

16653.5. Upon the transfer of duties and functions of the county board of supervisors to the county board of education, the county board of supervisors may provide by agreement with the county board of education that the county board of education will perform all or any portion of the duties and functions of the county under this chapter.

SEC. 70. Section 16858 of the Education Code is amended to read:

16858. The county superintendent of schools of any county may use schoolbuses to transport pupils attending schools or classes operated by the county superintendent pursuant to Article 9 (commencing with Section 894), Article 10 (commencing with Section 895), and Article 11 (commencing with Section 896) of Chapter 4 of Division 3, including adults attending special classes for adults designed to serve the educational needs of handicapped adults operated pursuant to Section 5746, and teachers or other employees employed by the county superintendent of schools, to and from school athletic contests or other school activities, or to and from fairs or exhibitions held in the state or in any adjoining state and in which the pupils participate actively or as spectators. The transportation may be provided on any day or days throughout the school year.

SEC. 71. Section 17507.3 of the Education Code is amended to read:

17507.3. During the 1970-1971 fiscal year and the six subsequent fiscal years thereafter, the governing board of a unified school district may apply to the Superintendent of Public Instruction for exemption from the penalty provisions of Section 17507, in order that a pilot program of team instruction in reading may be conducted in an elementary school within the district. The pilot program shall be conducted in such a manner that, insofar as practicable, one certificated employee and necessary instructional aides remain with the same students from kindergarten through grade 6 for instruction in reading.

The Superintendent of Public Instruction may grant the exemption pursuant to this section on a yearly basis, but not

beyond the 1976-1977 fiscal year, and only after approval by the Superintendent of Public Instruction of justification documents presented by the district relating to the pilot program.

School districts operating programs under this section shall submit annual evaluations to the Superintendent of Public Instruction as to the academic progress of students enrolled in such programs.

The State Board of Education shall annually review the pilot program.

SEC. 72. Section 17606 of the Education Code is amended to read:

17606. "Miscellaneous funds" as used in Section 17603.5 means for the fiscal year 1952-53 and for each subsequent fiscal year the amount the county superintendent of schools has determined and reported to the Superintendent of Public Instruction in accordance with regulations the Superintendent of Public Instruction is hereby authorized to adopt that the district has received and which has been deposited to the credit of the general fund of the district for a fiscal year on account of in-lieu taxes or income from bonuses, royalties, rentals or any other income from district property or property within the district or state not being assessed for tax purposes and not being used for school purposes. Federal forest reserve funds received by a district shall not be considered miscellaneous funds as defined by this section.

SEC. 73. Section 18352 of the Education Code is amended to read:

18352. The Superintendent of Public Instruction shall during each fiscal year allow to the county school service fund of each county from the State School Fund such amounts as the budget submitted by the county superintendent of schools and approved by the Superintendent of Public Instruction, under Section 18351, shows is necessary, but:

(a) The total amount allowed by the Superintendent of Public Instruction under this section to all county school service funds for supervision of instruction and health, attendance, and guidance services pursuant to Sections 887 to 890.2, inclusive, for pupils in elementary school districts which during the next preceding fiscal year had less than 901 units of average daily attendance, in high school districts which, during the preceding year had less than 301 units of average daily attendance, and in unified school districts which during the next preceding fiscal year had less than 1,501 units of average daily attendance shall not exceed the sum provided by law for such purpose or the amounts shown necessary by such budgets, for such purpose, whichever is the lesser.

(b) The total amount allowed by the Superintendent of Public Instruction under this section to all county school service funds for all other purposes shall not exceed the sum provided by law for such purposes or the amounts shown necessary by such budgets, whichever is the lesser.

SEC. 74. Section 19591 6 of the Education Code is repealed.

SEC. 75. Chapter 18 (commencing with Section 20010) of Division 14 of the Education Code is repealed.

SEC. 76. Article 3 (commencing with Section 20631) of Chapter 2 of Division 16 of the Education Code is repealed.

SEC. 77. Section 20813 of the Education Code is repealed.

SEC. 78. Section 20814 of the Education Code is repealed.

SEC. 79. Section 24053.1 of the Education Code, as added by Chapter 1405 of the Statutes of 1969, is repealed.

SEC. 80. Section 25423.5 of the Education Code, as amended by Chapter 557 of the Statutes of 1970, is amended to read:

25423.5. The governing board of a district maintaining a community college may employ as a community college teacher of an academic subject matter area or areas a person who does not hold a credential issued by the Board of Governors of the California Community Colleges authorizing such service if the person has been granted a master's degree or a doctor's degree in the academic subject matter area for which he is employed to teach. No such person shall teach classes in grades below grades 13 and 14 in any community college. No such person shall be employed for an aggregate period which is greater than three school years unless he fulfills the requirement of Section 13166.

No person shall be employed pursuant to this section until he has complied with the prerequisites to issuance of a certification document prescribed by Sections 13165, 13168, 13169, and 13169.1, and no person shall be so employed who has been determined to come within any of the provisions of Section 13174 or Section 13175. The board of governors shall make necessary provision for enforcing compliance with the preceding sentence.

The governing board of each school district maintaining a community college shall, in the manner and form prescribed by the board of governors, promptly after the close of each school year file with the Department of Education a report identifying each person employed pursuant to this section during the preceding school year and certifying that all applicable laws, rules, and regulations were complied with in his employment. The Department of Education shall compile and maintain a roster of the individuals employed under this section, to be utilized in administering the provisions of this section.

Any person employed pursuant to this section shall be deemed to be a certificated employee in a position requiring certification qualifications for all purposes.

For the purposes of this section "academic subject matter area" refers exclusively to the natural sciences, the social sciences (other than education and educational methodology), the humanities, mathematics, and the fine arts. The board of governors may consider a given subject matter major, whatever its title, to be an academic subject matter major if it finds that at the specific institution the required courses and

the content of such courses within the major are equivalent to those of an academic subject matter major.

SEC. 81. Section 25505.1 of the Education Code is amended to read:

25505.1. Residence for community college attendance purposes shall be determined in accordance with Government Code Sections 243 and 244 except that:

(a) If an unmarried minor resides with a parent, the residence of the minor shall be that of the parent with whom he is residing.

(b) The residence of an unmarried minor who for at least two years has been in the continuous direct care and control of and has lived with an adult resident of the state other than his parent, shall be that of such adult resident.

(c) A married woman may establish her own residence.

(d) An apprentice as defined in Section 3077 of the Labor Code may establish his own residence.

(e) Any minor child who has lived continuously in the state for more than 10 years immediately preceding the residence determination date as provided in Section 25505.2 shall be deemed to be a resident of California notwithstanding the place of abode or residence of either living parent or guardian of the minor child.

SEC. 82. Section 25532 of the Education Code is amended to read:

25532. The governing board of any district maintaining a community college may establish and operate a fire department upon any community college campus governed by it and located wholly outside any city, fire protection district or other local agency which provides fire protection service. No such fire department shall be established until the board has first received approval in writing from the local agency formation commission for the county in which all or the major portion of such campus is located.

The board of trustees of any district within which the fire department is established pursuant to this section may enter into mutual aid agreements with other governmental agencies providing fire protection, and may contract with owners or occupants of property within the vicinity of the campus on which such department is located for fire protection service, but only during such time as such property is not within the territory of any city, fire protection district or other local agency which provides fire protection service.

Any fire department established pursuant to this section may be continued notwithstanding the subsequent annexation of any portion of the campus on which it is located to any city, fire protection district or other local agency providing fire protection service. As used in this section, the operation of a fire department shall be deemed to include the maintenance and operation of ambulances and rescue and first aid services.

During the time any department is operated pursuant to this section, the board may on behalf of its fire department maintain membership in any local, state or national group or association organized or operated for the promotion or the preservation of life and property from the hazards of fire and panic.

SEC. 83. Section 27301 of the Education Code is amended to read:

27301. The common council, board of trustees, or other legislative body of any city in the state may, and upon being requested to do so by one-fourth of the electors of the municipal corporation in the manner provided in this article, shall, by ordinance, establish in and for the municipality a public library if there is none already established therein.

SEC. 84. The heading of Article 6.5 (commencing with Section 31801) of Chapter 5 of Division 22 of the Education Code is amended to read:

**Article 6.5. Meals and Lodging for Community
College Athletic Teams**

SEC. 85. Section 31801 of the Education Code is amended to read:

31801. The governing board of a district maintaining a community college may provide meals and lodging for each member of an athletic team comprised of students at the community college attending upon and participating in an athletic event at a place other than the school which the members of the athletic team attend, where the event is of such a distance from the school as to necessitate obtaining meals or lodging away from home. The governing board may pay for such meals and lodging out of any funds of the district available for the purpose.

SEC. 86. Section 15875 of the Election Code, as added by Chapter 489 of the Statutes of 1970, is amended and renumbered to read:

15876. Any tape used in the programming of a punched vote-counting device upon which votes are registered pursuant to this chapter, and any tape used in the compiling of vote totals from such counting device, shall be kept under lock and seal, and if there is a canvass of votes, the officer entrusted with the tapes shall submit his affidavit stating that they are true tapes used in the election and have not been altered.

SEC. 87. Section 22804 of the Elections Code is amended to read:

22804. The voting precincts for the municipal election may consist of either the regular election precincts established for holding state or county elections or a consolidation of any or all of the regular election precincts last established. If any election at which is submitted the proposition of incurring indebtedness, or the issuance of bonds, or the determination of any measure authorized by law to be submitted to vote of

the people of the city is consolidated with any regular state or county election, the precincts for the municipal election shall be the same as those established for the regular election.

SEC. 88. Section 451 of the Evidence Code is amended to read:

451. Judicial notice shall be taken of:

(a) The decisional, constitutional, and public statutory law of this state and of the United States and the provisions of any charter described in Section 3, 4, or 5 of Article XI of the California Constitution.

(b) Any matter made a subject of judicial notice by Section 11383, 11384, or 18576 of the Government Code or by Section 307 of Title 44 of the United States Code.

(c) Rules of professional conduct for members of the bar adopted pursuant to Section 6076 of the Business and Professions Code and rules of practice and procedure for the courts of this state adopted by the Judicial Council.

(d) Rules of pleading, practice, and procedure prescribed by the United States Supreme Court, such as the Rules of the United States Supreme Court, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the Admiralty Rules, the Rules of the Court of Claims, the Rules of the Customs Court, and the General Orders and Forms in Bankruptcy.

(e) The true signification of all English words and phrases and of all legal expressions.

(f) Facts and propositions of generalized knowledge that are so universally known that they cannot reasonably be the subject of dispute.

SEC. 89. Section 7163 of the Financial Code is amended to read:

7163. If the installments on loans made on the mutual plan are applied in payment of the association's membership shares pledged therewith, such installments together with accumulated earnings thereon shall be construed as applied to the principal of such loans but only for the purposes of Sections 7150, 7151, and 7170.

SEC. 90. Section 9210 of the Financial Code is amended to read:

9210. After approval by the directors and stockholders or shareholders has been given, the president or a vice president and the secretary or an assistant secretary of each association shall execute and submit to the commissioner for his written approval a certificate, which shall be verified by their affidavit stating, in effect, that the matters set forth in the certificate are true of their own knowledge, and shall set forth:

(a) The time and place of the meeting of the board of directors.

(b) A copy of the resolution adopted by the board of directors showing approval of the terms and conditions of the agreement of merger or consolidation.

(c) The vote in favor of the resolution.

(d) (1) The time and place of the noticed meeting of the stockholders or shareholders to approve the agreement or the fact that written consents of stockholders or shareholders to approval of the agreement as provided in Section 9207 have been filed with the secretary of the association;

(2) That the terms and conditions of the agreement were approved at such meeting or by such written consent and the total number of shares of stock or the total value of shares held by the shareholders of a mutual association by whose vote or written consent the agreement was approved, and

(3) The total number of shares of stock outstanding and the total value of the shares outstanding if the association is a mutual association.

(e) If the agreement was approved at a meeting, a statement of the mailing of the notice of the time, place, and purpose of the meeting of the stockholders or shareholders.

(f) The name of the surviving or consolidated association.

(g) That the agreement for merger or consolidation submitted to the commissioner for his written approval and for filing thereafter with the Secretary of State concurrently with this certificate is the agreement hereinabove referred to and sets forth the terms and conditions approved by said resolution of directors and vote or written consent of stockholders or shareholders.

(h) Such additional matters as the commissioner may require.

SEC. 91. Article 3 (commencing with Section 260) of Chapter 2 of Division 1 of the Fish and Game Code is repealed.

SEC. 92. Section 945.6 of the Government Code is amended to read:

945.6. (a) Except as provided in Sections 946.4 and 946.6 and subject to subdivision (b), any suit brought against a public entity on a cause of action for which a claim is required to be presented in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division must be commenced:

(1) If written notice is given in accordance with Section 913, not later than six months after the date such notice is personally delivered or deposited in the mail.

(2) If written notice is not given in accordance with Section 913, within two years from the accrual of the cause of action. If the period within which the public entity is required to act is extended pursuant to subdivision (b) of Section 912.4, the period of such extension is not part of the time limited for the commencement of the action under this paragraph.

(b) When a person is unable to commence a suit on a cause of action described in subdivision (a) within the time prescribed in that subdivision because he has been sentenced to imprisonment in a state prison, the time limit for the commencement of such suit is extended to six months after the date that the civil right to commence such action is restored

to such person, except that the time shall not be extended if the public entity establishes that the plaintiff failed to make a reasonable effort to commence the suit, or to obtain a restoration of his civil right to do so, before the expiration of the time prescribed in subdivision (a).

(c) A person sentenced to imprisonment in a state prison may not commence a suit on a cause of action described in subdivision (a) unless he presented a claim in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division.

SEC. 93. Section 3508 of the Government Code is amended to read:

3508. The governing body of a public agency may, in accordance with reasonable standards, designate positions or classes of positions which have duties consisting primarily of the enforcement of state laws or local ordinances, and may by resolution or ordinance adopted after a public hearing, limit or prohibit the right of employees in such positions or classes of positions to form, join or participate in employee organizations where it is in the public interest to do so; however, the governing body may not prohibit the right of its employees who are full-time "peace officers" as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, to join or participate in employee organizations which are composed solely of such peace officers, which concern themselves solely and exclusively with the wages, hours, working conditions, welfare programs, and advancement of the academic and vocational training in furtherance of the police profession, and which are not subordinate to any other organization.

The right of employees to form, join and participate in the activities of employee organizations shall not be restricted by a public agency on any grounds other than those set forth in this section.

SEC. 94. Section 9612.5 of the Government Code is amended and renumbered to read:

53070. (a) No city, county, or district may enact an ordinance prohibiting or regulating the playing of duplicate bridge. Duplicate bridge is defined as the card game of bridge played at tournaments conducted by bridge associations, bridge clubs or bridge studios which do not permit wagering or gambling on the outcome of the bridge games played in their tournaments, or otherwise, either by the rules of said associations or the rules of the individual bridge clubs and bridge studios.

(b) The person or persons in charge of any duplicate bridge tournament shall post, or cause to be posted, in the place where the tournament is conducted and in such manner as to be visible to participants, the rule of the association, club, or studio which prohibits wagering or gambling. Such person or persons shall permit inspection of the rules of the association, club, or studio by law enforcement officers and licensing offi-

cials of the county or city in which the tournament is conducted.

SEC. 95. Section 9619 of the Government Code is amended and renumbered to read:

53071. It is the intention of the Legislature to occupy the whole field of regulation of the registration or licensing of commercially manufactured firearms as encompassed by the provisions of the Penal Code, and such provisions shall be exclusive of all local regulations, relating to registration or licensing of commercially manufactured firearms, by any political subdivision as defined in Section 1721 of the Labor Code.

SEC. 96. Section 10504 of the Government Code is amended to read:

10504. The committee shall have authority to appoint an Auditor General and a deputy who shall serve at the pleasure of the committee. The committee shall fix the salary of the Auditor General. The funds for the support of the committee shall be provided from the Contingent Funds of the Assembly and Senate in the same manner that such funds are made available to other joint committees of the Legislature.

SEC. 97. Section 10604 of the Government Code is amended to read:

10604. The committee shall have authority to appoint and fix the salary of such professional and other employees as may be necessary. Funds for the support of the committee shall be provided from the Contingent Funds of the Assembly and Senate in the same manner that such funds are made available to other joint committees of the Legislature.

SEC. 98. Section 11564 of the Government Code is repealed.

SEC. 99. Section 11565 of the Government Code is repealed.

SEC. 100. Section 13490 of the Government Code is amended to read:

13490. There is in the Department of Commerce the Division of Economic Development. The head of the division shall be the Director of Commerce.

SEC. 101. Section 13951 of the Government Code is amended to read:

13951. The State Board of Control shall prescribe rules and regulations which:

(a) Define the use of state-owned motor vehicles which constitutes use in the conduct of state business and distinguish such use from misappropriation for private use;

(b) Prescribe the procedure for determining and collecting from the employee responsible for the misuse the actual costs to the state attributable to misuse of state-owned motor vehicles and the disposition of such collections;

(c) Prescribe the records and reports to be kept and made by state agencies relating to the use of state-owned motor vehicles to the end that misuse may be discovered with a minimum of recordkeeping.

(d) Govern the storage of state-owned motor vehicles in those locations where storage space, under the jurisdiction of

the Department of General Services, is available for storage of state-owned motor vehicles.

SEC. 102. The heading of Chapter 2 (commencing with Section 13990) of Part 4.5 of Division 3 of Title 2 of the Government Code is amended to read:

CHAPTER 2. STATE TRANSPORTATION BOARD

SEC. 103. Section 14716 of the Government Code is amended to read:

14716. The Department of General Services shall prepare a plan for television to serve the educational needs of the state. Such plan shall assure the most effective and economical utilization of human resources, public funds and channels of transmission.

The department shall also (1) serve as the official state agency for processing applications for federal funds which may become available for television for educational purposes, and for receiving and distributing such funds, (2) act in an advisory capacity in recommending to the appropriate federal agency or agencies the allocation of television channels which become available for educational purposes, (3) coordinate the activities of the various public and nonprofit agencies concerned with television for educational purposes, and (4) serve as a clearinghouse for information on television for educational purposes.

Nothing in this section shall require the Regents of the University of California or any other agency to submit requests for federal funds through the department if such funds are for a purpose other than a capital outlay for television purposes unless federal law requires that all the federal funds must go through a single state agency.

SEC. 104. Section 14950 of the Government Code is amended to read:

14950. There is in the Department of General Services a State Architect. He shall be appointed by the Governor with the approval of the Senate for a term of four years commencing with January 15 next following the general election at which a Governor is elected, and he shall hold office until appointment and qualification of his successor or until 150 days shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs; but he may be dismissed by the Governor, with or without cause, at any time. The Governor may fill any vacancy in the office of State Architect for the unexpired portion of the term, but such appointment shall be subject to approval of the Senate at the next regular session of the Legislature.

No person shall be eligible for the office of State Architect who has not, for a period of five years next preceding his appointment, held a certificate to practice architecture in California issued by the California State Board of Architectural Examiners. No person shall be eligible for the office of State

Architect who is not a member of the American Institute of Architects at the time of his first appointment.

The State Architect shall not engage in the private practice of architecture or in a managing capacity in any private business or enterprise. The salary of the State Architect shall be as provided by Article 1 (commencing with Section 11550) of Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 105. Section 15275 of the Government Code is amended to read:

15275. There is in the state government the California State Communications Advisory Board which consists of:

(a) The Director of General Services.

(b) The Attorney General or his designated representative, the Adjutant General or his designated representative, the Director of the Office of Emergency Services or his designated representative, the Commissioner of the California Highway Patrol or his designated representative, the Director of Conservation or his designated representative, the Director of Public Works or his designated representative, the Director of the Department of Water Resources or his designated representative, and a representative of the Governor.

(c) Two representatives of the law enforcement services in this state, one of whom shall be representative of city or city and county law enforcement services and shall be recommended by the League of California Cities, and one of whom shall be representative of county law enforcement services and shall be recommended by the County Supervisors Association, appointed by the Governor subject to the confirmation of the Senate.

(d) Two representatives of the fire services in this state, one of whom shall be representative of city or city and county fire services and shall be recommended by the California Fire Chiefs Association, and one of whom shall be representative of county or district fire services and shall be recommended by the California Rural Fire Association, appointed by the Governor subject to the confirmation of the Senate.

(e) Two representatives of industry at large, appointed by the Governor subject to the confirmation of the Senate.

SEC. 106. Section 16480.3 of the Government Code, as added by Chapter 1474 of the Statutes of 1968, is amended and renumbered to read:

16480.35. It is the intent of the Legislature that the Pooled Money Investment Board, in administering its investment program, shall give due regard to assisting such specific programs of the state designed to support the economy of economically disadvantaged areas as the California Job Development Corporation Law.

SEC. 107. Section 16800 of the Government Code is amended to read:

16800. In 1962 the electorate repealed Sections 2, 3, 4, 4½, 5, 6, 8, 8½, 15, 16, 16.5, 17, 18, 19, 19.5, 20, and 21 of Article

XVI of the Constitution and continued such provisions as statutes. Such provisions authorized the issuance of certain state bonds which have been issued and many of which are not yet fully retired. The provisions, authorizing the issuance of state bonds which have not yet been fully retired, have been codified in this chapter without change in order that the provisions will be available in the Government Code for ready reference by interested persons and no substantive change in the law is intended by the Legislature.

SEC. 108. Section 16801 of the Government Code is repealed.

SEC. 109. Section 16802 of the Government Code is repealed.

SEC. 110. Section 16803 of the Government Code is repealed.

SEC. 111. Section 20012 of the Government Code is amended to read:

20012. "Employee" means:

(a) Any person in the employ of the state or the university whose compensation, or at least that portion of his compensation which is provided by the state or the university, is paid out of funds directly controlled by the state or the university, excluding all other political subdivisions, municipal, public and quasi-public corporations. "Funds directly controlled by the state" includes funds deposited in and disbursed from the State Treasury in payment of compensation, regardless of their source.

(b) Any person in the employ of any contracting agency, and for the purposes of the Public Employees' Retirement Law, and where a county or city and county becomes a contracting agency, the employees and attachés of the superior court of the State of California in and for said county or city and county shall be considered employees of the contracting agency.

SEC. 112. Section 25350.5 of the Government Code is repealed.

SEC. 113. Section 25458 of the Government Code is amended to read:

25458. In cases of great emergency, including but not limited to states of emergency described in Section 8558 of the Government Code, when repair or replacements are necessary to permit the continued conduct of county operations or services, or to avoid danger to life or property, the board of supervisors, by majority consent, may proceed at once to replace or repair any and all structures without adopting the plans, specifications, strain sheets, or working details or giving notice for bids to let contract. The work may be done by day labor under the direction of the board, by contract, or by a combination of the two. If the work is done wholly or in part by contract, the contractor shall be paid the actual cost of the use of machinery and tools and of material, and labor and compensation insurance expended by him in doing the work, plus not more than 15 percent to cover all profits and administration. No more

than the lowest current market prices shall be paid for materials whenever possible. The board may waive the requirements of Section 4200 for work performed pursuant to this section.

SEC. 114. Section 29880 of the Government Code is amended and renumbered to read:

29807. Whenever any district, public corporation or public agency uses the county treasury as the depository of its moneys, the county auditor, notwithstanding any other provision of law, may, in lieu of complying with any other procedure for the withdrawal of moneys from the county treasury, prepare his warrant on the county treasury for the same amount as the order, requisition, or other authorization from the district, public corporation or public agency. The warrant shall show the name of the fund upon which the warrant is drawn, date issued, payee's name, as well as any other information deemed appropriate by the auditor.

SEC. 115. Section 29881 of the Government Code is amended and renumbered to read:

29808. The auditor may direct the transfer of the amount of the order, requisition or other authorization, from the account or funds of the district, public corporation or public agency to one or more clearing funds in the county treasury to the end that warrants for all districts, public corporations or public agencies may be drawn against one or more clearing funds.

SEC. 116. Section 31000 of the Government Code is amended to read:

31000. The board of supervisors may contract with and employ any person for the furnishing to the county, or to a county officer, or for any court within the county, or for and on behalf of any district within the county for furnishing to the district, of special services and advice in financial, economic, accounting, engineering, legal, medical, or administrative matters, or in matters related to the courts, by any persons specially trained and experienced who are competent to perform the special services required.

The authority herein given to contract shall include the right of the board of supervisors, to contract for the issuance and preparation of payroll checks.

The board may pay from any available funds such compensation to any such expert as it deems proper for the services rendered.

SEC. 117. Section 31558.1 of the Government Code is repealed.

SEC. 118. Section 34323.1 of the Government Code is amended to read:

34323.1. Within five days after the board of supervisors has called an election in the proposed city to determine whether it is to become incorporated, the board shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation com-

mission of the county in which the proposed city is located. Such written notice shall include the name and a description of the boundaries of proposed city, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the incorporation election.

The executive officer, within five days after being notified that a city incorporation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed city incorporation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the city proposed to be organized.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the incorporation election.

SEC. 119. Section 50475 of the Government Code is amended to read:

50475. A local agency operating or maintaining an airport may grant leases, licenses, concessions, and other privileges, regarding aviation facilities to the state or the United States, for the use or occupation of hangars, structures, works, or other aviation facilities by the Department of Defense, National Guard, or other state or federal departments or agencies in connection with aviation or air commerce.

SEC. 120. Section 51544.1 of the Government Code is repealed.

SEC. 121. Section 66602 of the Government Code is amended to read:

66602. The Legislature further finds and declares that certain water-oriented land uses along the bay shoreline are essential to the public welfare of the bay area, and that such uses include ports, water-related industries, airports, wildlife refuges, water-oriented recreation and public assembly, desalinization plants and powerplants requiring large amounts of water for cooling purposes; that the San Francisco Bay Plan should make provision for adequate and suitable locations for all such uses thereby minimizing the necessity for future bay fill to create new sites for such uses; that existing public access to the shoreline and waters of the San Francisco Bay is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided.

SEC. 122. Section 67120 of the Government Code is amended to read:

67120. On or before December 30 of each calendar year the agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year. The agency shall apportion this amount between the counties within the region on the same ratio to the total sum required as the assessors' assessed valuation of property within the region in each county bears to the total assessed valuation of property within the region. Each

county shall levy a tax on any taxable property within its boundaries sufficient to pay the amount so allocated to it.

SEC. 123. Section 151 of the Harbors and Navigation Code is amended to read:

151. Except where permitted pursuant to the provisions of Chapter 4 (commencing with Section 13200) of Division 7 of the Water Code, any person that intentionally or negligently causes or permits any oil to be deposited in the water of this state, including but not limited to navigable waters, shall be liable civilly in an amount not exceeding six thousand dollars (\$6,000) and, in addition, shall be liable to any governmental agency charged with the responsibility for cleaning up or abating any such oil for all actual damages, in addition to the reasonable costs actually incurred in abating or cleaning up the oil deposit in such waters. The amount of the civil penalty which is assessed pursuant to this section shall be based upon the amount of discharge and the likelihood of permanent injury and shall be recoverable in a civil action by, and paid to, such governmental agency. If more than one such agency has responsibility for the waters in question, the agency which conducts the cleaning or abating activities shall be the agency authorized to proceed under this section.

SEC. 124. Section 3000.7 of the Harbors and Navigation Code is repealed.

SEC. 125. Section 215 of the Health and Safety Code is repealed.

SEC. 126. Section 458 of the Health and Safety Code is amended to read:

458. The county health officer may take any preventive measure which may be necessary to protect and preserve the public health from any public health hazard during any "state of war emergency," "state of emergency," or "local emergency," as defined by Section 8558 of the Government Code, within his jurisdiction.

"Preventive measure" means abatement, correction, removal or any other protective step which may be taken against any public health hazard that is caused by a disaster and affects the public health. Funds for these measures may be allowed pursuant to Sections 29127 to 29131, inclusive, and 53021 to 53023, inclusive, of the Government Code and from any other money appropriated by a board of supervisors of a county or governing body of a city to carry out the purposes of this section.

The county health officer, upon consent of the board of supervisors of a county or the governing body of a city, may certify any public health hazard resulting from any disaster condition if such certification is required for any federal or state disaster relief program.

SEC. 127. Section 505 of the Health and Safety Code is amended to read:

505. The city health officer may take any preventive measure which may be necessary to protect and preserve the public

health from any public health hazard during any "state of war emergency," "state of emergency," or "local emergency," as defined by Section 8558 of the Government Code, within his jurisdiction.

"Preventive measure" means abatement, correction, removal or any other protective step which may be taken against any public health hazard that is caused by a disaster and affects the public health. Funds for these measures may be allowed pursuant to Sections 29127 to 29131, inclusive, and 53021 to 53023, inclusive, of the Government Code and from any other money appropriated by a board of supervisors of a county or governing body of a city to carry out the purposes of this section.

The city health officer, upon consent of the board of supervisors of a county or the governing body of the city, may certify any public health hazard resulting from any disaster condition if such certification is required for any federal or state disaster relief program.

SEC. 128. Section 3226 of the Health and Safety Code is amended to read:

3226. The laboratory shall submit such laboratory reports or records to the State Department of Public Health as are required by regulation of the State Board of Public Health. The health officer may destroy any copies of reports which have been retained by him pursuant to this section for a period of two years.

SEC. 129. The heading of Division 10.8 (commencing with Section 11940) of the Health and Safety Code is amended to read:

DIVISION 10.8. STATE OFFICE OF NARCOTICS AND DRUG ABUSE COORDINATION

SEC. 130. Section 14811 of the Health and Safety Code is amended to read:

14811. Property owners of the incorporated portion of the district, whose names appear upon the last preceding assessment roll of the county or city within which the incorporated portion of the district is located, owning or representing more than one-half in value of the assessed real property in the incorporated portion of the district, or owning or representing more than one-half in value of the assessed real property within the incorporated portion of the district owned by its residents, may file a verified petition with the board of supervisors, requesting that the area within the city may be excluded from the district.

SEC. 131. Section 17911 of the Health and Safety Code is amended to read:

17911. The provisions of this part do not apply to any building regulated by Part 2 (commencing with Section 18000), Part 2.1 (commencing with Section 18200), or Part 6

(commencing with Section 19960) of this division, unless such parts specifically require such application.

SEC. 132. The heading of Chapter 3 (commencing with Section 17930) of Part 1.5 of Division 13 of the Health and Safety Code is amended to read:

CHAPTER 3. APPEALS

SEC. 133. Section 26235 of the Health and Safety Code is amended to read:

26235. It is unlawful for any person to use to his own advantage, or to reveal to any person other than to the director or officers or employees of this department, or to the courts when relevant in any judicial proceeding under this division, any information acquired under authority of this division concerning any method or process which as a trade secret is entitled to protection.

SEC. 134. Section 28616.1 of the Health and Safety Code is amended to read:

28616.1. All mobile units, upon which food is prepared, except mobile units to which the local health officer has issued written authorization to operate at a special public event, shall operate out of a commissary or other facility approved by the local health officer. All mobile units upon which food is prepared shall be subject to approval by the local health officer and shall be cleaned at the approved commissary or other approved facility after each day's use and before being used again. The commissary shall meet the requirements of Article 2 (commencing with Section 28540) of this chapter, any rules and the regulations applicable to commissaries adopted by the State Board of Public Health pursuant to Section 28694.5, and any additional local standards applicable to commissaries. All mobile units upon which food is prepared shall meet the requirements of Article 3 (commencing with Section 28590) of this chapter, any rules and regulations applicable to mobile units adopted by the State Board of Public Health pursuant to Section 28694.5, and any additional local standards applicable to mobile units.

No food, beverage, or ingredient of food or beverage may be placed on a mobile unit upon which food is prepared except at an approved commissary or other approved facility or directly from a vendor under inspection by the state department or a local health department, or both.

The operator of a mobile unit upon which food is prepared shall maintain a record on such mobile unit which shows the source of all foods, beverages and ingredients of foods and beverages used on such mobile unit and the location of the commissary or other approved facility from which the mobile unit is operated. Such record shall be available for examination by the local health officer or any representative of the state department when the mobile unit is being operated. The failure to maintain such record or the refusal to permit the examina-

tion shall be sufficient ground for the revocation of the approval of the mobile unit to operate.

SEC. 135. Section 28777 of the Health and Safety Code is amended to read:

28777. No regulation adopted by the department regarding any radioactive substance, except an emergency regulation, shall become effective until 30 days after it has been submitted to the Secretary of the Resources Agency for such comments, recommendations, or suggestions as he may deem necessary or desirable with respect thereto, as provided in Section 25733 of this code.

SEC. 136. Section 212 of the Labor Code is amended to read:

212. No person, or agent or officer thereof, shall issue in payment of wages due, or to become due, or as an advance on wages to be earned:

(a) Any order, check, draft, note, memorandum, or other acknowledgment of indebtedness, unless it is negotiable and payable in cash, on demand, without discount, at some established place of business in the state, the name and address of which must appear on the instrument, and at the time of its issuance and for a reasonable time thereafter, which must be at least 30 days, the maker or drawer has sufficient funds in, or credit, arrangement, or understanding with the drawee for its payment.

(b) Any scrip, coupon, cards, or other thing redeemable, in merchandise or purporting to be payable or redeemable otherwise than in money.

Where an instrument mentioned in subdivision (a) is protested or dishonored, the notice or memorandum of protest or dishonor is admissible as proof of presentation, nonpayment and protest and is presumptive evidence of knowledge of insufficiency of funds or credit with the drawee.

SEC. 137. Section 1687 of the Labor Code is amended to read:

1687. Each license shall contain, on the face thereof:

(1) The name and address of the licensee and the fact that he is licensed to act as a farm labor contractor for the period upon the face of the license only;

(2) The number, date of issuance, and date of expiration of the license;

(3) The amount of the surety bond or time certificate deposited by the licensee; and

(4) The fact that the license may not be transferred or assigned.

(5) The license shall contain on the back thereof the definition of a farm labor contractor, as defined by Section 1682, subdivision (b), of this chapter.

SEC. 138. Section 1741 of the Labor Code is repealed.

SEC. 139. Section 3211.91 of the Labor Code is amended to read:

3211.91. "Accredited disaster council" means a disaster council which is certified by the California Emergency Council as conforming with the rules and regulations established by the California Emergency Council pursuant to the provisions of Article 10 (commencing with Section 8610) of Chapter 7 of Division 1 of Title 2 of the Government Code. A disaster council remains accredited only while the certification of the California Emergency Council is in effect and is not revoked.

SEC. 140. Section 3211.93 of the Labor Code is amended to read:

3211.93. "Disaster service" means all activities authorized by and carried on pursuant to the California Emergency Services Act, including training necessary or proper to engage in such activities.

SEC. 141. Section 3211.93a of the Labor Code is amended to read:

3211.93a. "Disaster service" does not include any activities or functions performed by a person if the disaster council with which such person is registered receives a fee or other compensation for the performance of such activities or functions by such person.

SEC. 142. Section 3603 of the Labor Code is amended to read:

3603. Payment of compensation in accordance with the order and direction of the appeals board shall discharge the employer from all claims therefor.

SEC. 143. Section 4353 of the Labor Code is amended to read:

4353. Compensation shall be furnished to a disaster service worker for any injury suffered either within or without the state arising out of and occurring in the course of his activities as a disaster service worker, and for the death of any such worker if the injury proximately causes death, in those cases where the following conditions concur:

(a) Where, at the time of the injury the disaster service worker is performing services as a disaster service worker, and is acting within the course of his duties as a disaster service worker.

(b) Where, at the time of the injury the disaster council with which the disaster service worker is registered is an accredited disaster council or the disaster service worker is an unregistered person impressed into service during a state of war emergency or a state of emergency by a person having authority to command the aid of citizens in the execution of his duties.

(c) Where the injury is proximately caused by his service as a disaster service worker, either with or without negligence.

(d) Where the injury is not caused by the intoxication of the injured worker.

(e) Where the injury is not intentionally self-inflicted.

SEC. 144. Section 4381 of the Labor Code is amended to read:

4381. The California Emergency Council and the State Compensation Insurance Fund (hereinafter referred to as the state fund) shall enter into an agreement requiring the state fund, as adjusting agent, to adjust and dispose of claims and furnish compensation to disaster service workers and their dependents. The agreement shall authorize the state fund to make all expenditures, including payments to claimants for compensation or for the adjustment or settlement of claims.

SEC. 145. Section 4382 of the Labor Code is amended to read:

4382. The agreement shall provide that the state fund shall be reimbursed for the expenditures made as adjusting agent and for the cost of services rendered, which reimbursement shall be made out of money appropriated for the purpose of furnishing compensation to disaster service workers. The reimbursement for cost of services rendered shall not exceed $12\frac{1}{2}$ percent of the total expenditures for medical treatment and disability and death payments made by the fund in the adjustment of claims arising under this chapter. The agreement shall provide for the setting up of bookkeeping reserves in order that provision may be made for the reimbursement of the state fund and that liability for the payment or furnishing of compensation may be determined. The agreement shall also provide that the state fund shall be notified promptly by the California Emergency Council when a disaster council is certified as an accredited disaster council and when the certification is revoked.

SEC. 146. Section 4384 of the Labor Code is amended to read:

4384. The agreement may also contain any other provision not inconsistent with this division deemed necessary by the California Emergency Council and the state fund for the furnishing of compensation to disaster service workers and their dependents in accordance with the provisions of this division, and the serving by the state fund as adjusting agent. The agreement may be modified by action of the California Emergency Council and the state fund.

SEC. 147. Section 4385 of the Labor Code is amended to read:

4385. The state fund may in its own name, or in the name of the California Emergency Council, do any and all things necessary to recover on behalf of the California Emergency Council any and all amounts which an employer might recover from third persons under Chapter 5 (commencing with Section 3850) of Part 1 of Division 4 of the Labor Code, or which an insurer might recover pursuant to Section 11662 of the Insurance Code, including the right to commence and prosecute actions, to file, pursuant to Chapter 5 (commencing with Section 3850) of Part 1 of Division 4 of the Labor Code, liens for whatever sums would be recoverable by suit against such a third person, to intervene in other court proceedings, and to compromise claims and actions before or after commencement

of suit. All amounts so recovered shall be used for the furnishing of compensation benefits, and the agreement shall provide for the reimbursing of the state fund for expense incurred in recovering such amounts and the manner in which such amounts shall be applied to the furnishing of compensation.

SEC. 148. Section 4386 of the Labor Code is amended to read:

4386. Should the United States government or any agent thereof, in accordance with any federal statute or rule or regulation, furnish monetary assistance, benefits, or other temporary or permanent relief to disaster service workers or to disaster service workers and their dependents for injuries arising out of and occurring in the course of their activities as disaster service workers, then the amount of compensation which any disaster service worker or his dependents are otherwise entitled to receive from the State of California under Division 4 (commencing with Section 3201) of the Labor Code for any injury shall be reduced by the amount of monetary assistance, benefits, or other temporary or permanent relief the disaster service worker or his dependents have received and will receive from the United States or any agent thereof as a result of the injury.

If, in addition to monetary assistance, benefits, or other temporary or permanent relief, the United States government or any agent thereof furnishes medical, surgical or hospital treatment or any combination thereof to an injured disaster service worker, then the disaster service worker has no right to receive similar medical, surgical or hospital treatment under Division 4 (commencing with Section 3201) of the Labor Code. However, the State Compensation Insurance Fund, as adjusting agent of the California Emergency Council, may furnish medical, surgical or hospital treatment as part of the compensation provided in Division 4 (commencing with Section 3201) of the Labor Code in addition to that furnished by the United States government or its agents.

If, in addition to monetary assistance, benefits, or other temporary or permanent relief, the United States government or any agent thereof will reimburse a disaster service worker or his dependents for medical, surgical or hospital treatment, or any combination thereof, furnished to the injured disaster service worker, the disaster service worker has no right to receive similar medical, surgical or hospital treatment under Division 4 (commencing with Section 3201) of the Labor Code, but the State Compensation Insurance Fund, as adjusting agent of the California Emergency Council, may furnish medical, surgical or hospital treatment as part of the compensation provided in Division 4 (commencing with Section 3201) of the Labor Code and apply to the United States government or its agent for the reimbursement which will be made to the disaster service worker or his dependents. As a condition to the furnishing of such medical, surgical or hospital treatment, the State Compensation Insurance Fund shall require the disaster

service worker and his dependents to assign to the State of California, for the purpose of reimbursing for any medical, surgical or hospital treatment furnished or to be furnished by the state, any privilege or right such disaster service worker or his dependents may have to reimbursement from the United States government or any agent thereof.

If the furnishing of compensation under the provisions of Division 4 (commencing with Section 3201) of the Labor Code to a disaster service worker or his dependents prevents such disaster service worker or his dependents from receiving assistance, benefits or other temporary or permanent relief under the provisions of a federal statute or rule or regulation, then the disaster service worker and his dependents shall have no right to, and shall not receive, any compensation from the State of California under the provisions of Division 4 (commencing with Section 3201) of the Labor Code for any injury for which the United States government or any agent thereof will furnish assistance, benefits or other temporary or permanent relief in the absence of the furnishing of compensation by the State of California.

SEC. 149. Section 4753 of the Labor Code is amended to read:

4753. Such additional compensation is not in addition to but shall be reduced to the extent of any monetary payments received by the employee, from any source whatsoever, for or on account of such preexisting disability or impairment, except as to payments being made to the employee or to which he is entitled as a pension or other compensation for disability incurred in service in the armed forces of the United States, and except as to payments being made to him or to which he is entitled as assistance under the provisions of Chapter 2 (commencing with Section 11200), Chapter 3 (commencing with Section 12000), Chapter 4 (commencing with Section 12500), Chapter 5 (commencing with Section 13000), or Chapter 6 (commencing with Section 13500) of Part 3, or Part 5 (commencing with Section 17000), of Division 9 of the Welfare and Institutions Code, and excluding from such monetary payments received by the employee for or on account of such preexisting disability or impairment a sum equal to all sums reasonably and necessarily expended by the employee for or on account of attorney's fees, costs and expenses incidental to the recovery of such monetary payments.

All cases under this section and under Section 4751 shall be governed by the terms of this section and Section 4751 as in effect on the date of the particular subsequent injury.

SEC. 150. The heading of Article 6 (commencing with Section 4800) of Chapter 2 of Part 2 of Division 4 of the Labor Code is amended to read:

Article 6. Special Payments to Certain Individuals

SEC. 151. Section 433.5 of the Military and Veterans Code is amended to read:

433.5. All state armories may be used for civil defense purposes on such terms and conditions as shall be mutually agreeable to the Military Department and the Office of Emergency Services.

SEC. 152. Section 985 of the Military and Veterans Code is amended to read:

985. Definitions.

(a) "Farm" means a tract of land, which, in the opinion of the department, is capable of producing sufficient to provide a living for the purchaser and his dependents.

(b) "Home" means a parcel of real estate upon which there is a dwelling house and such other buildings as will, in the opinion of the department, suit the needs of the purchaser and his dependents as a place of abode. It includes a "condominium," as defined in subdivision (i) of this section.

(c) "Purchaser" means a veteran or any person who has entered into a contract of purchase of a farm or home from the department.

(d) "Purchase price" means the price which the department pays for any farm or home.

(e) "Selling price" means the price for which the department sells any farm or home.

(f) "Initial payment" means the first payment to be made by a purchaser to the department for a farm or home.

(g) As used in this article, "veteran" includes, in addition to the persons described in Section 980, all members of the armed services who were residents of California under the provisions of Section 980.

(h) As used in this article, "progress payment plan" means payment by the department for improvements on real property in installments as work progresses.

(i) As used in this article, "condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential building on such real property, such as an apartment, which, in the opinion of the department, suits the needs of the purchaser and his dependents as a place of abode. A condominium may include in addition a separate interest in other portions of such real property.

SEC. 154. Section 849 of the Penal Code is amended to read:

849. (a) When an arrest is made without a warrant by a peace officer or private person, the person arrested, if not otherwise released, shall, without unnecessary delay, be taken before the nearest or most accessible magistrate in the county in which the offense is triable, and a complaint stating the charge against the arrested person shall be laid before such magistrate.

(b) Any peace officer may release from custody, instead of taking such person before a magistrate, any person arrested without a warrant whenever:

(1) He is satisfied that there are insufficient grounds for making a criminal complaint against the person arrested.

(2) The person arrested was arrested for intoxication only, and no further proceedings are desirable.

(3) The person was arrested only for being under the influence of a narcotic, drug, or restricted dangerous drug and such person is delivered to a facility or hospital for treatment and no further proceedings are desirable.

(c) Any record of arrest of a person released pursuant to paragraphs (1) and (3) of subdivision (b) shall include a record of release. Thereafter, such arrest shall not be deemed an arrest, but a detention only.

SEC. 155. Section 1330 of the Penal Code is amended to read:

1330. No person is obliged to attend as a witness before a court or magistrate out of the county where the witness resides, or is served with the subpoena, unless the distance be less than 150 miles from his place of residence to the place of trial, or unless the judge of the court in which the offense is triable, or a justice of the Supreme Court, or a judge of a superior court, or, in the case of a minor concerning whom a petition has been filed pursuant to Article 7 (commencing with Section 650) of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, by the judge of the juvenile court hearing the petition, upon an affidavit of the district attorney or prosecutor, or of the defendant, or his counsel, or in the case involving a minor in whose behalf a petition has been filed in the juvenile court, of the probation officer approving the filing of such petition or of any party to such action, or his counsel, stating that he believes the evidence of the witness is material, and his attendance at the examination, trial, or hearing is material and necessary, shall endorse on the subpoena an order for the attendance of the witness.

SEC. 156. Section 4018.1 of the Penal Code is amended to read:

4018.1. For each month in which a prisoner is confined in or committed to a county jail, industrial farm, or road camp, or any city jail, industrial farm, or road camp under a judgment of imprisonment, or a fine and imprisonment until the fine is paid, or in which a prisoner is confined in or committed to the county jail, industrial farm, or road camp or any city jail, industrial farm, or road camp as a condition of probation after suspension of imposition of a sentence or suspension of execution of sentence, in a criminal action or proceeding, and when it appears by the record that he has satisfactorily performed labor as assigned by the sheriff, chief of police, or superintendent of an industrial farm or road camp, five days may be deducted from his period of confinement by order of such sheriff, chief of police, or superintendent.

SEC. 157. Section 4019 of the Penal Code is amended to read:

4019. For each month in which a prisoner is confined in or committed to a county jail, industrial farm or road camp or any city jail, industrial farm or road camp under a judgment of imprisonment, or a fine and imprisonment until the fine is paid, or in which a prisoner is confined in or committed to the county jail, industrial farm or road camp, or any city jail, industrial farm or road camp as a condition of probation after suspension of imposition of a sentence or suspension of execution of sentence, in a criminal action or proceeding, and when it appears, by the record, that he has satisfactorily complied with the reasonable rules and regulations established by the sheriff, chief of police, or superintendent for the conduct of such prisoners, and that his conduct is reported by the officer in charge of the jail, industrial farm or road camp to have been satisfactory, five days may, with the consent of the sheriff, chief of police, or superintendent, be deducted from his period of confinement.

SEC. 158. Section 4530 of the Penal Code is amended to read:

4530. (a) Every prisoner confined in a state prison who, by force or violence, escapes or attempts to escape therefrom and every prisoner committed to a state prison who, by force or violence, escapes or attempts to escape while being conveyed to or from such prison or any other state prison, or any prison road camp, prison forestry camp, or other prison camp or prison farm or any other place while under the custody of prison officials, officers or employees; or who, by force or violence, escapes or attempts to escape from any prison road camp, prison forestry camp, or other prison camp or prison farm or other place while under the custody of prison officials, officers or employees; or who, by force or violence escapes or attempts to escape while at work outside or away from prison under custody of prison officials, officers, or employees, is punishable by imprisonment in a state prison for a term of not less than one year. The second term of imprisonment of a person convicted under this subdivision shall commence from the time he would otherwise have been discharged from said prison. No additional probation report shall be required with respect to such offense.

(b) Every prisoner who commits an escape or attempts an escape as described in subdivision (a), without force or violence, is punishable by imprisonment in the state prison for a term of not less than six months nor more than five years. No additional probation report shall be required with respect to such offense.

(c) The willful failure of a prisoner who is employed or continuing his education, or who is authorized to secure employment or education, or who is temporarily released pursuant to the provisions of Sections 2690, 2910, or 6254 of this code, or Section 3306 of the Welfare and Institutions Code, to return to the place of confinement not later than the expiration of a

period during which he is authorized to be away from such place of confinement, is an escape from such place of confinement punishable as provided in this section. A conviction of violation of this subdivision, not involving force or violence, shall not be charged as a prior felony conviction in any subsequent prosecution for a public offense.

SEC. 159. Section 4156 of the Public Resources Code is amended to read:

4156. The State Forester, such employees or classes of employees of the division who may be designated by the State Forester, and voluntary firewardens designated by the State Forester, have the powers conferred by law upon peace officers listed in Section 830.3 of the Penal Code; provided, that the primary duty of any such peace officer shall be the enforcement of forest laws and regulations, state and county fire laws and regulations, and the laws relating to explosives as set forth in Part 1 (commencing with Section 12000) of Division 11 of the Health and Safety Code, other than laws the enforcement of which is primarily the responsibility of the State Fire Marshal. Officers, employees and voluntary firewardens, upon request pursuant to Section 8597 of the Government Code, shall have the full powers and duties of peace officers for all purposes as provided by the Penal Code and are not liable to civil action for trespass committed in the discharge of their duties.

Any such peace officer may enforce federal fire laws to the extent that he is authorized to do so.

SEC. 160. Section 5003.3 of the Public Resources Code is repealed.

SEC. 161. Chapter 1.8 (commencing with Section 5098) of Division 5 of the Public Resources Code is repealed.

SEC. 162. Section 13557 of the Revenue and Taxation Code is amended to read:

13557. For the purpose of this part, the wife has the same interest in all community property, whenever acquired, if the property is community because of the manner of its acquisition by the spouses, that she has in community property acquired since July 29, 1927.

SEC. 163. Section 15304 of the Revenue and Taxation Code is amended to read:

15304. For the purpose of this part, the wife has the same interest in all community property, whenever acquired, if the property is community because of the manner of its acquisition by the spouses, that she has in community property acquired since July 29, 1927.

SEC. 164. Section 186.3 of the Streets and Highways Code is amended to read:

186.3. (a) Funds apportioned pursuant to Section 2106 shall be expended exclusively for acquisition of rights-of-way for and construction of routes on the select system of county roads and city streets for such county or city established as provided in this section or for maintenance purposes; provided, however, that any expenditure of funds apportioned

pursuant to Section 2106 or 2107 for acquisition of rights-of-way or construction upon a state highway, or upon a select system road or street in a county or city, shall be deemed an expenditure upon the select system of the county or city making such expenditure.

(b) Each county and city, to be eligible for allocation and apportionment of funds pursuant to Section 2106 or 2107, shall file a report and map or maps with the department indicating its select system of county roads or city streets, and thereafter each eligible county and city may submit a supplemental report with map or maps recommending proposed additions or deletions to the system where such additions or deletions are warranted by changes brought about by annexations or changes in traffic or land-use patterns or by other causes. Such submittals shall be reviewed and approved or modified by the department and shall constitute the select system upon which funds may thereafter be expended.

(c) All select systems and their modifications or revisions heretofore approved by the commission shall be effective upon the date of such approval.

(d) Notwithstanding subdivision (a), funds received pursuant to Sections 2106 and 2107 and expended for the acquisition of rights-of-way for, and the construction of, city streets shall be considered expenditures on the select system of the city, if the city legislative body finds that 90 percent or more of either its select system or its entire system of city streets has been constructed. For purposes of this subdivision, the select system of city streets shall include all city streets which meet, or substantially meet, all three criteria set forth in subdivision (b) of Section 186.4. In the event that the total mileage of streets in the city has increased by more than 10 percent since the findings were made by the city legislative body, it shall reevaluate its findings.

SEC. 165. Section 8624 of the Streets and Highways Code is amended to read:

8624. The estimated cost of the publications provided for in this part and the cost of printing the bonds shall constitute an incidental expense of the work and shall be included in the assessment issued to the contractor.

SEC. 166. Section 10205 of the Streets and Highways Code is amended to read:

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

At any time either before or after the formation of the district, the legislative body may provide by ordinance that for a period specified in the ordinance, but not exceeding the term of bonds issued or to be issued, the city may contribute, from any sources of revenue not otherwise prohibited by law, any specified amount, portion, or percentage of such revenues for the purposes set forth in such ordinance, limited to the following: the acquisition or construction of improvements, the

acquisition of interests in real property and the payment of expenses incidental thereto for the use and benefit of the district. In addition, the purposes specified in the ordinance may also include the application of such revenues as a credit upon the levied assessments in the same manner as is provided in Section 10427.1. A brief statement of intention to provide such contribution of revenues shall be set forth in the resolution of intention. Such contribution shall not constitute an indebtedness or liability of the municipality. Contributions may be made from any sources of revenue not otherwise prohibited by law; provided, however, that any contributions authorized after the levy of assessment shall be from sources other than ad valorem taxes on real property.

SEC. 177. Article 3.5 (commencing with Section 30700) of Chapter 2 of Division 17 of the Streets and Highways Code is repealed.

SEC. 178. Section 165 of the Vehicle Code is amended to read:

165. An authorized emergency vehicle is:

(a) Any publicly owned ambulance, lifeguard or lifesaving equipment or any privately owned ambulance used to respond to emergency calls and operated under a license issued by the Commissioner of the California Highway Patrol.

(b) Any publicly owned vehicle operated by the following persons, agencies or organizations:

(1) Any forestry or fire department of any public agency or fire department organized as provided in the Health and Safety Code.

(2) Any police department, including those of the University of California and the California State Colleges, sheriff's department, or the California Highway Patrol.

(3) The district attorney of any county or any district attorney investigator.

(4) Any constable or deputy constable engaged in law enforcement work.

(5) Peace officer personnel of the Department of Justice.

(c) Any vehicle owned by the state, or any bridge and highway district, and equipped and used either for fighting fires, or towing or servicing other vehicles, caring for injured persons, or repairing damaged lighting or electrical equipment.

(d) Any state-owned vehicle used in responding to emergency fire, rescue or communications calls and operated either by the Office of Emergency Services or by any public agency or industrial fire department to which the Office of Emergency Services has assigned such vehicle.

(e) Any state-owned vehicle operated by a fish and game warden.

(f) Any vehicle owned or operated by any department or agency of the United States government:

(1) When such department or agency is engaged primarily in law enforcement work and the vehicle is used in responding to emergency calls, or

(2) When such vehicle is used in responding to emergency fire, ambulance or lifesaving calls.

(g) Any vehicle for which an authorized emergency vehicle permit has been issued by the Commissioner of the California Highway Patrol.

SEC. 179. Section 1657 of the Vehicle Code is amended to read:

1657. The director may assign qualified employees of the department to advise with the State Board of Education and with the governing boards of districts maintaining secondary schools in the preparation, establishment, and conduct of courses in automobile driver education and automobile driver training in secondary schools under the provisions of the Education Code.

SEC. 180. Section 4005 of the Vehicle Code is amended to read:

4005. Any vehicle subject to registration may be operated within a disaster area or region for the purpose of assisting in disaster relief work, under a special permit to be issued by the department for such purpose, without the registration of such vehicle.

Said permit shall be issued only if the Department of Public Works or the responsible local authority has determined that the vehicle is necessary for such purpose, and shall be valid only during a period of a state of emergency as proclaimed by the Governor under the provisions of the California Emergency Services Act.

SEC. 181. Section 5015 of the Vehicle Code is amended to read:

5015. (a) The application for an identification plate for special construction, special mobile, and cemetery equipment shall be made before any such piece of equipment is moved over a highway.

(b) (1) An identification plate shall be issued for a snowmobile before such snowmobile may be operated on a highway or public or private property.

(2) Every identification card issued for a snowmobile on or after January 1, 1971, shall expire at midnight on the 31st day of December of the even-numbered year next following the date of issuance.

(3) Any person owning a snowmobile with an identification plate issued before January 1, 1971, is not required to renew its identification plate before January 1, 1973.

(4) Application for the renewal of an identification card and plate for a snowmobile shall be made by the owner between January 1st and midnight of February 4th succeeding the expiration date.

SEC. 182. Section 9250.5 of the Vehicle Code is amended to read:

9250.5. (a) In addition to the registration fee specified in Section 9250, there shall be paid the following registration fee for the registration of a gasoline-powered vehicle, other than

a motorcycle, of a 1975 or later model year having a compression ratio of more than 8.5 to 1:

For a vehicle having a compression ratio of:	
More than 8.5 to 1 but under 9.0 to 1.....	\$50
9.0 to 1 or more but under 9.5 to 1.....	100
9.5 to 1 or more but under 10.0 to 1.....	150
10.0 to 1 or more but under 10.5 to 1.....	200
10.5 to 1 or more but under 11.0 to 1.....	250
11 to 1 or more.....	300

(b) Subdivision (a) shall not apply to such a motor vehicle whose emission of pollutants is within the allowable limits established by law or regulation and which does not emit any other deleterious substances.

(c) All fees received by the department pursuant to this section shall be deposited in the Air Pollution Control Fund in the State Treasury. All money deposited in the fund pursuant to this section shall augment the money appropriated by Section 39068 of the Health and Safety Code to finance studies and projects designed to reduce or eliminate motor-vehicle-caused air pollution.

SEC. 183. Section 11105 5 of the Vehicle Code is amended to read:

11105.5. The department shall issue an independent driving instructor's license to permit instruction in any city with a population of less than 50,000, which does not have within it an established licensed driving school, to any person who meets the requirements of this chapter relating to instructor's and independent instructor's licenses, even though such person is not an employee of, or otherwise associated with or instructing through, a driving school, except that no independent driving instructor's license shall be issued to a person to instruct in counties with a population in excess of 400,000. In addition, an independent instructor must at all times be employed as an accredited teacher of automobile driver education or automobile driver training under the provisions of the Education Code.

SEC. 184. Section 11113 of the Vehicle Code is amended to read:

11113. Each instructor employed by a certified commercial driving school for training eligible students pursuant to Section 5855 of the Education Code shall have previously passed a driving instructors course in conformance with the standards promulgated by the Highway Safety Act of 1966 (Pub.L. 89-564, 80 Stat. 731). Only courses approved and monitored by the department under Section 11114 meet this requirement.

SEC. 185. Section 11115 of the Vehicle Code is amended to read:

11115. The department shall monitor all training given by certified commercial driving schools under contracts pursuant to Section 5854 of the Education Code.

SEC. 186. Section 11200 of the Vehicle Code is amended to read:

11200. The department shall conduct a scientific study of the automobile driver training programs in the experimental school districts established pursuant to Article 2.7 (commencing with Section 5850) of Chapter 6 of Division 6 of the Education Code, for the purpose of comparing the costs and benefits of training students in commercial driving schools with the costs and benefits of the training offered by the schools. To this end, the department shall select, using scientific selection procedures, for the period of July 1, 1970 to June 30, 1971, which students shall be trained in the certified commercial driving schools and which students shall be trained in the secondary schools. The number of students so selected shall not exceed 40 percent of the eligible students.

The department shall assign each student selected to be trained in the certified commercial driving schools to one of the two test groups designated by Section 5855 of the Education Code. The department shall assign each student selected to be trained in the secondary schools to one of the two test groups designated by Section 5855 of the Education Code.

SEC. 187. Section 12507 of the Vehicle Code is amended to read:

12507. Any person 16 years of age but less than 18, may apply for, and the department may issue a driver's license to such person upon successful completion of an examination as required by the department and upon compliance with one of the following:

(a) Satisfactory completion of approved courses in automobile driver education and driver training maintained pursuant to provisions of the Education Code in any secondary school of California, or equivalent instruction in a secondary school of another state.

(b) Satisfactory completion of six hours or more of behind-the-wheel instruction by a driving school or an independent driving instructor licensed under the provisions of Chapter 1 (commencing with Section 11100) of Division 5 of this code and either an accredited course in automobile driver education in any secondary school of California pursuant to provisions of the Education Code or satisfactory completion of equivalent professional instruction acceptable to the department. To be acceptable to the department the professional instruction shall meet minimum standards to be prescribed by the department, which standards shall be at least equal to the requirements for driver education and training contained in the rules and regulations adopted by the State Board of Education pursuant to provisions of the Education Code.

SEC. 188. Section 12804 of the Vehicle Code is amended to read:

12804. (a) The examination shall include a test of the applicant's knowledge and understanding of the provisions of

this code governing the operation of vehicles upon the highways, the ability to read and understand simple English used in highway traffic and directional signs, and his understanding of traffic signs and signals. The applicant shall be required to give an actual demonstration of his ability to exercise ordinary and reasonable control in operating a motor vehicle by driving the same under the supervision of an examining officer and to submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive. The examination shall also include a test of the hearing and eyesight of the applicant and such other matters as may be necessary to determine the applicant's mental and physical fitness to operate a motor vehicle upon the highways and whether any ground exists for refusal of a license under this code. The examination for a class 1 or class 2 license under subdivision (b) of this section shall also include a doctor's report of a medical examination of the applicant. In establishing the requirements consideration may be given to the standards presently required of motor carrier drivers by the Federal Highway Administration of the United States Department of Transportation. Any physical defect of the applicant which in the opinion of the department is compensated to insure safe driving ability shall not prevent the issuance of a license to the applicant.

(b) In accordance with the following classifications any applicant for a driver's license shall be required to submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive:

(1) Class 1. Any combination of vehicles and all vehicles under class 2 and class 3.

(2) Class 2. Any bus, any "farm labor truck," any single vehicle with three or more axles, any of such vehicles towing another vehicle weighing less than 6,000 pounds gross, and all vehicles covered under class 3.

(3) Class 3. A three-axle house car, any two-axle vehicle, and any such house car or vehicle towing another vehicle weighing less than 6,000 pounds gross, except a bus, two-wheel motorcycle, or "farm labor truck."

(4) Class 4. Any two-wheel motorcycle. Authority to operate vehicles included in a class 4 license may be granted by endorsement on a class 1, 2 or 3 license upon completion of appropriate examination. A person holding a valid class 1, class 2 or class 3 driver's license on November 13, 1968, may drive a motorcycle until such time as the license expires without obtaining a class 4 license or endorsement.

(c) The department may accept a certificate of driving experience in lieu of a driving test on class 1 or 2 applications when such certificate is issued by an employer of the applicant provided the applicant has first qualified for a class 3 license and also met the other examination requirements for the license for which he is applying. Such certificate may be submitted as evidence of the applicant's experience or training

in the operation of the types of equipment covered by the license for which he is applying.

(d) The department may accept a certificate of competence in lieu of a driving test on class 4 applications when such certificate is issued by a law enforcement agency for its officers who operate class 4 vehicles in their duties provided the applicant has also met the other examination requirements for the license for which he is applying.

SEC. 189. Section 13552 of the Vehicle Code is amended to read:

13552. (a) The privileges of a nonresident to operate vehicles in this state may be suspended or revoked under the provisions of this chapter in the same manner and to the same extent as the privileges of a resident driver.

(b) Any nonresident, whether or not licensed to drive in a foreign jurisdiction, who operates a motor vehicle upon a highway after his privilege of operating a motor vehicle in this state has been suspended or revoked is in violation of Section 14601 or 14601.1.

(c) Whenever the department revokes or suspends the privileges of a nonresident to operate vehicles in this state, it shall send a certified copy of the order to the proper authorities in the state wherein the person is a resident.

SEC. 190. Section 16434 of the Vehicle Code is amended to read:

16434. Proof of ability to respond in damages may be given by the bond of a surety company duly authorized to do business within the state, or a bond of individual sureties each owning unencumbered real estate, approved by a judge of a court of record. The bond shall be conditioned for the payment of the amount specified in Section 16430, and shall provide for the entry of judgment on motion of the state in favor of any holder of any final judgment on account of damages to property over two hundred dollars (\$200) in amount, or injury to any person caused by the operation of such person's motor vehicle, in the same manner as provided in Section 917.1 of the Code of Civil Procedure for the entry of judgment upon appeal bonds.

SEC. 191. Section 16436 of the Vehicle Code is amended to read:

16436. Proof of ability to respond in damages may be given by the written certificate of a self-insurer holding a certificate of self-insurance for bodily injury and property damage issued by the department.

The certification shall name the employee in whose behalf it is filed and shall bind the self-insurer in a like manner and to the same amounts as provided for in Section 16430 for damages arising from the operation of a motor vehicle by the employee within the scope of his employment by the self-insurer. In such case, the department shall restrict any driver's license issued to such employee to the operation of motor vehicles owned by the self-insurer within the scope of his employment by the self-insurer.

The certificate shall be canceled upon 10 days prior written notice to the department by the self-insurer.

SEC. 192. Section 17150.5 of the Vehicle Code is amended to read:

17150.5. The presumptions created by Section 5110 of the Civil Code as to the acquisition of property by a married woman by an instrument in writing shall not apply in an action based on Section 17150 with respect to the acquisition of a motor vehicle by a married woman and her husband.

SEC. 193. Section 23273 of the Vehicle Code is amended to read:

23273. Sections 24605, 25253, 27700, and 27907 do not apply to vehicles operated by the Department of Public Works pursuant to this article.

SEC. 194. Section 23337 of the Vehicle Code is amended and renumbered to read:

23128. It is unlawful for any person to operate a snowmobile in the following manner:

(a) On a highway except as provided in Section 4020.

(b) In a careless or negligent manner so as to endanger a person or property.

(c) For the purpose of pursuing deer or other game mammal with intent to harass such animals.

(d) For the purpose of violating Section 602 of the Penal Code.

SEC. 195. Section 40830 of the Vehicle Code is amended to read:

40830. In either of the following circumstances a violation of any provision of this code does not establish negligence as a matter of law, but in any civil action under either of the circumstances negligence must be proved as a fact without regard to the violation. The circumstances under which this section applies are either:

(a) Where violation of the provision was required by a law of the federal government or by any rule, regulation, directive or order of any agency of the federal government, the violation of which is subject to penalty under an act of Congress or by any valid order of military authority.

(b) Where violation of the provision was required in order to comply with any regulation, directive, or order of the Governor promulgated under the California Emergency Services Act.

SEC. 196. Section 41402 of the Vehicle Code is amended to read:

41402. No person shall be prosecuted for a violation of any provision of this code when violation of such provision is required in order to comply with any regulation, directive, or order of the Governor promulgated under the California Emergency Services Act.

SEC. 197. Section 4014 of the Welfare and Institutions Code is amended to read:

4014. In order to assure an adequate number of qualified psychiatric technicians, psychiatrists, physicians and surgeons, psychologists, nurses, social workers, laboratory and other technicians, and ancillary workers, the department shall negotiate with any or all of the following: the University of California, the state colleges, the community colleges, private universities and colleges, and public and private hospitals, and arrange such affiliations or make such contracts for educational or training programs and award training grants or stipends as may be necessary. Arrangements may be made in the hospitals and clinics operated by the department for the clinical experience essential to such educational and training programs, and positions in the department as interns and residents may be established.

SEC. 198. Section 10850.1 of the Welfare and Institutions Code, as added by Chapter 910 of the Statutes of 1968, is amended and renumbered to read:

10850.2. Notwithstanding the provisions of Section 10850, factual information relating to eligibility provided solely by the public assistance recipient contained in applications and records made or kept by any public officer or agency in connection with the administration of any public assistance program shall be open for inspection by the recipient to which the information relates and by any other person authorized in writing by such recipient. The written authorization shall be dated and signed by such recipient and shall expire one year from the date of execution. In the event of any hearing under the provisions of this division, the attorney or authorized representative of the applicant or recipient shall be entitled to inspect the case record relating to the applicant or recipient prior to, as well as during, the hearing.

No list or names obtained through such access to such records or applications as provided in this section shall be used for any commercial or political purposes.

SEC. 199. Section 12205 of the Welfare and Institutions Code is amended to read:

12205. If, on the death of a recipient of aid under this chapter, it is found that he was possessed of property or income in excess of the amount prescribed by law for a recipient of aid to the aged, and that he has not disclosed the same to the board of supervisors, it shall be presumed that he was possessed of such property or income since the date of his first application for aid, and double the amount of the aid paid him in excess of that to which he was legally entitled may be recovered by the Department of Social Welfare as a preferred claim from his estate and upon recovery shall be repaid to the county, to the state, and to the United States government in accordance with the provisions of Section 12010.

Collections based solely on this presumption shall not exceed the market value of the excess property.

SEC. 200. Sections 53, 54, 55, 56, 57, 58, 59, 60, 67, and 80 of this act shall become operative on January 1, 1973, or

at such earlier date as the Commission for Teacher Preparation and Licensing may determine that Chapter 557 of the Statutes of 1970 is to become operative pursuant to Section 93 of Chapter 557 of the Statutes of 1970.

SEC. 201. Any section of any act enacted by the Legislature at its 1971 Regular Session prior or subsequent to the enactment of this act, which amends or repeals a section amended or repealed by this act, shall prevail over this act.

CHAPTER 439

An act to amend Sections 1460, 1481, and 1482 of, and to add Section 1480.5 to, the Streets and Highways Code, relating to highways.

[Approved by Governor August 2, 1971. Filed with Secretary of State August 2, 1971.]

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

SECTION 1. Section 1460 of the Streets and Highways Code is amended to read:

1460. The road commissioner may issue written permits, as provided in this chapter, authorizing the permittee to do any of the following acts:

(a) Make an opening or excavation for any purpose in any county highway.

(b) Place, change or renew an encroachment.

(c) Place or display in, under or over any county highway any kind of advertising sign or device. Any such sign or device placed or displayed contrary to the provisions of this section is a public nuisance and the road commissioner may immediately remove it. The provisions of this section shall not prohibit the posting of any notice in the manner required by law or by the order of any court of this state.

(d) Plant, remove, cut, cut down, injure or destroy any tree, shrub, plant or flower growing within any county highway.

Any person who does any of the acts specified in this section, without the authority of such a permit, is guilty of a misdemeanor and is liable to the public agency for all expenses and damages caused thereby.

SEC. 2. Section 1480.5 is added to the Streets and Highways Code, to read:

1480.5. The road commissioner may immediately remove, or by notice may require the removal of, any of the following encroachments:

(a) An encroachment which obstructs or prevents the use of a county highway by the public.

(b) An encroachment which consists of refuse.

(c) An encroachment which is a traffic hazard.

(d) An encroachment which is an advertising sign or device of any description, unless excepted by subdivision (c) of Section 1460.

The road commissioner may recover from the person, in an action brought in the name of the county for that purpose, the court costs of the road commissioner, the expense of such removal, and any other damages caused by the acts.

SEC. 3. Section 1481 of the Streets and Highways Code is amended to read:

1481. The road commissioner may, by notice, require the removal of any other encroachment not specified in Section 1480.5 from any county highway.

SEC. 4. Section 1482 of the Streets and Highways Code is amended to read:

1482. The notice referred to in Sections 1480.5 and 1481 shall be served upon the occupant or owner of the land, or the person causing, controlling or owning the encroachment, or shall be left at the place of residence of such occupant, owner or person if he resides in the county and is known to the person giving such notice. If the person upon whom notice is to be served does not reside in the county, the notice shall be posted on the encroachment. The notice shall specify the breadth of the highway, the place and extent of the encroachment, and shall require the removal of such encroachment within 10 days.

CHAPTER 440

An act to add Section 1481.2 to the Health and Safety Code, relating to paramedics.

[Approved by Governor August 2, 1971. Filed with Secretary of State August 2, 1971.]

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

SECTION 1. Section 1481.2 is added to the Health and Safety Code, to read:

1481.2. Each county conducting a pilot program pursuant to this article shall submit a report to the Legislature and to the State Department of Public Health, not later than 30 days from the first calendar day of the 1974 Regular Session, evaluating any such pilot program conducted at any hospital operated by the county or under contract with the county. The report shall include an evaluation of the competency and effectiveness of the performance by the mobile intensive care paramedics in their duties in staffing rescue units and in the rendering of medical and nursing care pursuant to this article. The report may include recommendations relating to the extension or modification of the provisions of this article.

CHAPTER 441

An act to amend Section 2873.5 of the Business and Professions Code, relating to licensed vocational nurses.

[Approved by Governor August 2, 1971 Filed with
Secretary of State August 2, 1971.]

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

SECTION 1. Section 2873.5 of the Business and Professions Code is amended to read:

2873.5. Any person who has served on active duty in the medical corps of any of the armed forces for a period of not less than 23 months, of which no less than an aggregate of 12 months has been in rendering patient care, and who has completed the basic course of instruction in nursing required by his particular branch of the armed forces, and whose service in the armed forces has been under honorable conditions, shall be granted a license upon proof that he possesses the necessary qualifications of this section, as set forth in his service records, and upon his passing an examination.

CHAPTER 442

An act to amend Section 7028.4 of the Business and Professions Code, relating to contractors.

[Approved by Governor August 2, 1971 Filed with
Secretary of State August 2, 1971.]

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

SECTION 1. Section 7028.4 of the Business and Professions Code is amended to read:

7028.4. In addition to the remedies set forth in Section 7028.3, on proper showing by (1) a licensed contractor, or an association of contractors, (2) a consumer affected by the violation, (3) a district attorney, or (4) the Attorney General, of a continuing violation of this chapter by a person who does not hold a state contractor's license in any classification, an injunction shall issue by a court specified in Section 7028.3 at the request of any such party, prohibiting such violation. The plaintiff in any such action shall not be required to prove irreparable injury.

CHAPTER 443

An act to amend Sections 19100, 19140, 19141, and 19172 of, to add Section 19140.5 to, and to repeal Sections 18592 and

18594 of, the Government Code, relating to the state civil service, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 2, 1971. Filed with Secretary of State August 2, 1971.]

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

SECTION 1. Section 18592 of the Government Code is repealed.

SEC. 1.2. Section 18594 of the Government Code is repealed.

SEC. 1.4. Section 19100 of the Government Code is amended to read:

19100. Whenever the appointing power requires the appointment of a person to a position requiring the performance of work on an intermittent or irregular time basis, the request for certification shall state the probable amount of working time to be required in the position. For persons employed on an intermittent or irregular time base the status, tenure, vacation and sick leave privileges, salary, and other conditions of employment or methods of separation governed by this part shall be subject to board rule.

SEC. 2. Section 19140 of the Government Code is amended to read:

19140. In addition to reinstatement required under any other section, an appointing power may in his discretion, reinstate any person having probationary or permanent status who was separated from his position (a) by resignation, (b) by service retirement, (c) by termination from limited-term, temporary, career executive assignment, or exempt appointment, (d) under the provisions of Section 19503, or (e) without a break in continuity of state service to accept another civil service or exempt appointment.

Such reinstatement shall be:

- (a) Subject to board rule;
- (b) Within three years unless the employee, other than members of the California Highway Patrol, has remained in state service without a break in the continuity of state service due to a permanent separation; and
- (c) To a vacant position
 - (1) In the class vacated or from which separated, or
 - (2) In a lower class in the same series, or
 - (3) In a lower class in a related series requiring similar types of qualifications and knowledges and abilities, or
 - (4) In another class having substantially similar duties, responsibilities, and qualifications, and substantially the same salary range.

For reinstatement after separation, the time spent (a) in a position which is exempt from civil service or (b) as a temporary employee in another governmental agency engaged in a technical cooperation program under an agreement approved

by the state or (c) in the recognized military service shall not be considered in computing the three-year period.

SEC. 3. Section 19140.5 is added to the Government Code, to read:

19140.5. This section applies only to a permanent employee, or an employee who previously had permanent status and who, since such permanent status, has had no break in the continuity of state service due to a permanent separation.

An employee who is (a) terminated from a temporary or limited-term appointment by either the employee or the appointing power; or (b) rejected during probationary period from his former class, or a class with substantially the same or higher level of duties, responsibilities and salary; or (c) rejected during probationary period from a lower class under the same appointing power; shall be reinstated to his former position provided:

(1) He vacated a civil service position to accept another civil service position; and

(2) He accepted the appointment without a break in the continuity of state service; and

(3) The reinstatement is requested in the manner provided by board rule within 10 working days after the effective date of such termination.

SEC. 4. Section 19141 of the Government Code is amended to read:

19141. This section applies only to a permanent employee, or an employee who previously had permanent status and who, since such permanent status, has had no break in the continuity of his state service due to a permanent separation. Former position in this section means that defined in Section 18522 or a vacant position in any department, commission, or state agency for which he is qualified at substantially the same level.

Within the periods of time specified below an employee who vacates a civil service position to accept an appointment to an exempt position shall be reinstated to his former position at the termination either by the employee or appointing power of the exempt appointment provided he (a) accepted the appointment without a break in the continuity of state service and (b) requests in writing reinstatement of the appointing power of his former position within 10 working days after the effective date of such termination.

The reinstatement may be requested by the employee only within the following periods of time:

(a) At any time after the effective date of the exempt appointment if:

(1) Appointed under subdivision (a) or (b) of Section 4 of Article XXIV of the State Constitution,

(2) Appointed by the Governor,

(3) Appointed to an exempt position under the same appointing power as the former position even though a shorter period of time may be otherwise specified for that appointment.

(b) Within six months after the effective date of the exempt

appointment if appointed under subdivision (h), (i), (k), or (l) of Section 4 of Article XXIV of the State Constitution.

(c) Within four years after the effective date of an exempt appointment if appointed under any other authority.

An employee who vacates his civil service position to accept an assignment as a member, inmate or patient helper under subdivision (j) of Section 4 of Article XXIV of the State Constitution shall not have a right to reinstatement.

An employee who is serving under an exempt appointment retains a right of reinstatement when he accepts an extension of that exempt appointment or accepts a new exempt appointment provided the extension or new appointment is made within the specified reinstatement time limit and there is no break in the continuity of state service. The period for which such right is retained is for the period applicable to the extended or new exempt appointment as if that appointment had been made on the date of the initial exempt appointment.

When an employee exercises his right of reinstatement and returns to his former position, the service while under an exempt appointment shall be deemed to be time served in the former position for the purpose of determining his seniority and eligibility for merit salary increases.

If the termination of an exempt appointment is for a reason contained in the provisions of Section 19530 and the employee does not have a right to reinstatement he shall have his name placed on the departmental and general reemployment lists for the class of his former position.

SEC. 5. Section 19172 of the Government Code is amended to read:

19172. During the probationary period the appointing power or his officially delegated representative shall evaluate the work and efficiency of a probationer in the manner and at such periods as the board rules may require.

SEC. 6. The reinstatement rights of employees who are appointed to an exempt position prior to the effective date of this act shall be based upon the provisions of Section 19141 as it read immediately prior to operative date of this act, except that the reinstatement rights of employees appointed by the Lieutenant Governor, effective November 3, 1970 or later under Article XXIV of the Constitution as adopted by the people on November 3, 1970, shall be under the provisions of Section 19141 as amended by this act.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The voters adopted Proposition 14 at the November 1970 election, which substantially revised Article XXIV of the Constitution, relating to civil service. In addition to technical renumbering of the various exceptions from the civil service, the measure exempted employees in the Lieutenant Governor's

office. In order that the reinstatement rights of civil service employees accepting positions in the Lieutenant Governor's office be granted and such employees be treated the same as other persons in similar positions, it is necessary for this statute to have immediate effect.

CHAPTER 444

An act to add Chapter 8 (commencing with Section 4500) to Division 5 of Title 1 of the Government Code, relating to access to public facilities by the handicapped.

[Approved by Governor August 2, 1971. Filed with Secretary of State August 2, 1971.]

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

SECTION 1. Chapter 8 (commencing with Section 4500) is added to Division 5 of Title 1 of the Government Code, to read:

CHAPTER 8. RAPID TRANSIT

4500. Notwithstanding the provisions of any statute, rule, regulation, decision or pronouncement to the contrary, every local governmental subdivision, every district, every public and quasi-public corporation, every local public agency and public service corporation, and every city, county, city and county and municipal corporation, whether incorporated or not and whether chartered or not, in awarding contracts for equipment or structures shall be obligated to require that all rapid transit equipment and structures shall be so built that a handicapped person shall have ready access to, from and in such equipment and structures; provided, however, that contracts for equipment and structures incidental to the operation of an urban transit system shall be exempt from this requirement until such equipment shall be available from not less than two manufacturers.

CHAPTER 445

An act to amend Sections 13003 and 13005 of the Health and Safety Code, and to add Section 1428 to, and to repeal Sections 4428 and 4443 of the Public Resources Code, relating to fires.

[Approved by Governor August 2, 1971. Filed with Secretary of State August 2, 1971.]

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

SECTION 1. Section 13003 of the Health and Safety Code is amended to read:

13003. Every person is guilty of a misdemeanor who uses any steam-powered logging locomotive, donkey, or threshing engine, or any other steam engine or steam boiler, in or near any forest, brush, grass, grain, or stubble land, unless the steam engine or steam boiler is provided with adequate devices to prevent the escape of fire or sparks and unless he uses every reasonable precaution to prevent the causing of fire thereby.

SEC. 2. Section 13005 of the Health and Safety Code is amended to read:

13005. Every person is guilty of a misdemeanor who, without maintaining in effective working order a spark arrester attached to the exhaust system, (a) operates or causes to be operated any tractor, engine, machine, or truck equipped with an internal combustion engine that is operated on hydrocarbon fuels in harvesting or moving grain or hay, or (b) operates any such equipment or vehicle on land covered with any other flammable agricultural crop. Spark arrester, as used in this section, is as defined in Section 4442 of the Public Resources Code.

Spark arresters attached to the exhaust system of engines on equipment or vehicles, as described in this section, shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

SEC. 3. Section 4428 is added to the Public Resources Code, to read:

4428. No person, except any member of an emergency crew or except the driver or owner of any service vehicle owned or operated by or for, or operated under contract with, a publicly or privately owned utility, which is used in the construction, operation, removal, or repair of the property or facilities of such utility when engaged in emergency operations, shall use or operate any vehicle, machine, tool or equipment powered by an internal combustion engine operated on hydrocarbon fuels, in any industrial operation located on or near any forest, brush, or grass-covered land between April 1 and December 1 of any year, or at any other time when ground litter and vegetation will sustain combustion permitting the spread of fire, without providing and maintaining, for fire-fighting purposes only, suitable and serviceable tools in the amounts, manner and location prescribed in this section.

(a) On any such operation a sealed box of tools shall be located, within the operating area, at a point accessible in the event of fire. This fire toolbox shall contain: one backpack pump-type fire extinguisher filled with water, two axes, two McLeod fire tools, and a sufficient number of shovels so that each employee at the operation can be equipped to fight fire.

(b) One or more serviceable chainsaws of three and one-half or more horsepower with a cutting bar 20 inches in length or longer shall be immediately available within the operating area, or, in the alternative, a full set of timber-felling tools shall be located in the fire toolbox, including one crosscut falling saw six feet in length, one double-bit ax with

a 36-inch handle, one sledge hammer or maul with a head weight of six, or more, pounds and handle length of 32 inches, or more, and not less than two falling wedges.

(c) Each rail speeder and passenger vehicle, used on such operation shall be equipped with one shovel and one ax, and any other vehicle used on the operation shall be equipped with one shovel. Each tractor used in such operation shall be equipped with one shovel.

(d) As used in this section:

(1) "Vehicle" means a device by which any person or property may be propelled, moved, or drawn over any land surface, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

(2) "Passenger vehicle" means a vehicle which is self-propelled and which is designed for carrying not more than 10 persons including the driver, and which is used or maintained for the transportation of persons, but does not include any motortruck or truck tractor.

SEC. 4. Section 4428 of the Public Resources Code is repealed.

SEC. 5. Section 4443 of the Public Resources Code is repealed.

CHAPTER 446

An act to amend Sections 19331 and 19533.1 of, to amend and renumber the heading of Article 6 (commencing with Section 19450) of Chapter 7 of Part 2 of Division 5 of Title 2 of, to add Sections 19340 and 19341 and Chapter 11 (commencing with Section 19770) to Part 2 of Division 5 of Title 2 of, and to repeal Section 19533.3 and Article 5 (commencing with Section 19390) of Chapter 7 of Part 2 of Division 5 of Title 2 of, the Government Code, and to amend Sections 389, 395.1, and 395.3 of, and to repeal Section 395.5 of, the Military and Veterans Code, relating to state civil service.

[Approved by Governor August 2, 1971. Filed with Secretary of State August 2, 1971.]

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

SECTION 1. Section 19331 of the Government Code is amended to read:

19331. Leaves of absence granted for jury duty may be with or without pay.

SEC. 2. Section 19340 is added to the Government Code, to read:

19340. During any state military emergency and subject to board rule, an appointing power may grant a leave of absence without pay to a permanent or probationary employee under his jurisdiction to:

(a) Engage in civilian warwork pursuant to mandatory order of the agency of the United States or of the state having authority to make such order.

(b) Assume active duty in the United States Merchant Marine.

(c) Assume other duty rather than active duty to fulfill a military obligation pursuant to mandatory order of the agency of the United States or of the state having authority to make such order.

(d) Assume active full-time duty for the American Red Cross.

Such a leave shall not exceed the period authorized in the order.

Such a leave assures to the employee the right to return to his former position upon its expiration.

SEC. 3. Section 19341 is added to the Government Code, to read:

19341. Any permanent state civil service employee or an employee serving under another appointment who previously had permanent status and who, since such permanent status, has had no break in the continuity of his state service, who served in the armed forces, and who is eligible because of that service for education or training under applicable state or federal law shall upon application to his appointing power be granted an educational leave of absence without pay for the period during which he receives such education or training and for three months thereafter. In order for such a leave to be granted or to remain in effect, the employee must enroll for a minimum of 10 credit hours of post-high-school grade or the equivalent amount of work on high school level each school year. No such leave shall remain in effect for longer than four years and three months of school attendance. A leave so granted assures to the employee the right of return to his former position upon termination of the leave.

SEC. 4. Article 5 (commencing with Section 19390) of Chapter 7 of Part 2 of Division 5 of Title 2 of the Government Code is repealed.

SEC. 5. The heading of Article 6 (commencing with Section 19450) of Chapter 7 of Part 2 of Division 5 of Title 2 of the Government Code is amended and renumbered to read:

Article 5. Training

SEC. 6. Section 19533.1 of the Government Code is amended to read:

19533.1. Separations that are necessary by reason of reinstatement of an employee or employees after recognized military service as provided for in Section 19780 shall be made by layoff. In making such separations, the regular method of determining the order of layoff shall be used unless this would result in the layoff of an employee who has been reinstated in the class and subdivision of layoff under the provisions of Sec-

tion 19780, and in the retention of an employee who was appointed in the class and subdivision of layoff during the time such a reinstated employee was on military leave. Under such circumstances, seniority shall not be counted as provided in Section 19533. Instead, service in the subdivision of layoff that qualifies under Section 19533 for credit is the only state service that shall be counted.

Whenever such a layoff results in the demotion to a lower class of an employee who has been reinstated after recognized military service as provided in Section 19780, the resulting layoff, if any, in the lower class shall be made as though that reinstated employee had been in that lower class at the time he went on military leave.

Any layoff occurring within one year after reinstatement of an employee after recognized military service shall be presumed to have been necessary by reason of reinstatement of an employee or employees under Section 19780 unless the board determines that the reason for layoff is clearly not related to such reinstatement.

SEC 7. Section 19533.3 of the Government Code is repealed.

SEC. 8. Chapter 11 (commencing with Section 19770) is added to Part 2 of Division 5 of Title 2 of the Government Code, to read:

CHAPTER 11. MILITARY SERVICE

Article 1. General

19770. This part rather than provisions of the Military and Veterans Code governs leave for military service, rights and benefits accrued during such service, and reinstatement after such service for civil service employees.

Article 2. Military Leave of Absence

19771. Upon presentation of a copy of orders for active duty in the armed forces, the National Guard, or the Naval Militia, the appointing power shall grant a military leave of absence for the period of active duty specified in the orders, but not to exceed four years for a permanent or probationary employee or six months for a limited-term employee or temporary employee.

19772. "Short-term military leave" means a leave for six months or less. "Long-term military leave" means a leave of over six months.

19773. The appointing power shall grant a military leave of absence to an employee who is a member of the National Guard for the period of active duty and travel to and from such duty as specified by the National Guard during such time as the Governor may have issued a proclamation of a state of extreme emergency or insurrection under the provisions of

Sections 143 and 146 of the Military and Veterans Code or during such time as the National Guard may be on active duty for one or more situations in Section 146 of the Military and Veterans Code. Leave granted pursuant to this section shall be known as "emergency military leave."

19774. Employee members of reserve military units and the National Guard required to attend scheduled reserve drill periods shall use their own free time, overtime, or vacation time to fulfill such reserve obligations. If such reserve obligations fall on the employee's regular work shift, the appointing power shall make every attempt to change the employee's schedule to avoid the necessity of using vacation time or overtime, provided five working days notice is received from the employee.

Article 3. Pay and Benefits

19775. An employee who is granted a long-term military leave of absence and who for a period of not less than one year immediately prior to the effective date active duty begins has had continuous state service as defined by board rule which is not broken by a permanent separation shall be entitled to receive his salary or compensation for the first 30 calendar days of active duty served during such absence.

19775.1. An employee who is granted a short-term military leave of absence and who for a period of not less than one year immediately prior to the effective date of active duty has had continuous state service as defined by board rule which is not broken by a permanent separation, or who has had continuous state service immediately prior to the effective date of active duty not broken by a permanent separation and sufficient recognized military service which need not be contiguous to equal one year shall be entitled to receive his salary or compensation for the first 30 calendar days of active duty served during such absence.

19775.2. Pay under the provisions of Sections 19775 and 19775.1 shall not exceed 30 calendar days in any one fiscal year. The beginning date of active duty shall determine the fiscal year in which the pay is accumulated when the period of active duty extends into another fiscal year.

19775.3. An employee who meets the conditions under Section 19775.1 or who is granted an emergency military leave shall receive the same vacation, sick leave, and other civil service status, rights and benefits as though he had remained in his position and not been on military leave except that his probationary period shall be extended by the length of the absence.

19775.4. Except as provided in Section 19781, a person in recognized military service whose name was high enough on an employment list to be available for certification for possible permanent appointment to a position while he was in the armed forces of the United States shall retain his place on the list for three years following the date of his release from

military service or until six months after the termination of the state military emergency, whichever is the earlier, provided, that a name shall not be retained on a list for longer than eight years after the list is established. The name of a person whose eligibility is retained under the provisions of this section beyond the time other names are removed from a list pursuant to Section 18901 shall be certified ahead of the names of persons on more recently prepared lists, except that the name shall be removed from the list if he refuses or has refused to accept appointment to a permanent position after certification thereto subsequent to his release from the armed forces

19775.5. Any person in recognized military service, whose name appears on a promotional list, or general reemployment list, appointment from which would accord permanent status, and is retained on such list subject to Section 19775.4, shall have his name certified to fill any vacancy which may occur during the period his name is so retained on such list. The appointing power may appoint him to fill the position to take effect upon his reinstatement under the provisions of Sections 19780 and 19782. Any person in recognized military service, whose name appears on a subdivisional or departmental reemployment list and is retained on such list subject to Section 19775.4 shall have his name certified to fill any vacancy which may occur during the period his name is so retained on such list. The appointing power shall appoint him to fill the vacant position to take effect upon his reinstatement under the provisions of Sections 19780 and 19782.

19775.6. Time spent on military leave, including rehabilitation afforded by the United States or the state following recognized military service by any person having an absolute right to be restored to his former position, shall be considered as time spent in state service for the purpose of computing state service for a higher rate of vacation credit, other benefits accruing on the basis of state service, and rights to merit salary adjustments at the time of return to state service.

A veteran who was reinstated from military leave shall receive layoff seniority credits for the time spent on such leave on the same basis as if it were service in the class with the highest maximum salary to which he received appointment within one year after his return from such leave. Such seniority credits shall be forfeited in the event of a break in service as provided in Section 19143.

19775.7. Whenever a state employee is certified for appointment to a higher position by a department before entering military service and the department has requested his service, but was unable to complete any procedural requirement for such appointment by reason of entry into recognized military service and is eligible for reinstatement pursuant to Section 19780, he shall be afforded an opportunity to complete the necessary requirement for such appointment immediately upon return to state service and if completed satisfactorily shall

be considered as having been appointed as of the earliest date of appointment appearing on the certificate of eligibles and shall be considered as having been on military leave from such position.

19775.8. Except as provided in Section 19781, when any person successfully completes part of an open or promotional examination but is unable to complete all portions thereof because of entry into recognized military service, the board shall arrange for him to take such uncompleted portion of the examination, providing application is made not later than six months after his release from military service. Such right to complete an examination shall not continue for longer than five years after the date of the examination.

If the applicant passes the examination, his name shall be placed on the eligible list that resulted from the original examination as the list stands at the time his name is placed thereon, provided if his rating is sufficiently high for his name to have been included on a certification to a permanent position while he was in the military service had his name been on the list when originally established, his eligibility shall be established, notwithstanding the removal of names from the original list, pursuant to Section 18901. He shall retain his place on such list for three years from the termination of his service with the armed forces. A name thus retained on a list beyond the time other names are removed from the list, pursuant to Section 18901, shall be removed if the person refuses to accept appointment to a permanent position after certification thereto subsequent to his discharge from the armed forces.

19775.9. An individual on military leave from either a state civil service position held under duration appointment, a position held under an exempt appointment but included in the state civil service prior to his release from military service, or a position in any federal or other public agency, the functions of which were transferred to the state prior to his release from military service, who would be eligible for reinstatement or restoration to his position pursuant to Sections 19780 and 19782, shall be permitted to take any regular examination held while he was in the military service, or on military leave, for the class in which he had such appointment and for which he had the minimum qualifications required of applicants when the examination originally was given, within five years of the date of the original examination. The board shall arrange for him to take the identical examination if application is made not later than six months after his release from military service or six months after the effective date thereof, whichever is later. If the applicant passes the examination, his name shall be placed on the eligible list that resulted from the original examination as the list stands at the time his name is placed thereon. If his rating is sufficiently high for his name to have been included on a certification to a permanent position while he was in the military service had

his name been on the list when originally established, his eligibility shall be established, notwithstanding the removal of names from the original list pursuant to Section 18901. He shall retain his place on such list for three years from the termination of his service with the armed forces or one year from the date such eligibility is established, whichever is later, if his rating is sufficiently high for his name to have been included on a certification to a permanent position while he was in recognized military service had his name been on the list when originally established. A name thus retained on a list, beyond the time other names are removed from the list pursuant to the provisions of Section 18901, shall be removed if the person refuses to accept appointment to a permanent position after certification thereto subsequent to his discharge from the armed forces.

19776. If a promotional examination was held while a civil service employee was on military leave and which he would otherwise have been entitled to take, such employee shall be eligible to take the identical promotional examination within five years of the date of the original examination. The board shall arrange for him to take the examination within a reasonable time, provided application is made not later than six months after his reinstatement from military leave. If the employee qualifies in the examination, his name shall be placed on the open and promotional list that resulted from the original examination, as the list stands at the time his name is placed thereon. If his rating is sufficiently high for his name to have been included on a certification to a permanent position while he was in the military service had his name been on the list when originally established, his eligibility shall be established, notwithstanding the removal of names from the original list pursuant to Section 18901. He shall retain his place on such list for three years from the termination of his service with the armed forces or one year from the date such eligibility is established, whichever is later. A name thus retained on a list, beyond the time other names are removed from the list pursuant to the provisions of Section 18901, shall be removed if the person refuses to accept appointment to a permanent position after certification thereto subsequent to his discharge from the armed forces, or if he resigns from state service.

Article 4. Reinstatement After Military Service

19780. Except as provided in Section 19781, a permanent or probationary employee who begins active duty within 90 calendar days from the effective date of his long-term military leave or within 10 calendar days from the effective date of his short-term or emergency military leave and who returns to state service within six months after termination of military service under his long-term military leave or within 10 days after termination of military service under his short-

term or emergency military leave shall be reinstated to his former position. For the purpose of this section any period of rehabilitation afforded by the United States or the state following active duty shall be considered as military service and termination of the state military emergency by the Governor shall be considered termination of military service.

19781. The rights and benefits provided a person in Sections 19533.2, 19775.5, 19775.9, and 19780 shall not extend to or be granted to a person, who after January 1, 1956, voluntarily requests and obtains an extension of his original term of enlistment, service, or tour of duty in the recognized military service of the United States.

Such rights and benefits shall not extend to or be granted to a person who was on an indefinite tour of duty, or on a tour of duty in excess of four years' duration in the recognized military service as of January 1, 1956, and who continued on such duty after January 1, 1960.

Such rights and benefits shall not extend to or be granted to a person who was ordered to, or enlisted in the recognized military service after January 1, 1956, for an indefinite tour of duty or for a tour of duty in excess of four years' duration and who continues on such duty for more than four years from the first day of ordered active duty or enlistment.

Whenever the board finds that the time limitations imposed by this section are unreasonable to a person it shall be within the discretion of the board to grant an extension of the rights and benefits to an individual for not to exceed three additional years. This section, rather than Section 3951 of the Military and Veterans Code, governs the rights and benefits of state civil service employees.

19782. A limited-term employee or temporary employee who begins active duty within 10 days from the effective date of his short-term or emergency leave and who returns to state service within 10 days after termination of military service or 30 days after any rehabilitation afforded by the United States or the state following such military service, shall be reinstated to the position and civil service status which he held on the effective date of leave, if the position has not expired or been abolished. In such instances, the employee is separated in the same manner he would have been separated had he not been in the military service.

19783. A permanent or probationary employee who resigns from state service for the purpose of entering the recognized military service and begins active duty and returns to state service within the same time limits and conditions as provided in Section 19780 shall be reinstated to his former position. Such employee shall not receive the rights and benefits provided under Sections 19775, 19775.1, and 19775.3.

19784. Upon reinstatement of a person under the provisions of Sections 19780 and 19783, any necessary separations shall be effected under the provisions of this part governing layoff and demotion.

19785. An employee who is entitled to reinstatement under Section 19780 or 19782 shall be considered as a person serving in state civil service under Section 19370 when a function in which he was serving when he entered military service is transferred to another state agency and shall be reinstated in such other agency or shall be eligible for reemployment subject to Article 2 (commencing with Section 19530) of this part if the function of the state agency is abolished pursuant to law.

19786. When an employee has been reinstated after military service in accordance with Section 19780, and any question arises relative to his ability or inability for any reason arising out of such military service to perform the duties of the position to which he has been reinstated, the board shall, upon the request of the appointing power or of the employee, hear the matter and may on its own motion or at the request of either party take any and all necessary testimony of every nature necessary to a decision on the question. If the board finds that the employee is not able for any reason arising out of such military service to carry out the usual duties of the position he then holds, it shall order the employee placed in a position in which the board finds he is capable of performing the duties in the same class or a comparable class in the same or any other state department, bureau, board, commission or office, under this part and the rules of the board covering transfer of an employee from a position under the jurisdiction of one appointing power to a position under the jurisdiction of another appointing power, without the consent of the appointing powers, where a vacancy may be made available to him under the provisions of this part and the rules of the board, but in no event shall the transfer constitute a promotion within the meaning of this part and the rules of the board. If a layoff is made necessary to place an employee in a position in the same class or a comparable class in accordance with the provisions of this section, such layoff shall be made under the provisions of Section 19533, provided that no employee who was employed prior to September 16, 1940, shall be laid off as a result of the placing of an employee in the same class or a comparable class under this section.

The board may order such employee reinstated to the department, bureau, board, commission or office from which he was transferred either upon request of the employee or the appointing power from which transferred. Such reinstatement may be made after a hearing as provided in this section if the board finds that such employee is at the time of the hearing able to perform the duties of the position.

SEC. 9. Section 389 of the Military and Veterans Code is amended to read:

389. (a) As used in this chapter, "temporary military leave of absence" means a leave of absence from public employment to engage in ordered military duty for a period which by the order is not to exceed 180 calendar days including travel time for purposes of military training, drills, en-

campment, naval cruises, special exercises or like activity as a member of the reserve corps or force of the armed forces of the United States, or the National Guard, or the Naval Militia.

(b) "Public employee" means any officer or employee of a public agency, except for those officers or employees of the state subject to the provisions of Chapter 11 (commencing with Section 19770) of Part 2 of Division 5 of Title 2 of the Government Code.

(c) "Public agency" means the state, or any county, city and county, city, municipal corporation, school district, irrigation district, water district, or other district.

(d) "Armed forces" or "armed forces of the United States" means the "armed forces" as defined in Section 18540 of the Government Code.

(e) "Recognized military service" means service as defined in Section 18540.3 of the Government Code.

SEC. 10. Section 395.1 of the Military and Veterans Code is amended to read:

395.1. (a) Notwithstanding any other provision of law to the contrary, any officer or employee of the state not subject to civil service, or any public officer, deputy, assistant, or employee of any city, county, city and county, school district, water district, irrigation district, or any other district, political corporation, political subdivision, or governmental agency thereof who, in time of war or national emergency as proclaimed by the President or Congress, or when any of the armed forces of the United States are serving outside of the United States or their territories pursuant to order or request of the United Nations, or while any national conscription act is in effect, leaves or has left his office or position prior to the end of the war, or the termination of the national emergency or during the effective period of any such order or request of the United Nations or prior to the expiration of the National Conscription Act, to join the armed forces of the United States and who does or did without unreasonable and unnecessary delay join the armed forces or, being a member of any reserve force or corps of any of the armed forces of the United States or of the militia of this state, is or was ordered to duty therewith by competent military authority and served or serves in compliance with such orders, shall have a right, if released, separated or discharged under conditions other than dishonorable, to return to and reenter upon the office or position within three months after the termination of his active service with the armed forces, but not later than six months after the end of the war or national emergency or military or police operations under the United Nations or after the Governor finds and proclaims that, for the purposes of this section, the war, national emergency, or United Nations military or police operation no longer exists, or after the expiration of the National Conscription Act, if the term for which he was elected or appointed has not ended during his absence; provided, that such right to return to and reenter upon the office or position shall not extend to or be granted

to such officer or employee of the state not subject to civil service or any public officer, deputy, assistant, or employee of any city, county, city and county, school district, water district, irrigation district or any other district, political corporation, political subdivision or governmental agency thereof, who shall fail to return to and reenter upon his office or position within 12 months after the first date upon which he could terminate or could cause to have terminated his active service with the armed forces of the United States or of the militia of this state. He shall also have a right to return to and reenter upon the office or position during terminal leave from the armed forces and prior to discharge, separation or release therefrom.

(b) Upon such return and reentry to the office or employment the officer or employee shall have all of the rights and privileges in, connected with, or arising out of the office or employment which he would have enjoyed if he had not been absent therefrom; provided, however, such officer or employee shall not be entitled to sick leave, vacation or salary for the period during which he was on leave from such governmental service and in the service of the armed forces of the United States.

If the office or position has been abolished or otherwise has ceased to exist during his absence, he shall be reinstated in a position of like seniority, status and pay if such position exists, or to a comparable vacant position for which he is qualified.

(c) Any officer or employee other than a probationer who is restored to his office or employment pursuant to this act shall not be discharged from such office or position without cause within one year after such restoration, and shall be entitled to participate in insurance or other benefits offered by the employing governmental agency pursuant to established rules and practices relating to such officers or employees on furlough or leave of absence in effect at the time such officer or employee left his office or position to join the armed forces of the United States.

(d) Notwithstanding any other provisions of this code, any enlisted person who was involuntarily ordered to active duty (other than for training) for a stated duration shall not lose any right or benefit conferred under the provisions of this code if he voluntarily elects to complete the period of such duty.

SEC. 11. Section 395.3 of the Military and Veterans Code is amended to read:

395.3. In the event that any public officer or employee has resigned or resigns his office or employment to serve or to continue to serve in the armed forces of the United States or in the armed forces of this state, he shall have a right to return to and reenter the office or employment prior to the time at which his term of office or his employment would have ended if he had not resigned, on serving a written notice to that effect upon the authorized appointing power, or if there is no au-

thorized appointing power, upon the officer or agency having power to fill a vacancy in the office or employment, within six months of the termination of his active service with the armed forces; provided, that such right to return and reenter upon the office or position shall not extend to or be granted to such public officer or employee, who shall fail to return to and reenter upon his office or position within 12 months after the first date upon which he could terminate or could cause to have terminated his active service with the armed forces of the United States or of the militia of this state.

As used in this section, "public officers and employees" includes all of the following:

(a) Members of the Senate and of the Assembly.

(b) Justices of the Supreme Court and the courts of appeal, judges of the superior courts and of the municipal courts, and all other judicial officers.

(c) All other state officers and employees not within the state civil service, including all officers for whose selection and term of office provision is made in the Constitution and laws of this state.

(d) All officers and employees of any county, city and county, city, township, district, political subdivision, authority, commission, board, or other public agency within this state.

The right of reentry into public office or employment provided for in this section shall include the right to be restored to such civil service status as the officer or employee would have if he had not so resigned; and no other person shall acquire civil service status in the same position so as to deprive such officer or employee of his right to restoration as provided for herein.

This section shall be retroactively applied to extend the right of reentry into public office or employment to public officers and employees who resigned prior to its effective date.

This section does not apply to any public officer or employee to whom the right to reenter public office or employment after service in the armed forces has been granted by any other provision of law.

If any provision of this section, or the application of this section to any person or circumstance, is held invalid, the remainder of this section, or the application of this section to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 12. Section 395.5 of the Military and Veterans Code is repealed.

CHAPTER 447

An act to establish the past location of a certain portion of the Colorado River for certain purposes.

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

SECTION 1 The State of California and the people thereof are hereby declared to have a primary and supreme interest in securing to the inhabitants and holders of title to lands within the area described in this act and to the State of California, the maximum possible certainty as to location of the boundary lines between private ownerships and state lands within such geographic area where the private lands border upon a navigable stream, and in particular to resolve certain boundary and title problems and the location of the boundary between lands owned by the state by virtue of its sovereignty and adjoining uplands on the basis of the present location of the Colorado River. The conditions prevailing within the geographic area described in this act in regard to the accretion or avulsion of land are unique as compared to the conditions prevailing in other portions of the Colorado River and other waters of the State of California, and the enactment of this law applicable to such geographic area is therefore necessary for the protection of public and private property therein and for the public good.

SEC 2. For the purpose of establishing any right, title, or interest of the State of California in or to lands in the Palo Verde Irrigation District, in Riverside County, California, within three miles, measured in a true west direction, of any portion of the Colorado River between river points 13.00 and 13.17 as defined in the "Interstate Compact Defining the Boundary between the States of Arizona and California," (Chapter 859, Statutes of 1963; Arizona Laws 1963, Chapter 77; Public Law 89-531 (80 Stat 340), August 11, 1966), the location of the river as depicted in Exhibit A thereto is hereby recognized as the location of such river, as of effective date of such compact, and all changes in the course of the river prior to the effective date of such compact shall be conclusively presumed to be natural and accretive changes.

SEC 3 Except as otherwise provided in Section 4, the provisions of Section 2 shall be deemed operative only upon the completion of a metes and bounds survey and the filing in the official records of the County Recorder of Riverside County of a map of the west bank line of the Colorado River between the river points specified in Section 2, as such west bank line is depicted on the Boundary Maps on a copy of Exhibit A to the "Interstate Compact defining the Boundary between the States of Arizona and California," which copy is on file in the office of the State Lands Commission and an agreement or agreements between the state and owners of adjoining uplands that such surveyed west bank line constitutes the landward boundary of lands owned by the State of California by virtue of its sovereignty and the waterward boundary of the owners of the adjoining upland. Such survey and map shall be made and prepared without cost to the state under the direction of an engineer or surveyor duly licensed to practice in the State of California, which engineer or surveyor, who shall be satis-

factory to the State Lands Commission and such owners, shall be provided by such owners. This survey and proposed agreement or agreements executed by 85 percent, by lineal feet of waterfront, of the owners of record of the upland parcels adjoining the west bank of the Colorado River between such river points shall be delivered to the State Lands Commission within six months from the designation of the engineer or surveyor who is to make the survey. Within six months from its receipt of such survey and proposed agreement or agreements, the State Lands Commission shall either disapprove the survey, map, and proposed agreement or agreements, specifying in particular the reasons for such disapproval, or it shall approve the survey, map, and proposed agreement or agreements and find and certify whether or not 85 percent, by lineal feet of waterfront, of the owners of record of the upland parcels adjoining the west bank of the Colorado River, between such river points, have entered into such agreement or agreements with the State Lands Commission, which is hereby authorized to execute such agreement or agreements by and on behalf of the state. The survey, map, and agreement or agreements shall not be filed by the County Recorder of Riverside County until the State Lands Commission approves the survey, map, and agreement or agreements and certifies that 85 percent, by lineal feet of waterfront, of the owners of record of the upland parcels adjoining the west bank of the Colorado River, between such river points, have entered into such agreement or agreements. The map and survey shall be conclusively presumed to be accurate and correct as between the state and the parties to such agreement or agreements when a certified copy or copies thereof have been filed for record in the office of the County Recorder of Riverside County.

SEC 4 The provisions of Section 2 shall be deemed operative if the State Lands Commission shall fail to either approve or deliver to the owners of record of the upland parcels adjoining the west bank of the Colorado River between the river points specified in Section 2 its disapproval, with the specification of reasons for such disapproval, of the survey, map, and agreement or agreements required by Section 3 within six months from the receipt of same by the commission.

CHAPTER 448

An act to amend Sections 22502 and 22503 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor August 2, 1971. Filed with Secretary of State August 2, 1971.]

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

SECTION 1. Section 22502 of the Vehicle Code is amended to read:

22502. (a) Except as otherwise provided in this chapter every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be stopped or parked with the right-hand wheels of such vehicle parallel with and within 18 inches of the right-hand curb, except that motorcycles shall be parked with at least one wheel or fender touching the right-hand curb. Where no curbs or barriers bound any two-way roadway, right-hand parallel parking is required unless otherwise indicated.

(b) The provisions of subdivision (a) or (e) do not apply to a commercial vehicle if a variation from the requirements of subdivision (a) or (e) is reasonably necessary to accomplish the loading or unloading of merchandise or passengers on, or from, such vehicle and while anything connected with such loading, or unloading, is being executed.

This subdivision shall not be construed to permit any vehicle to stop or park upon a roadway in a direction opposite to that in which traffic normally moves upon that half of the roadway on which such vehicle is stopped or parked.

(c) Notwithstanding the provisions of subdivision (b), local authorities may, by ordinance, prohibit commercial vehicles from stopping, parking, or standing on one side of a roadway in a business district with the wheels of such vehicle more than 18 inches from the curb. The ordinance shall be effective only if signs are placed in the areas to which it is applicable clearly indicating the prohibition.

(d) This section does not apply to vehicles of a public utility when such vehicles are being used in connection with the operation, maintenance, or repair of facilities of the public utility or are being used in connection with providing public utility service.

(e) Upon a one-way roadway, vehicles may be stopped or parked as provided in subdivision (a) or with the left-hand wheels parallel to and within 18 inches of the left-hand curb, except that motorcycles, if parked on the left-hand side, shall have either one wheel or one fender touching such curb. Where no curb or barriers bound any such one-way roadway, parallel parking on either side is required unless otherwise indicated.

The provisions of this subdivision shall not apply upon the roadways of a divided highway.

Sec. 2. Section 22503 of the Vehicle Code is amended to read:

22503. Local authorities may by ordinance permit angle parking on any roadway, or left-hand parking upon one-way roadways of divided highways, except that no ordinance is effective with respect to any state highway until the proposed ordinance has been submitted to and approved in writing by the Department of Public Works.

CHAPTER 449*An act to amend Section 186.3 of the Streets and Highways Code, relating to highway funds.*

[Approved by Governor August 2, 1971. Filed with Secretary of State August 2, 1971.]

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

SECTION 1. Section 186.3 of the Streets and Highways Code is amended to read:

186.3. (a) Funds apportioned pursuant to Section 2106 shall be expended exclusively for acquisition of rights-of-way for and construction of routes on the select system of county roads and city streets for such county or city established as provided in this section or for maintenance purposes thereon, or for highway-oriented transportation studies requested by a state or federal agency; provided, however, that any expenditure of funds apportioned pursuant to Section 2106 or 2107 for acquisition of rights-of-way or construction upon a state highway, or upon a select system road or street in a county or city, shall be deemed an expenditure upon the select system of the county or city making such expenditure.

(b) Each county and city, to be eligible for allocation and apportionment of funds pursuant to Section 2106 or 2107, shall file a report and map or maps with the department indicating its select system of county roads or city streets, and thereafter each eligible county and city may submit a supplemental report with map or maps recommending proposed additions or deletions to the system where such additions or deletions are warranted by changes brought about by annexations or changes in traffic or land-use patterns or by other causes. Such submittals shall be reviewed and approved or modified by the department and shall constitute the select system upon which funds may thereafter be expended.

(c) All select systems and their modifications or revisions heretofore approved by the commission shall be effective upon the date of such approval.

(d) Notwithstanding subdivision (a), funds received pursuant to Sections 2106 and 2107 and expended for the acquisition of rights-of-way for, and the construction of, city streets shall be considered expenditures on the select system of the city, if the city legislative body finds that 90 percent or more of either its select system or its entire system of city streets has been constructed. For purposes of this subdivision, the select system of city streets shall include all city streets which meet, or substantially meet, all three criteria set forth in subdivision (b) of Section 186.4. In the event that the total mileage of streets in the city has increased by more than 10 percent since the findings were made by the city legislative body, it shall reevaluate its findings.

CHAPTER 450

An act to add Section 1.5 to the Vehicle Code, relating to the operative date of acts affecting the Vehicle Code, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 2, 1971 Filed with
Secretary of State August 2, 1971.]

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

SECTION 1. Section 1.5 is added to the Vehicle Code, to read:

1.5. Any act enacted at a regular or special session of the Legislature adding, amending, or repealing any portion of this code shall become operative on the 121st day after adjournment of the regular or special session at which the bill was enacted unless a different date is expressly specified in the act.

SEC. 2. The provisions of this act shall apply to all acts passed by the Legislature at its 1971 Regular Session as well as to future acts.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act will affect the operative date of other bills which are before the Legislature at its 1971 Regular Session. It is necessary that this act take immediate effect so that there is an opportunity for such bills to be amended to provide a different operative date than that provided by this act if such a different operative date is desired.

CHAPTER 451

An act to add Section 25374.5 to the Government Code, relating to county leases, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 2, 1971 Filed with
Secretary of State August 2, 1971.]

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

SECTION 1. Section 25374.5 is added to the Government Code, to read:

25374.5. Notwithstanding any other provision of law, the board of supervisors in counties with a population of over 600,000 and under 700,000, as determined on the basis of the 1960 federal census, may, without advertising for bids, lease any real property owned by a county to any nonprofit corporation or nonprofit association for a term not to exceed 55 years for the purpose of constructing, operating and maintaining

buildings, structures and facilities on such property for medical research and education and allied health care. Any instrument by which such property is leased as aforesaid shall require the lessee named in such lease to construct on the leased premises a building or buildings to be used for the public purpose of medical research and education and allied health care during the term of said lease and shall provide that title to such buildings shall vest in the county at the expiration of the lease term, and shall contain such other terms and conditions as the board of supervisors may deem to be in the best interests of the county.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Plans are completed and financing is now available for this much needed medical facility the construction of which is necessary to the health and welfare of the people; thus, legislative authorization must be obtained as soon as possible.

CHAPTER 452

An act to add Section 34461.5 to the Government Code, relating to charter recodification, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 2, 1971. Filed with
Secretary of State August 2, 1971]

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

SECTION 1. Section 34461.5 is added to the Government Code, to read:

34461.5. The governing body of any city or city and county may, on its own motion, recodify the charter of the city or city and county and by resolution submit the proposal for charter recodification to the electors of the city or city and county, provided such recodification does not, in any manner, substantially change the provisions of said charter. Such proposals shall be submitted to the electors at either a special election called for that purpose or at any general or special election.

The governing body shall cause copies of the recodified charter to be printed in convenient pamphlet form and in type of not less than 10-point and shall, within 15 days after adoption of the resolution ordering the recodification proposal submitted to the electors and until the day fixed for the election upon the recodified charter, continuously advertise in one or more papers of general circulation in said city or city and county, a notice that copies may be had upon application therefor.

The election on the proposed recodified charter shall be held at a date to be fixed by the governing body of the city or city

and county, which date shall not be less than 40 days nor more than 60 days after the date on which the resolution ordering submission of the recodification proposal submitted to the electors was adopted by the governing body of the city or city and county.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

A municipal election is now set in San Francisco for November 2, 1971, and in order to place a measure on the ballot codifying the existing charter without substantive change it is necessary for this act to go into immediate effect; otherwise this act will become law too late to be of use in the 1971 election.

CHAPTER 453

An act to amend Section 4506 of the Business and Professions Code, relating to psychiatric technicians.

[Approved by Governor August 3, 1971 Filed with
Secretary of State August 3, 1971]

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

SECTION 1. Section 4506 of the Business and Professions Code is amended to read:

4506. Notwithstanding any other provision of this chapter, any person who, prior to January 1, 1972, presents evidence satisfactory to the board to show that he has performed services described in Section 4502 for a period of not less than two years within the last five years prior to January 1, 1970, or was employed by the State of California during any period of time within the last five years prior to January 1, 1970, in the general classification of psychiatric technician and who at the time of making application for a license is employed by the State of California in the general classification of psychiatric technician, or who during such period within the past five years prior to January 1, 1970, entered the armed services of the United States and was on military leave from such employment and remained in such service and on such leave until after January 1, 1970, but no later than January 1971, and is unable to reenter state employment as a psychiatric technician without a psychiatric technician's license, shall, upon application and payment of the fees prescribed by this chapter, be granted a psychiatric technician's license without an examination.

CHAPTER 454

An act to amend Sections 42225 and 42279 of the Water Code, relating to water storage districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 3, 1971. Filed with Secretary of State August 3, 1971.]

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

SECTION 1. Section 42225 of the Water Code is amended to read:

42225. The board may at any time and from time to time segregate and divide the plans, specifications, and estimates of cost into one or more units of construction, and may provide at such time that one or more individual units of construction shall not be entered upon immediately, but shall be authorized and undertaken in the order and at the time the board may thereafter determine; provided that any such segregation and division after the project election shall be effective only upon its submission to and approval by the State Treasurer.

SEC. 2. Section 42279 of the Water Code is amended to read:

42279. If the board determines before preparing and filing its report to segregate and divide the plans, specifications, and estimates into more than one unit of construction, the plans, specifications, and estimates shall be complete as to each unit, and the board shall in its report specify the particular units the construction of which are to be immediately entered upon and the particular units reserved for future action.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Several water storage districts and improvement districts therein are now proceeding with the planning, financing, and construction of irrigation projects to enable them to provide needed water for agriculture in such districts by utilizing the supply which will soon become available from the state. In order to facilitate the financing of these projects and to assure their completion as soon as practicable, and thereby to make provision for the water needed to preserve the health and safety of the citizens residing in the affected areas, it is now necessary to amend the law with respect to units of construction for water storage districts, and improvement districts therein, and it is therefore essential that this act go into immediate effect.

CHAPTER 455

An act relating to physicians and surgeons.

[Approved by Governor August 3, 1971 Filed with
Secretary of State August 3, 1971.]

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

SECTION 1. Notwithstanding any other provision of law the Board of Medical Examiners of the State of California shall permit any person to take the examination referred to in Sections 2321 and 2323 of the Business and Professions Code if he makes application therefor within 90 days after the effective date of this act, and if he also meets all of the following requirements:

(a) He is a graduate of a medical school approved by the board.

(b) He is a resident of the State of California.

(c) He has served at least 15 years in the United States Public Health Service.

(d) He has served as an Assistant Surgeon General of the United States.

(e) He holds a valid physician's license in another state in the United States.

(f) He has held the appointment of the Associate Director of the National Institutes of Health

(g) He has served a nationally prominent university as a vice president, president, or chancellor, such university having a medical school.

If the applicant successfully passes the examination referred to in Sections 2321 and 2323 of the Business and Professions Code, the board shall issue him a reciprocity certificate.

CHAPTER 456*An act to amend Sections 6520 and 6548 of the Business and Professions Code, relating to barbers.*

[Approved by Governor August 3, 1971 Filed with
Secretary of State August 3, 1971.]

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

SECTION 1. Section 6520 of the Business and Professions Code is amended to read:

6520. The practice of barbering embraces any of or any combination of the following practices for hire or reward:

(a) Shaving or trimming the beard or cutting the hair.

(b) Giving facial and scalp massages or treatments with oils, creams, lotions or other preparations either by hand or mechanical appliances.

(c) Singeing, shampooing, arranging, dressing, curling, waving, hair relaxing, or dyeing the hair or applying hair tonics, but waving does not include permanent waving.

(d) Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face or neck.

(e) Hair styling of all textures of hair by standard methods which are current at the time of the hair styling.

Sec. 2. Section 6548 of the Business and Professions Code is amended to read:

6548. Not less than four times each year at the times and places it determines, the board shall conduct examinations to ascertain the educational qualifications of each of the following:

(a) Applicants for certificates of registration to practice as registered barbers.

(b) Applicants for certificates of registration to practice as registered apprentices.

(c) Applicants to enter colleges.

The examination of applicants for certificates of registration as registered barbers and as registered apprentices shall include both a practical demonstration and a written and oral test and shall embrace the subjects usually taught in colleges of barbering approved by the board. The examination for a certificate of registration as a registered barber shall include the standard methods for dressing all textures of hair, including hair relaxing.

CHAPTER 457

An act to amend Section 1350.5 of the Labor Code, relating to working hours of women.

[Approved by Governor August 3, 1971 Filed with
Secretary of State August 3, 1971]

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

SECTION 1. Section 1350.5 of the Labor Code is amended to read:

1350.5. (a) Employers of employees covered under the provisions of the Fair Labor Standards Act may employ females up to 10 hours during any one day of 24 hours or up to 58 hours in one week, provided that they are compensated at the rate of 1½ times the regular rate of pay for time worked for one employer in excess of eight hours in any one day or 40 hours in any one week.

(b) The provisions of subdivision (a) shall not apply to: (1) employers whose employees are exempted in Section 13 of the Fair Labor Standards Act as amended through February 1, 1967, from the provisions of Section 7 of the Fair Labor Standards Act; (2) employers whose employees are exempted in Section 7 of the Fair Labor Standards Act, as amended

through February 1, 1967, from the provisions of Section 7 of the Fair Labor Standards Act, if the employees are not entitled under such exemptions in Section 7 to 1½ times their regular rate of pay until they have worked more than 48 hours in one week; and (3) employers whose employees are engaged in the laundering, cleaning, or repairing of clothing, or in the clothing manufacturing industries

(c) The provisions of subdivisions (a) and (b) of this section shall not affect or change the provisions of any existing collective bargaining agreement.

(d) Notwithstanding the provisions of subdivision (b) of this section, the provisions of subdivision (a) of this section shall apply to the employment of females by railroads or airlines certificated by the federal or state government, except that subdivision (a) shall not apply where any such employee of such airline, except a commissary employee (1) works over 40 hours in any one week, but not more than 60 hours, where the time worked in excess of such 40 hours is due to a temporary modification in the employee's normal work schedule, not required by the employer but arranged for the convenience of the employee, including but not limited to, situations where the employee requests a change in days off or trades days off with another employee; or (2) works a four-day week of not more than 40 hours.

CHAPTER 458

An act to add Section 26208 to the Government Code, relating to public awards.

[Approved by Governor August 3, 1971 Filed with
Secretary of State August 3, 1971]

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

SECTION 1. Section 26208 is added to the Government Code, to read:

26208. The board of supervisors may establish a uniform procedure for the payment of rewards, payable from county funds, for ideas or suggestions made by members of the public which the board determines, in its discretion, would reasonably result in financial savings to the county.

CHAPTER 459

An act to add Sections 54933.5 and 54941 to the Government Code, relating to districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 3, 1971 Filed with
Secretary of State August 3, 1971.]

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

SECTION 1. Section 54933.5 is added to the Government Code, to read:

54933.5. Notwithstanding any other provision of this chapter the detachment of an area of a city from a municipal water district, the proceedings for which were completed not later than February 8, 1971, shall be effective for assessment and taxation purposes for the 1971-72 fiscal year if the statement and plat required by Sections 54900 and 54901 were filed with the State Board of Equalization and the county assessor on or before February 28, 1971.

SEC. 2. Section 54941 is added to the Government Code, to read:

54941. Notwithstanding any other provision of this chapter or Section 56455, any reorganization of a recreation and park district which was completed prior to August 15, 1969, shall be effective for assessment and taxation purposes in 1971 if the certificate of completion and the Secretary of State's certificate of filing required to be recorded by Section 56453 is recorded on or before August 31, 1971, and the statement and map or plat required by Section 54900 are filed with the assessor and the State Board of Equalization on or before August 31, 1971.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect.

The facts constituting such necessity are:

Unless this act takes effect immediately, the area detached will be subject to taxation levied by the board of directors of a municipal water district within the boundaries of which the area was formerly contained for the fiscal year 1971-72 except for a procedural filing defect although services will not have been provided at any time during the fiscal year.

CHAPTER 460

An act to amend Sections 12705, 12706, 12744 and 12776 of the Business and Professions Code, relating to weighmasters.

[Approved by Governor August 4, 1971. Filed with Secretary of State August 4, 1971.]

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

SECTION 1. Section 12705 of the Business and Professions Code is amended to read:

12705. A public weighmaster shall pay to the department a license fee of twenty-five dollars (\$25) for each fiscal year

or any part thereof for the principal place of business and an additional fee of ten dollars (\$10) for each additional location where service as a public weighmaster is rendered.

Location, for the purpose of this section, means a premise on which weighing, measuring, or counting devices are installed, and which is operated as a single business unit in the rendering of services by a public weighmaster.

SEC. 2. Section 12706 of the Business and Professions Code is amended to read:

12706. Public weighmasters shall pay an additional license fee of five dollars (\$5) for each fiscal year or part thereof for each deputy public weighmaster. For such fee the department shall issue a deputy public weighmaster's license.

SEC. 3. Section 12744 of the Business and Professions Code is amended to read:

12744. Private weighmasters shall pay a license fee of five dollars (\$5) for each fiscal year or part thereof for each deputy weighmaster and the department shall issue a license therefor.

SEC. 4. Section 12776 of the Business and Professions Code is amended to read:

12776. Public weighmasters at large shall pay an additional license fee of five dollars (\$5) for each fiscal year or part thereof for each deputy public weighmaster at large and for such fee the department shall issue a deputy public weighmaster at large license.

CHAPTER 461

An act to amend Section 11201 of the Education Code, relating to school attendance.

[Approved by Governor August 4, 1971. Filed with Secretary of State August 4, 1971.]

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

SECTION 1. Section 11201 of the Education Code is amended to read:

11201. Attendance of physically handicapped pupils in a graded special class for the same number of minutes as constitute a day of attendance in the same grade of regular classes shall constitute a day of attendance, except for such minors 16 years of age and over who are enrolled in an approved occupational training program or work experience education program. Each clock hour of teaching time devoted to individual instruction of physically handicapped pupils shall count as one day of attendance. Whenever one to four physically handicapped pupils are instructed at the same time by the same teacher in a remedial class conducted by a school district or the county superintendent of schools, the total attendance credited for such pupils shall equal one unit of attendance for

each 60 minutes of instruction. The average daily attendance of all physically handicapped pupils shall be computed by dividing the total number of days of attendance of the pupils by the number of days taught in the regular schools of the district.

Notwithstanding any provision of this code to the contrary, however, when a physically handicapped minor 16 years of age or over is enrolled in an approved occupational training program pursuant to Sections 6931 and 6932 of this code, two clock hours of attendance in a special day school or class in combination with two clock hours of attendance in such an occupational training program shall count as one day of attendance.

Notwithstanding any provision of this code to the contrary, however, when a physically handicapped minor 16 years of age or over is enrolled in an approved off-campus work experience education or work study program, one day of attendance may consist of either: (a) two class hours of attendance in a special or regular day class and two clock hours of attendance in such a program; or, (b) three class hours of attendance in a special or regular day class and one clock hour of attendance in such a program.

No such pupil shall be credited with more than five days of attendance per calendar week or more than the number of calendar days such special day school or class is maintained in such fiscal year.

CHAPTER 462

An act to amend Sections 65100 and 65902 of the Government Code, relating to area planning commissions.

[Approved by Governor August 4, 1971 Filed with
Secretary of State August 4, 1971.]

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

SECTION 1. Section 65100 of the Government Code is amended to read:

65100. By ordinance the legislative body of each county and city shall establish a planning agency. Such planning agency may be a planning department, a planning commission, or the legislative body itself, or any combination thereof. The planning agency of the county shall include a planning commission.

The legislative body of a county may provide for one or more area planning commissions which may be the planning agencies for prescribed portions of the county.

SEC. 2. Section 65902 of the Government Code is amended to read:

65902. In the event that neither a board of zoning adjustment or the office of a zoning administrator has been cre-

ated and established, the planning commission shall exercise all of the functions and duties of said board or said administrator.

The legislative body of a county may provide that an area planning commission shall exercise all of the functions and duties of a board of zoning adjustment or a zoning administrator in a prescribed portion of the county.

CHAPTER 463

An act to add Section 6103.7 to the Government Code, relating to fees.

[Approved by Governor August 4, 1971. Filed with Secretary of State August 4, 1971.]

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

SECTION 1. Section 6103.7 is added to the Government Code, to read:

6103.7. Section 6103 does not apply to any fee or charge for official services established by a city or county ordinance as a reasonable and nondiscriminatory inspection fee to defray the costs of the inspection by such city or county of building construction work performed within the boundaries of such city or county, whether such work is done pursuant to franchise, statutory authority, or otherwise. Section 6103 does not apply to a reasonable and nondiscriminatory fee or charge established by a city or county ordinance to defray the costs of providing plan-checking services to any applicant, whether such plan-checking services are performed by the city or county having jurisdiction over the construction or are contracted by such city or county to an independent plan-checking firm. This section does not authorize a fee or charge for the mere issuance of a permit to do such work, nor does this section authorize the assessment against, or collecting of any fee or charge from, the state or its agencies when, and to the extent that, such inspection or services are otherwise required by law, to be, and are in fact, performed by another governmental agency.

CHAPTER 464

An act to add Section 54307.1 to the Government Code, relating to the Revenue Bond Law of 1941.

[Approved by Governor August 4, 1971. Filed with Secretary of State August 4, 1971.]

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

SECTION 1. Section 54307.1 is added to the Government Code, to read:

54307.1. "Local agency" also means any administering agency created pursuant to Chapter 5 (commencing with Section 6500), Division 7 of the Government Code for the purpose of acquiring, constructing, maintaining, or operating an enterprise for the collection, treatment or disposal of sewage, waste or stormwater.

Any proposition submitted to an election held within such local agency for the purpose of authorizing bonds shall be deemed adopted if it receives the affirmative vote of a majority of all the voters voting on the proposition within the administering agency.

If compliance with a water quality control plan, adopted pursuant to Division 7 of the Water Code, requires the construction of facilities for the collection, treatment or disposal of sewage, waste or stormwater, and if the appropriate regional water quality control board, in a cease and desist order or by other action of the board, finds or determines that immediate action for the planning and construction of such facilities is urgently needed for the compliance with such plan and the prevention of pollution, the election procedures of Article 3 (commencing with Section 54380) of this chapter shall not be applicable, but undertaking the improvement shall be subject to referendum on the issuance of bonds by ordinance of the agency governing board.

CHAPTER 465

An act to amend Section 11828 of the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor August 4, 1971. Filed with Secretary of State August 4, 1971.]

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

SECTION 1. Section 11828 of the Public Utilities Code is amended to read:

11828. Except as otherwise provided in this division, the provisions of the Elections Code prescribed for independent nominations shall substantially govern as to the manner of appointment of verification deputies, the form of nomination papers and the securing of signatures, the filing of the candidate's affidavit, and all other things necessary to get the name of the candidate upon the ballot; provided, however, that verification deputies may obtain signatures to the nomination paper of any candidate at any time not more than 95 days nor less than 72 days prior to the election, and all nomination papers shall be filed with the secretary of the district not more than 90 nor less than 72 days before the date of the election and shall be examined by him. Each candidate, at least 72 days prior to the election, shall file a sufficient can-

didate's affidavit. The secretary of the district shall certify the names of all candidates to be placed upon the ballot to the county clerk or county clerks within the territory affected at least 67 days prior to the date of the election.

CHAPTER 466

An act to amend Section 14681 of, and to repeal Sections 14679 and 14682 of, the Government Code, relating to loans to state property.

[Approved by Governor August 4, 1971 Filed with
Secretary of State August 4, 1971.]

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

SECTION 1. Section 14679 of the Government Code is repealed.

SEC 2. Section 14681 of the Government Code is amended to read:

14681. Notwithstanding any other provision of law the Department of General Services is authorized to approve and make effective an agreement between any state agency authorized to invest funds under the control of the agency and the Governor whereby the agency agrees to invest with the Governor funds not exceeding the sum of three hundred thousand dollars (\$300,000) for construction, improvements, and equipment of buildings and other facilities, including landscaping, in the County of Sacramento for the Office of Civil Defense. The agreement shall provide for the liquidation of the investment with interest at a rate agreed upon between the parties, out of rental charges to be paid by the agencies using the building or such other funds as are available to the Governor for the purpose.

Any state agency authorized to invest funds under its control and the Governor are hereby authorized to enter into the above agreement.

Whenever under any general or special statute the Director of General Services is authorized to invest the money in a special fund in the State Treasury, he is hereby authorized to invest the money in any such fund or funds for the purposes of this section. Investments by the Director of General Services under this section shall not exceed three hundred thousand dollars (\$300,000) in the aggregate. Any such investment shall be made pursuant to an agreement between the Director of General Services and the Governor providing for the investment of such funds and the liquidation of the investment with interest at the rate agreed upon between the parties out of rental charges to be paid by the agencies using the building or from other funds available to the Governor for such purpose.

SEC. 3. Section 14682 of the Government Code is repealed.

CHAPTER 467

*An act to amend Section 22520 of the Vehicle Code,
relating to freeways.*

[Approved by Governor August 4, 1971 Filed with
Secretary of State August 4, 1971.]

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

SECTION 1. Section 22520 of the Vehicle Code is amended to read:

22520. No person shall stop, park, or leave standing any vehicle upon a freeway which has full control of access and no crossings at grade except:

(a) When necessary to avoid injury or damage to persons or property.

(b) When required by law or in obedience to a peace officer or official traffic control device.

(c) Any person actually engaged in maintenance or construction on freeway property or any employee of a public agency actually engaged in the performance of official duties.

(d) Any vehicle which is so disabled that it is impossible to avoid temporarily stopping and any vehicle which has been summoned to render assistance to a vehicle or person, including a vehicle owned by the donor of free emergency assistance, which has been summoned by display upon or within a disabled vehicle of a placard or sign given to the driver of the disabled vehicle by the donor for the specific purpose of summoning assistance, other than towing service, from the donor.

(e) In locations where stopping, standing or parking is specifically permitted; provided, however, that buses may not stop on freeways unless sidewalks are provided with shoulders of sufficient width to permit stopping without interfering with the normal movement of traffic and without the possibility of crossing over fast lanes to reach the bus stop.

CHAPTER 468

*An act to amend Sections 20707, 20880, 20884 and 20955 and
to repeal Section 20705 of the Business and Professions
Code, relating to business and professions.*

[Approved by Governor August 4, 1971 Filed with
Secretary of State August 4, 1971]

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

SECTION 1. Section 20705 of the Business and Professions Code is repealed.

SEC. 2. Section 20707 of the Business and Professions Code is amended to read:

20707. "Sealer," when used in this chapter without qualification, includes the State Sealer, and his investigators, and county sealers, their deputies, and inspectors.

SEC. 3. Section 20880 of the Business and Professions Code is amended to read:

20880. (a) Nothing in this article shall be construed to apply to the price signs referred to in Article 5 of this chapter; provided, however, that any numerals designating the net tax-included price per gallon for a particular brand or trade name of gasoline or motor vehicle fuel permitted under the provisions of Article 5 of this chapter, unless otherwise stated herein, shall be identical in numerical value with numerals designating the net tax-included price per gallon for the same brand or trade name of gasoline or other motor vehicle fuel permitted under the provisions of this Article 8.

(b) No person shall keep, maintain or display on or near the premises of any place of business in this state any advertising medium, which indicates or shows or advertises the price of gasoline or other motor vehicle fuel sold, offered for sale or advertised for sale from such premises, unless the actual price per gallon of gasoline or other motor vehicle fuel including taxes is also shown on such advertising medium, together with the word or words "gasoline" or "motor fuel" and the trade name or brand of the gasoline or other motor vehicle fuel product advertised for sale by such advertising medium.

(c) No person offering for sale or selling any gasoline or motor vehicle fuel from any place of business in the State of California shall post or display a sign or statement or other advertising medium reading, in substance, "save" a designated amount, or a designated amount per gallon, such as "save 5 cents" or "save 5 cents per gallon", or using the expression "off" a designated amount, such as "5 cents off" or "5 cents less", or "discount" of a given amount, such as "5 cents discount", or otherwise using the words "save", "off", "discount", "less", "below", or any of them, or a word or words of similar meaning or other phraseology indicating a reduced price, unless there is posted and displayed in letters and numerals of at least equal size and as part of the same sign, statement or other advertising medium, the total price, or prices per gallon, including all taxes from which such reduction will be made, the reduction given and the total net price per gallon, including all taxes, at which gasoline or other motor vehicle fuel is being sold or offered for sale. Words shall be used to explain the reduced price, the amount of reduction, and the price from which the reduction is made. Such words shall be clearly shown in letters at least half the size of the numerals indicating price.

(d) In the event that the same brand or grade of gasoline or motor fuel is sold at different prices from the dispensing devices on the premises of any single place of business, it shall be unlawful for any person to post or display any sign or advertising medium which indicates or shows or advertises a price of such brand or grade unless such sign or advertising

medium indicates, shows, or advertises in letters or numerals of equal size each of the higher prices, including all taxes, for which such brand or grade is sold, offered for sale, or advertised for sale and unless such sign or advertising medium explains the conditions under which such brand or grade is advertised for sale, at different prices. The words of explanation shall be clearly shown in letters at least half the size of the numerals indicating the prices.

SEC. 3.5. Section 20880 of the Business and Professions Code is amended to read:

20880. (a) Nothing in this article shall be construed to apply to the price signs referred to in Article 5 (commencing with Section 20820) of this chapter; provided, however, that any numerals designating the net tax-included price per gallon for a particular brand or trade name of gasoline or motor vehicle fuel permitted under the provisions of Article 5 (commencing with Section 20820) of this chapter, unless otherwise stated herein, shall be identical in numerical value with numerals designating the net tax-included price per gallon for the same brand or trade name of gasoline or other motor vehicle fuel permitted under the provisions of this article.

(b) Nothing in this article shall be construed to apply to the price signs referred to in Article 5 (commencing with Section 20820) of this chapter; provided, however, that any numerals designating the net tax-included price per gallon and the minimum research octane number for a particular brand or trade name of gasoline permitted under the provisions of Article 5 (commencing with Section 20820) of this chapter, unless otherwise stated herein, shall be identical in numerical value with numerals designating the net tax-included price per gallon and the minimum research octane number for the same brand or trade name of gasoline permitted under the provisions of this article.

For purposes of this subdivision "gasoline" does not include gasoline sold for aviation purposes.

As used in this subdivision "research octane number" means the American Society for Testing Materials research octane number of the gasoline as defined by Section 20710.

(c) No person shall keep, maintain or display on or near the premises of any place of business in this state any advertising medium, which indicates or shows or advertises the price of gasoline or other motor vehicle fuel sold, offered for sale or advertised for sale from such premises, unless the actual price per gallon of gasoline or other motor vehicle fuel including taxes is also shown on such advertising medium, together with the word or words "gasoline" or "motor fuel" and the trade name or brand of the gasoline or other motor vehicle fuel product advertised for sale by such advertising medium.

(d) No person offering for sale or selling any gasoline or motor vehicle fuel from any place of business in the State of California shall post or display a sign or statement or other advertising medium reading, in substance, "save" a desig-

nated amount, or a designated amount per gallon, such as "save 5 cents" or "save 5 cents per gallon", or using the expression "off" a designated amount, such as "5 cents off" or "5 cents less", or "discount" of a given amount, such as "5 cents discount", or otherwise using the words "save", "off", "discount", "less", "below", or any of them, or a word or words of similar meaning or other phraseology indicating a reduced price, unless there is posted and displayed in letters and numerals of at least equal size and as part of the same sign, statement or other advertising medium, the total price, or prices per gallon, including all taxes from which such reduction will be made, the reduction given and the total net price per gallon, including all taxes, at which gasoline or other motor vehicle fuel is being sold or offered for sale. Words shall be used to explain the reduced price, the amount of reduction, and the price from which the reduction is made. Such words shall be clearly shown in letters at least half the size of the numerals indicating price.

(e) In the event that the same brand or grade of gasoline or motor fuel is sold at different prices from the dispensing devices on the premises of any single place of business, it shall be unlawful for any person to post or display any sign or advertising medium which indicates or shows or advertises a price of such brand or grade unless such sign or advertising medium indicates, shows, or advertises in letters or numerals of equal size each of the higher prices, including all taxes, for which such brand or grade is sold, offered for sale, or advertised for sale and unless such sign or advertising medium explains the conditions under which such brand or grade is advertised for sale, at different prices. The words of explanation shall be clearly shown in letters at least half the size of the numerals indicating the prices.

SEC. 4. Section 20884 of the Business and Professions Code is amended to read:

20884. Except as provided in subdivisions (c) and (d) of Section 20880 the advertising medium referred to in this article shall not contain any other advertising matter whatsoever, except words of description of the products sold or offered for sale, and if words of description of the product offered for sale or advertised for sale by any such sign are used, the letters, figures or numerals which form any words, marks, letters, figures or numerals of description shall not be larger than the words, marks, letters, figures or numerals used in forming or designating the brand name or the words "no brand."

SEC. 5. Section 20955 of the Business and Professions Code is amended to read:

20955. (a) The department, each county sealer and deputy county sealer, each sealer and deputy sealer of each incorporated city, and any person now or hereafter authorized by law to inspect the petroleum products referred to in this chapter, may close and seal outlets and inlets of any unlabeled or

mis-labeled receptacles, containers, pumps or storage tanks connected thereto, containing any petroleum product which is sold, offered for sale, stored, or delivered as, or which is, any petroleum product specifically mentioned, defined or described in this chapter.

The person so sealing shall post in a conspicuous place on the premises, where such receptacle, container, pump or storage tank connected thereto has been sealed, a notice stating that the action of sealing has been taken in accordance with the provisions of this chapter, and giving warning that it is unlawful to break, mutilate or destroy the seal or seals thereof, or to move the container, or remove the contents therefrom, under the penalty provided in this chapter.

(b) Whenever a container or lot of containers of any commodity mentioned in this chapter is found to contain a commodity not in conformity with the provisions of this chapter, the representative may take a sample or samples reasonably necessary for enforcement purposes. Any lot or container ordered off sale pursuant to this section shall be subject to a disposal order by the enforcing officer and shall not be sold, offered for sale, or transported except in accordance with such disposal order. Any action pursuant to this section shall not affect any rights of a retailer under a warranty of merchantability or warranty of fitness.

SEC. 6. It is the intent of the Legislature, if this bill and Assembly Bill No. 49 are both chaptered and amend Section 20880 of the Business and Professions Code, and this bill is chaptered after Assembly Bill No. 49, that the amendments to Section 20880 proposed by both bills be given effect and incorporated in Section 20880 in the form set forth in Section 3.5 of this act. Therefore, Section 3.5 of this act shall become operative only if this bill and Assembly Bill No. 49 are both chaptered, both amend Section 20880, and Assembly Bill No. 49 is chaptered before this bill, in which case Section 3 of this act shall not become operative.

CHAPTER 469

An act to amend Section 576 of, and to add Section 32016 to, the Education Code, and to repeal Section 2 of Chapter 1493 of the Statutes of 1969, relating to educational programs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 4, 1971. Filed with Secretary of State August 4, 1971.]

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

SECTION 1. Section 576 of the Education Code is amended to read:

576. There is in the state government the Educational Innovation Advisory Commission consisting of the Superin-

tendent of Public Instruction or his representative, a member of the Assembly Education Committee appointed by the Speaker of the Assembly, a member of the Education Committee of the Senate appointed by the Senate Committee on Rules, and 13 public members appointed by the State Board of Education to serve four-year terms. Each of the two additional members appointed pursuant to this section as amended at the 1971 Regular Session shall serve for a term of four years.

The 13 public members appointed by the State Board of Education shall be selected for their familiarity, standing, competence, and attainment in research methods applicable to the physical, behavioral, and management sciences. One of the 13 public members appointed by the State Board of Education shall be an elementary school teacher, one public member shall be a secondary school teacher, one public member shall be a recognized specialist in the field of special education, one public member shall be a representative of institutions of higher education, one public member shall be a recognized specialist in urban educational problems, one public member shall be a member of the governing board of a school district, one public member shall be a representative of private schools, one public member shall be a representative of disadvantaged low-income areas, three public members shall be leaders from private industry with direct concern and involvement in the development of new techniques in the fields of education and communications, and two public members shall be representatives of the counseling and guidance fields.

SEC. 2. Section 32016 is added to the Education Code, to read:

32016. The State Board of Education shall reserve and allocate five hundred twelve thousand dollars (\$512,000) to the commission for the 1971-1972 fiscal year.

The State Board of Education shall reserve and allocate not less than one million one hundred forty-two thousand dollars (\$1,142,000) nor more than two million two hundred eighty-four thousand dollars (\$2,284,000) to the commission for the 1972-1973 fiscal year.

The State Board of Education shall reserve and allocate not less than two million two hundred twenty-nine thousand five hundred dollars (\$2,229,500) nor more than four million four hundred fifty-nine thousand dollars (\$4,459,000) to the commission for the 1973-1974 fiscal year.

The funds required to be reserved and allocated by this section are funds allowed to the state by the federal government pursuant to Title III of the Elementary and Secondary Education Act of 1965.

The funds reserved and allocated pursuant to this section may be used by the commission for the planning, administration, and operation of projects.

SEC. 3. Section 2 of Chapter 1493 of the Statutes of 1969 is repealed.

SEC. 4. The amendment of Section 576 of the Education Code made by this act does not constitute a change in, but is declaratory of, the preexisting law.

Public Law 91-230, which amended Title III of the Elementary and Secondary Education Act of 1965, consolidated Title V-A of the National Defense Education Act with Title III of the Elementary and Secondary Education Act of 1965. Sections 304(a) and 305 of Title III, as amended, have been interpreted to require membership on the Educational Innovation Advisory Commission to include members who are representatives of the counseling and guidance fields. Pursuant to Section 593.2 of the Education Code, the State Board of Education in 1970 appointed two additional members to the commission to resolve the conflict between the state law and the federal law. However, the appointments were effective only for one year and will expire in July 1971.

SEC. 5. All actions taken by the State Board of Education in 1970 pursuant to Section 593.2 of the Education Code in the appointment of two additional public members to the Educational Innovation Advisory Commission, thereby increasing from 11 to 13 the number of public members on the commission, in order to resolve a conflict between state law and federal law, are hereby ratified, validated, confirmed, and declared legally effective for all purposes.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that successors to two additional public members of the Educational Innovative Advisory Commission appointed by the State Board of Education in 1970 pursuant to Section 593.2 of the Education Code may be appointed to the commission for regular four-year terms at the earliest possible time to conform state law to federal law, it is necessary that this act take immediate effect.

Further, the duties of the State Board of Education regarding the allocation of certain federal funds must be revised at the earliest possible time in order to facilitate such allocation for the fiscal year commencing July 1, 1971.

CHAPTER 470

An act to amend Section 964 of the Education Code, relating to annual organizational meetings of school district governing boards, and declaring the urgency thereof, to take effect immediately.

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

SECTION 1. Section 964 of the Education Code is amended to read:

964. The governing board of each school district shall hold an annual organizational meeting on a day within the period of July 1 to July 15, inclusive. Unless otherwise provided by rule of the governing board, the day and time of the annual meeting shall be selected by the board at its regular meeting held immediately prior to such July 1, and the board shall notify the county superintendent of schools of the day and time selected. The clerk of the board shall, within 15 days prior to the date of the annual meeting, notify in writing all members and members-elect of the date and time selected for the meeting.

If the board fails to select a day and time for the meeting, the county superintendent of schools having jurisdiction over the district shall, prior to July 1 and after the regular meeting of the board held immediately prior to July 1, designate the day and time of the annual meeting. The day designated shall be within the period of July 1 to July 15, inclusive. He shall notify in writing all members and members-elect of the date and time.

At the annual meeting the governing board of each high school district, union high school district, and joint union high school district shall organize by electing a president from its members and a clerk.

At the annual meeting each city board of education shall organize by electing a president from its members.

At the annual meeting the governing board of each other type of school district, except a community college district, shall elect one of its members clerk of the district.

As an alternative to the procedures set forth in this section, a city board of education whose members are elected in accordance with a city charter for terms of office commencing in December, may hold its annual organizational meeting required in this section between December 15 and January 14, inclusive, as provided in rules and regulations which shall be adopted by such board. At the annual meeting the city board of education shall organize by electing a president and vice president from its members who shall serve in such office during the period January 15 next to the following January 14, unless removed from such office by majority vote of all members of the city board of education.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to effectuate the intention of the Legislature that a city board of education to which this act applies should not

be required to meet within the period of July 1 to 15, it is necessary that this act take effect before such period in 1971. Thus, it is necessary that this act take effect immediately.

CHAPTER 471

An act to amend Section 25643 of the Government Code, relating to fire protection, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 4, 1971 Filed with
Secretary of State August 4, 1971.]

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

SECTION 1. Section 25643 of the Government Code is amended to read:

25643. The board of supervisors of a county shall determine each year such sum of money as the board of supervisors deems necessary for fire protection services within the county, excluding therefrom any city or district which is at such time providing fire protection services within such city or district. Except for the costs of forest, range, and watershed fire protection within state responsibility areas as defined in Part 2 (commencing with Section 4101) of Division 4 of the Public Resources Code, for which the county is not reimbursed by the state, the taxes for the costs of county fire protection services shall be levied only on property within the county served by and benefiting from county fire protection services, or such costs shall be paid from other nonproperty tax revenues collected within the unincorporated area of the county.

Every city or district which provides its own fire protection services, and which prior to March 1 of any year files with the board of supervisors of the county a resolution declaring that such city or district is providing fire protection services within its jurisdiction, shall not be assessed during the following fiscal year and any year thereafter for any portion of the costs of county fire protection services, except for the costs of forest, range, and watershed fire protection within state responsibility areas as defined in Part 2 (commencing with Section 4101) of Division 4 of the Public Resources Code, for which the county is not reimbursed by the state.

This section shall not apply to a county with a population of more than 1,000,000 but less than 6,000,000 according to the 1960 federal census.

SEC. 2. The amendments made to Section 25643 by this act are declaratory and a continuation of existing law and are not intended to make a substantive change in the law.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

go into immediate effect. The facts constituting such necessity are:

This act provides a basis for distributing certain tax burdens within the county for certain purposes and must take effect immediately so that it can be operative before the board of supervisors establishes the tax rate for the 1971-72 fiscal year.

CHAPTER 472

An act to amend Section 25451.9 of the Education Code, relating to governing boards of school districts, and declaring the urgency thereof to take effect immediately.

[Approved by Governor August 4, 1971. Filed with Secretary of State August 4, 1971.]

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

SECTION 1. Section 25451.9 of the Education Code is amended to read:

25451.9. (a) In any case where a community college district and a unified district have a common governing board pursuant to the provisions of this article, such governing board may, on or before December 31 in any even-numbered year, on its own initiative, determine that a separate community college district governing board be established and require the members of the common board to elect as to which board they shall serve upon. The community college board so created shall be composed of the same number of members as the common board.

(b) If an individual serving on a common governing board elected pursuant to city charter, whose term on the common governing board is to expire in December of the second succeeding odd-numbered year following the even-numbered year set out in subdivision (a), elects to serve on the community college district governing board only, such act shall be deemed to have created a vacancy in his membership on the unified district governing board commencing on the first Monday after the first day in December of the first odd-numbered year following such even-numbered year. Such vacancy shall be filled as provided by the city charter.

In any odd-numbered year first succeeding the year set out pursuant to Section 25451.9 on the same date upon which the election for members of the common governing board is held pursuant to city charter, an election shall be held in the community college district to elect members to the community college district governing board to fill the positions of the governing board members whose terms will expire in December of such odd-numbered year, and the other governing board members, if any, whose terms will expire in December of the next succeeding odd-numbered year, and who have elected, pursuant to subdivision (a), to serve as members of the uni-

fied district board only. Of the members elected to the governing board of the community college district at that election, those receiving the lowest number of votes shall be deemed to have been elected to the positions, if any, held by members whose terms would otherwise have expired in the next succeeding odd-numbered year and who elected to serve on the unified district governing board only. The first term of office of any such newly elected member receiving such lower number of votes shall expire in December of the next succeeding odd-numbered year pursuant to the provisions of the city charter governing the election of governing board members of the unified district. Thereafter, all elections of governing board members of the community college district shall be held under the same terms and conditions and at the same times as elections of governing board members of the unified district pursuant to city charter.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The charters of certain charter cities of the state provide for the election of members of the governing boards of school districts in December. In order to facilitate the orderly transition from common governing boards to separate governing boards it is essential to take effect immediately.

CHAPTER 473

An act to amend Section 3800 of the Fish and Game Code, relating to nonprotected birds.

[Approved by Governor August 4, 1971. Filed with Secretary of State August 4, 1971.]

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

SECTION 1. Section 3800 of the Fish and Game Code is amended to read:

3800. Nonprotected birds are:

(a) English sparrows (*Passer domesticus*); crows (*Corvus brachyrhynchos*); American or black-billed magpies (*Pica pica hudsonia*); California or scrub jays (*Aphelocoma californica*); Steller's or crested jays (*Cyanocitta stelleri*); and starlings (*Sturnus vulgaris*).

(b) Yellow-billed magpies (*Pica nuttalli*).

The provisions of subdivision (b) of this section shall be applicable only in those districts or parts of districts within a county whose board of supervisors, by resolution, has declared that, based only upon crop damage, such provisions are desir-

able for the county, and shall be in effect only until the 61st day after adjournment of the 1973 Regular Session of the Legislature, and thereafter shall have no force or effect.

CHAPTER 474

An act to amend Section 3857 of the Agricultural Code, relating to the California Museum of Science and Industry.

[Approved by Governor August 5, 1971. Filed with Secretary of State August 5, 1971.]

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

SECTION 1. Section 3857 of the Agricultural Code is amended to read:

3857. District 6 is all that portion of Los Angeles County which is not included in District 48 and District 50, and, notwithstanding any other provision of this chapter, also includes that portion of Los Angeles County within the boundaries of the 29th Senatorial District. District 6 shall be known and designated as the California Museum of Science and Industry.

CHAPTER 475

An act to amend Section 13712 of, and to add Sections 13712.2 and 13712.3 to, the Education Code, relating to school classified employees.

[Approved by Governor August 5, 1971. Filed with Secretary of State August 5, 1971.]

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

SECTION 1. Section 13712 of the Education Code is amended to read:

13712. The commission shall classify all employees and positions within the jurisdiction of the governing board or of the commission, except those which are exempt from the classified service. The employees and positions shall be known as the classified service. Exempt from the classified service shall be:

- (a) Positions which require certification qualifications,
- (b) Part-time playground positions,
- (c) Full-time day students, employed part time,
- (d) Apprentice positions,

(e) Positions established for the employment of professional experts on a temporary basis for a specific project by the governing board or by the commission when so designated by the commission.

However, nothing in this section shall prevent an employee, who has attained regular status in a full-time position, from taking a voluntary reduction in time and retaining his regular status under the provisions of this law.

No person whose contribution consists solely in the rendition of individual personal services and whose employment does not come within the scope of the exceptions listed above shall be employed outside the classified service.

A part-time position is one for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than 87½ percent of the normally assigned time of the majority of employees in the classified service.

SEC. 2. Section 13712.2 is added to the Education Code, to read:

13712.2. In addition to the exemptions authorized in Section 13712, there shall be exempt from the classified service positions established for the employment of community representatives in advisory or consulting capacities for not more than 90 working days in a fiscal year, provided that:

(1) The authorized duties are not those normally assigned to a class of positions in the classified service,

(2) The authorized duties are approved by the personnel commission in advance of employment, and

(3) A regular classified employee of the school district shall not receive a concurrent appointment to such a position.

The provisions of this section shall be operative until the 91st day after final adjournment of the 1974 Regular Session of the Legislature and thereafter shall have no force or effect.

SEC. 3. Section 13712.3 is added to the Education Code, to read:

13712.3. If the governing board of any school district establishes positions and restricts initial appointment of new employees to persons having mental handicaps, then such positions shall, in addition to the regular class title, be classified as "restricted." The positions shall be part of the classified service and persons so employed shall be classified employees for all purposes except that they shall not acquire permanent status or seniority credit and shall not be eligible for promotion into the regular classified service until they have complied with the provisions of subdivision (c) of Section 13581.2.

CHAPTER 476

An act to amend Sections 1602, 3259, 3259.1, and 3346 of, and to repeal Sections 1824.5, 2373, and 3259.5 of the Education Code, relating to district organization.

[Approved by Governor August 5, 1971. Filed with Secretary of State August 5, 1971.]

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

SECTION 1. Section 1602 of the Education Code is amended to read:

1602. "An action to organize or reorganize districts" means an action to form, dissolve, or lapse a school district, to annex all or part of the territory of a district to another district, to transfer all or part of a district to another district, or the unification of school districts, or any combination of all of such actions. It also includes a reorganization proceeding under Chapter 10 (commencing with Section 3100) of this division.

SEC. 2. Section 1824.5 of the Education Code is repealed.

SEC. 3. Section 2373 of the Education Code is repealed.

SEC. 4. Section 3259 of the Education Code is amended to read:

3259. The plans and recommendations formulated by a committee may provide for the division of funds (including cash on hand and moneys due but uncollected on the date reorganization becomes effective for all purposes, and state apportionments based on average daily attendance earned in the year immediately preceding the date reorganization becomes effective for all purposes), obligations, other than bonded indebtedness, and property, other than real property, of a district whose territory is proposed to be divided. In providing for this division, the committee may consider the assessed valuation of each portion of the district, the number of children of school age residing in each portion of the district, the value and location of the school property, and such other matters as the members of the committee deem important and pertinent.

The amendment of this section made by the 1963 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the preexisting law.

SEC 5. Section 3259.1 of the Education Code is amended to read:

3259.1. During the first fiscal year of the existence of a newly formed unified school district, including districts which became effective for all purposes on July 1, 1953, under the provisions of this chapter the county superintendent of schools having jurisdiction over the districts affected shall draw his requisition upon the county auditor to the credit of the districts affected in the amounts necessary to accomplish the division of funds required by Section 3259.

SEC 6. Section 3259.5 of the Education Code is repealed.

SEC. 7. Section 3346 of the Education Code is amended to read:

3346. All property, funds, and obligations of a district included in whole in a unified school district, other than the bonded indebtedness thereof as provided in this article, and other than funds derived from the sale of bonds issued by the included district, shall become the property, funds, and obli-

gations of the unified school district. Any funds derived from such bonds issued by the included district shall be expended by the governing board of the unified district either for the retirement of the bonds or for the acquisition of school property only in the area comprising the included district.

CHAPTER 477

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

[Approved by Governor August 5, 1971. Filed with Secretary of State August 5, 1971.]

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

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

1834.5. Notwithstanding any other provision of law, whenever any animal is delivered to any veterinarian, dog kennel, cat kennel, pet-grooming parlor, animal hospital, or any other animal care facility pursuant to any written or oral agreement entered into after the effective date of this section, and the owner of such animal does not pick up the animal within 14 calendar days after the day the animal was due to be picked up, the animal shall be deemed to be abandoned. The person into whose custody the animal was placed for care shall first try for a period of not less than 10 days to find a new owner for the animal, and, if unable to place the animal with a new owner, shall thereafter humanely destroy the animal so abandoned.

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

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

CHAPTER 478

An act to amend Section 8009 of the Welfare and Institutions Code, relating to public guardians.

[Approved by Governor August 5, 1971. Filed with Secretary of State August 5, 1971.]

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

SECTION 1. Section 8009 of the Welfare and Institutions Code is amended to read:

8009. All funds coming into the custody of the public guardian shall be deposited in the county treasury and disbursed by proper warrant issued pursuant to Chapter 5 (commencing with Section 29800) of Division 3 of Title 3 of the Government Code, or shall be deposited in one or more banks or invested in one or more insured savings and loan associations authorized to do business within the county and withdrawn only upon an order of the public guardian, countersigned by a judge of the superior court. In counties having a population of over 270,000, such withdrawals need not be countersigned by a judge of the superior court.

CHAPTER 479

An act to add Section 25536.5 to the Government Code, relating to county property.

[Approved by Governor August 5, 1971 Filed with
Secretary of State August 5, 1971]

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

SECTION 1. Section 25536.5 is added to the Government Code, to read:

25536.5. The board of supervisors may, by a four-fifths vote, enter into an agreement with the lessee or concessionaire to amend any existing lease, sublease, concession, or managerial contract relating to improved property entered into pursuant to Section 25536 to permit the permanent improvement or alteration of the county-owned, -leased, or -managed property at the expense of the lessee or concessionaire and to permit a credit on rentals or other reimbursement to the extent thereof during the remainder of the lease, sublease, concession, or contract.

CHAPTER 480

An act to amend Section 62212 of the Agricultural Code, relating to marketing of milk.

[Approved by Governor August 5, 1971 Filed with
Secretary of State August 5, 1971]

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

SECTION 1. Section 62212 of the Agricultural Code is amended to read:

62212. Each stabilization and marketing plan shall contain provisions whereby the director designates and prescribes, or provides methods for designating or prescribing, minimum prices to be paid by distributors to producers, for fluid milk in the various classes.

The prices so designated or prescribed shall be in a reasonable and sound economic relationship with the price of manufacturing milk.

In determining such economic relationship, the director shall take into consideration all of the relevant factors in such economic relationship, including, but not limited to, all of the following:

(a) The reasonableness and economic soundness of manufacturing milk prices in relation to the costs of producing manufacturing milk.

(b) The additional costs of producing and marketing fluid milk over and above costs of producing and marketing manufacturing milk.

(c) Current and prospective supplies of fluid milk in relation to current and prospective demands for such fluid milk for all purposes, including manufacturing purposes.

In designating and prescribing, or in providing methods for designating or prescribing, such prices, the director shall also take into consideration all of the purposes, policies, and standards contained in Sections 61871, 61872, 61875, 61876, 61877, 62414, and 62415.

The director shall also find that such prices will insure consumers an adequate and continuous supply of pure, fresh, wholesome milk at fair and reasonable prices, including a reasonable estimate of the additional supply which is needed to provide for normal fluctuations in production and in consumer demand for fluid milk, cream, and skim milk for such marketing area.

CHAPTER 481

An act to amend Sections 59210, 59212, 59214, and 59217 of, and to add Section 59214.5 to, the Government Code, and to add Section 5551.5 to the Streets and Highways Code, relating to special assessments and bond refund.

[Approved by Governor August 5, 1971. Filed with Secretary of State August 5, 1971.]

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

SECTION 1. Section 59120 of the Government Code is amended to read:

59120. Whenever the legislative body determines that the public interest, convenience, or necessity requires the readjustment of assessments and the refunding of assessments or bonds of all or a portion of an improvement district created pursuant to any law for the acquisition or construction, or both, of any public improvement by special assessments upon the lands benefited, it may proceed pursuant to this chapter.

SEC. 2. Section 59212 of the Government Code is amended to read:

59212. If the resolution provides that all of the original bonds of only one district are to be acquired and canceled, the exterior boundaries of the new district shall be coterminous with the exterior boundaries of the district as fixed in the original proceedings. The property to be assessed in the new district pursuant to this chapter shall be the property assessed in the original proceedings.

SEC. 3. Section 59214 of the Government Code is amended to read:

59214. If the resolution of intention provides that all of the original bonds of more than one contiguous or overlapping district are to be acquired and canceled, the exterior boundary of the new district shall encompass all property within the composite area formed by such contiguous or overlapping districts. The property to be assessed in the new district shall be the property assessed in the various original proceedings.

SEC. 4. Section 59214.5 is added to the Government Code, to read:

59214.5. Less than all of the original bonds of a district or more than one overlapping districts may be acquired and canceled in a single proceeding when all of the original bonds to be acquired and canceled have been issued pursuant to the Improvement Act of 1911. When less than all of the original bonds of a district or districts are to be acquired and canceled the boundaries of the new district shall encompass all properties described in the original bonds to be acquired and canceled.

SEC. 5. Section 59217 of the Government Code is amended to read:

59217. The resolution of intention shall:

(a) Refer to the original proceedings with sufficient clarity to identify them.

(b) Indicate the amount of bonds and of each series which were originally issued against each of the districts created under such proceedings.

(c) Indicate the amount of such bonds outstanding against each district when the resolution of intention is adopted.

(d) Refer to the serial numbers of the original bonds and set forth the total amount of such bonds outstanding at the time the resolution of intention is adopted, when less than all of the original bonds of a district are to be acquired and canceled.

SEC. 6. Section 5551.5 is added to the Streets and Highways Code, to read:

5551.5. Whenever the legislative body determines that the work for which an assessment was previously made was for the construction, acquisition, alteration, repair, improvement or betterment of any lands or improvements which have been sold as surplus property, the legislative body may, in its discretion, determine to aid the project by appropriating the pro-

ceeds of the sale and contributing the same for such purpose. It shall not be necessary to set forth or give notice of such contribution in the resolution of intention or other proceedings hereunder.

CHAPTER 482

An act to amend Section 1563 of the Financial Code, relating to trust companies.

[Approved by Governor August 5, 1971 Filed with
Secretary of State August 5, 1971]

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

SECTION 1. Section 1563 of the Financial Code is amended to read:

1563. Any trust company acting in any capacity under a court or private trust or when acting in such capacity with one or more persons as cofiduciary or cofiduciaries, unless the instrument creating such trust contains a provision to the contrary, may, with the consent of such cofiduciary or cofiduciaries cause any stock or other securities held in any such capacity to be registered in the name of a nominee or nominees of such trust company and any trust company when acting as depositary or custodian for the trustee of any other court or private trust, unless the instrument creating the trust contains a provision to the contrary, may, with the consent of the trustee of such other trust, cause any stock or other securities held by it in such capacity to be registered in the name of a nominee or nominees of such trust company. Any such trust company shall be liable for any loss occasioned by the acts of any nominee of such trust company with respect to such stock or other securities so registered. The records of such trust company shall at all times show the ownership of any such stock or other securities and of those held in bearer form. Such stock or other securities and those held in bearer form shall at all times be kept by such trust company separate and apart from its other assets and may be kept by such trust company:

(a) In a manner such that all certificates representing the stock or other securities from time to time constituting the assets of a particular estate, trust or other fiduciary account are held separate from those of all other estates, trusts or accounts; or

(b) In a manner such that, without certification as to ownership attached, certificates representing stock or other securities of the same class of the same issuer and from time to time constituting assets of particular estates, trusts or other fiduciary accounts are held in bulk, including, to the extent feasible, the merging of certificates of small denomination into one or more certificates of large denomination, provided that a trust company, when operating under the method of safekeeping

security certificates described in this subdivision, shall be subject to such rules and regulations as, in the case of state chartered institutions, the superintendent and, in the case of national bank associations, the Comptroller of the Currency, may from time to time issue. Such trust company shall, on demand by any party to an accounting by such trust company as fiduciary or on demand by the attorney for such party, certify in writing the stock or other securities held by such trust company as such fiduciary for such party.

No domestic or foreign corporation or the registrar or transfer agent of any such corporation shall be liable for registering or causing to be registered on the books of such corporation any share or shares or other securities in the name of any nominee of such trust company or for transferring or causing to be transferred on the books of any such corporation any share or shares or other securities theretofore registered by such corporation in the name of any nominee of such trust company as herein provided when the transfer is made upon the authorization of such nominee.

CHAPTER 483

An act to add Sections 35271.7 and 54797.2 to, and to amend and renumber Sections 54797.2 and 54797.3 of, the Government Code, relating to alteration of boundaries.

[Approved by Governor August 5, 1971. Filed with Secretary of State August 5, 1971.]

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

SECTION 1. Section 35271.7 is added to the Government Code, to read:

35271.7. Notwithstanding any other provision of this article, a resolution of consent to the transfer shall not be required by either the legislative body of the city in which the territory is situated or by the legislative body of the city to which the territory is proposed to be transferred, if all the territory proposed to be transferred is owned by a single landowner and the following conditions exist with respect to such territory:

(a) The territory to be transferred is separated from the city in which it is situated by railroad tracks and railroad right-of-way on one side and by a freeway and state right-of-way on another side.

(b) There is no means of public ingress to or egress from the territory to the city in which it is situated.

(c) The only means of public ingress to or egress from the territory is through the city to which the territory is proposed to be transferred.

(d) The city in which the territory is situated cannot provide police and fire protection with its personnel and equip-

ment without using the streets of the city to which the territory is proposed to be transferred.

The board of supervisors shall approve the transfer of any territory which meets the above conditions, by resolution, without notice, hearing or election if the local agency formation commission has given its approval and authorization pursuant to Section 54797.2.

The provisions of this section shall become inoperative on January 1, 1974.

SEC. 2. Section 54797.2 of the Government Code is amended and renumbered to read:

54797.3. If an application for the formation of a district is signed by all of the owners of land proposed to be included within the district, and is accompanied by proof, satisfactory to the commission, that all of the owners within such territory have given their written consent to the proposed formation, the commission shall hold a hearing on the proposed formation. In such cases, however, the commission may approve and authorize the board of supervisors, or other appropriate legislative body, to order the formation of the district (1) without notice and hearing by the legislative body, (2) without an election, or (3) both.

As used in this section "owner of land" means: any person shown as the owner of land on the last equalized assessment roll; where such person is no longer the owner, then any person entitled to be shown as owner of land on the next assessment roll; where land is subject to a recorded written agreement of sale, any person shown therein as purchaser; and any public agency owning land.

SEC. 3. Section 54797.2 is added to the Government Code, to read:

54797.2. If an application is for the detachment of territory from one city and the annexation of that territory to a contiguous city, the commission may approve such transfer of territory and authorize the board of supervisors to approve the transfer without notice, hearing or election if it finds that the territory is owned by a single landowner and that the following additional conditions exist with respect to such territory:

(a) The territory to be transferred is separated from the city in which it is situated by railroad tracks and a railroad right-of-way, on one side and by a freeway and state right-of-way on another side.

(b) There is no means of public ingress to or egress from the territory to the city in which it is situated.

(c) The only means of public ingress to or egress from the territory is through the city to which the territory is proposed to be transferred.

(d) The city in which the territory is situated cannot provide police and fire protection with its personnel and equipment without using the streets of the city to which the territory is proposed to be transferred.

The provisions of this section shall become inoperative on January 1, 1974.

SEC. 4. Section 54797.3 of the Government Code is amended and renumbered to read:

54797.4. Any person may, prior to any meeting, request any local agency formation commission to cause a transcript record to be made of such meeting. If the cost of such record is borne by such person, the commission shall cause a transcript record to be made.

CHAPTER 484

An act to add Section 5890.5 to the Streets and Highways Code, relating to construction costs.

[Approved by Governor August 5, 1971. Filed with Secretary of State August 5, 1971.]

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

SECTION 1. Section 5890.5 is added to the Streets and Highways Code, to read:

5890.5. In assessing the cost of construction, an adjustment may be made for the contribution made to the improvement by an owner, either past or present, who has donated land, or any interest in land, which otherwise would have had to be acquired by eminent domain or purchase, or who has done work at his expense which can be used as part of the work or improvement.

CHAPTER 485

An act to amend Sections 3859 and 3860 of the Labor Code, relating to workmen's compensation.

[Approved by Governor August 6, 1971. Filed with Secretary of State August 6, 1971.]

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

SECTION 1. Section 3859 of the Labor Code is amended to read:

3859. (a) No release or settlement of any claim under this chapter as to either the employee or the employer is valid without the written consent of both. Proof of service filed with the court is sufficient in any action or proceeding where such approval is required by law.

(b) Notwithstanding anything to the contrary contained in this chapter, an employee may settle and release any claim he may have against a third party without the consent of the employer. Such settlement or release shall be subject to the

employer's right to proceed to recover compensation he has paid in accordance with Section 3852.

SEC. 2. Section 3860 of the Labor Code is amended to read:

3860. (a) No release or settlement under this chapter, with or without suit, is valid or binding as to any party thereto without notice to both the employer and the employee, with opportunity to the employer to recover the amount of compensation he has paid or become obligated to pay and any special damages to which he may be entitled under Section 3852, and opportunity to the employee to recover all damages he has suffered and with provision for determination of expenses and attorney's fees as herein provided.

(b) Except as provided in Section 3859, the entire amount of such settlement, with or without suit, is subject to the employer's full claim for reimbursement for compensation he has paid or become obligated to pay and any special damages to which he may be entitled under Section 3852, together with expenses and attorney fees, if any, subject to the limitations in this section set forth.

(c) Where settlement is effected, with or without suit, solely through the efforts of the employee's attorney, then prior to the reimbursement of the employer, as provided in subdivision (b) hereof, there shall be deducted from the amount of the settlement the reasonable expenses incurred in effecting such settlement, including costs of suit, if any, together with a reasonable attorney's fee to be paid to the employee's attorney, for his services in securing and effecting settlement for the benefit of both the employer and the employee.

(d) Where settlement is effected, with or without suit, solely through the efforts of the employer's attorney, then, prior to the reimbursement of the employer as provided in subdivision (b) hereof, there shall be deducted from the amount of the settlement the reasonable expenses incurred in effecting such settlement, including costs of suit, if any, together with a reasonable attorney's fee to be paid to the employer's attorney, for his services in securing and effecting settlement for the benefit of both the employer and the employee.

(e) Where both the employer and the employee are represented by the same agreed attorney or by separate attorneys in effecting a settlement, with or without suit, prior to reimbursement of the employer, as provided in subdivision (b) hereof, there shall be deducted from the amount of the settlement the reasonable expenses incurred by both the employer and the employee or on behalf of either, including costs of suit, if any, together with reasonable attorneys' fees to be paid to the respective attorneys for the employer and the employee, based upon the respective services rendered in securing and effecting settlement for the benefit of the party represented. In the event both parties are represented by the same attorney, by agreement, the attorney's fee shall be based on the services rendered for the benefit of both.

(f) The amount of expenses and attorneys' fees referred to in this section shall, on settlement of suit, or on any settlement requiring court approval, be set by the court. In all other cases these amounts shall be set by the appeals board. Where the employer and the employee are represented by separate attorneys they may propose to the court or the appeals board, for consideration and determination, the amount and division of such expenses and fees.

CHAPTER 486

An act to add Section 18009.5 to the Elections Code, relating to elections.

[Approved by Governor August 6, 1971 Filed with
Secretary of State August 6, 1971.]

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

SECTION 1. Section 18009.5 is added to the Elections Code, to read:

18009.5. Whenever partial results of an election are made public after 10 p.m. of the day of the election, the election official shall issue a bulletin setting forth the precincts not yet reported when approximately 50 percent of the precincts have reported and when approximately 75 percent of the precincts have reported.

If the count is not completed by 6 a.m. of the morning following the election day, there shall be another listing of unreported precincts.

CHAPTER 487

An act to add Section 35002.1 to the Government Code, relating to annexation.

[Approved by Governor August 6, 1971 Filed with
Secretary of State August 6, 1971.]

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

SECTION 1. Section 35002.1 is added to the Government Code, to read:

35002.1. The territory in an annexation proposal approved by the local agency formation commission pursuant to Section 54797 shall be deemed a single area for purposes of determining the manner in which annexation proceedings shall be initiated and conducted pursuant to the provisions of this chapter.

CHAPTER 488

An act to amend Sections 39101, 39101.5, 39102, 39102.5, 39104, 39105, and 39106 of the Health and Safety Code, relating to air pollution.

[Approved by Governor August 6, 1971. Filed with Secretary of State August 6, 1971.]

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

SECTION 1. Section 39101 of the Health and Safety Code is amended to read:

39101. The exhaust emissions from a new 1970 model year gasoline-powered motor vehicle under 6,001 pounds, manufacturer's maximum gross vehicle weight rating having an engine displacement of 50 cubic inches or greater, subject to registration and sold and registered in this state, shall not exceed:

- (a) 2.2 grams per mile hydrocarbons.
- (b) 23 grams per mile carbon monoxide.

SEC. 2. Section 39101.5 of the Health and Safety Code is amended to read:

39101.5. The exhaust emissions from a new 1971 model year gasoline-powered motor vehicle under 6,001 pounds, manufacturer's maximum gross vehicle weight rating having an engine displacement of 50 cubic inches or greater, subject to registration and sold and registered in this state, shall not exceed:

- (a) 2.2 grams per mile hydrocarbons.
- (b) 23 grams per mile carbon monoxide.
- (c) 4.0 grams per mile oxides of nitrogen.

SEC. 3. Section 39102 of the Health and Safety Code is amended to read:

39102. The exhaust emissions from a new 1972 or later model year gasoline-powered motor vehicle under 6,001 pounds, manufacturer's maximum gross vehicle weight rating having an engine displacement of 50 cubic inches or greater, subject to registration and sold and registered in this state, shall not exceed:

- (a) 1.5 grams per mile hydrocarbons.
- (b) 23 grams per mile carbon monoxide.
- (c) 3.0 grams per mile oxides of nitrogen.

SEC. 4. Section 39102.5 of the Health and Safety Code is amended to read:

39102.5. Notwithstanding the provisions of subdivision (c) of Section 39102, the oxides of nitrogen exhaust emissions from a new 1974 or later model year gasoline-powered motor vehicle under 6,001 pounds manufacturer's maximum gross vehicle weight rating having an engine displacement of 50 cubic inches or greater, subject to registration and sold and registered in this state, shall not exceed 1.3 grams per mile oxides of nitrogen.

SEC. 5. Section 39104 of the Health and Safety Code is amended to read:

39104. The exhaust emissions from a new 1970 or 1971 model year gasoline-powered truck, truck tractor or bus, except those which are diesel-powered, over 6,001 pounds, manufacturer's maximum gross vehicle weight rating, subject to registration and sold and registered in this state, shall not exceed:

- (a) 275 parts per million hydrocarbons.
- (b) 1.5 percent carbon monoxide.

SEC. 6. Section 39105 of the Health and Safety Code is amended to read:

39105. The exhaust emissions from a new 1972 or later model year gasoline-powered truck, truck tractor or bus, except those which are diesel-powered, over 6,001 pounds, manufacturer's maximum gross vehicle weight rating, subject to registration and sold and registered in this state, shall not exceed:

- (a) 180 parts per million hydrocarbons.
- (b) 1.0 percent carbon monoxide.

SEC. 7. Section 39106 of the Health and Safety Code is amended to read:

39106. Fuel evaporative losses from the fuel system in a 1970 or later model year gasoline-powered motor vehicle having an engine displacement of 50 cubic inches or greater, under 6,001 pounds, manufacturer's maximum gross vehicle weight rating, subject to registration and sold and registered in this state, shall not exceed six grams hydrocarbons per test.

CHAPTER 489

An act to add Article 4.5 (commencing with Section 1690) to Chapter 4 of Division 2 of the Business and Professions Code, relating to practice of dentistry.

[Approved by Governor August 6, 1971. Filed with Secretary of State August 6, 1971.]

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

SECTION 1. Article 4.5 (commencing with Section 1690) is added to Chapter 4 of Division 2 of the Business and Professions Code, to read:

Article 4.5. Mental Illness

1690. The proceedings under Section 1691 shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

1691. (a) When a dentist requires treatment pursuant to the provisions of Chapter 2 (commencing with Section 5150) of Part 1 of Division 5 of, or Part 2 (commencing with Section 6250) of Division 6 of, the Welfare and Institutions Code, or he has been determined insane and is confined for treatment pursuant to the provisions of Chapter 6 (commencing with Section 1367) of Title 10 of Part 2 of the Penal Code, or on account of his mental condition a guardian or conservator, for his estate or person or both, has been appointed, the Board of Dental Examiners shall suspend the licensee from the active practice of dentistry.

The clerk of the appropriate court concerned in any such proceeding shall immediately transmit to the board a certified copy of any such determination, order or adjudication for involuntary treatment or confinement or for the appointment of a guardian or conservator.

The clerk of the appropriate court concerned shall also transmit to the board a certified copy of any notice of certification for intensive treatment filed with the court pursuant to Article 4 (commencing with Section 5250) of Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code.

The Board of Dental Examiners may procure a certified copy of any such determination, order, adjudication, appointment or notice when the clerk concerned has failed to transmit one or when the proceeding was had in a court other than a court of this state.

In the case of a suspension pursuant to subdivision (a) the Board of Dental Examiners shall terminate the suspension when the licensee has had the fact of his restoration to capacity judicially determined or upon the licensee's unconditional release from the medical facility pursuant to Chapter 2 (commencing with Section 5150) of Part 1 of Division 5 of the Welfare and Institutions Code, and on payment of all fees required.

(b) In cases not provided for in subdivision (a), the Board of Dental Examiners shall suspend a licensee under this chapter if he becomes mentally ill to the extent that he requires supervision or restraint or if the licensee becomes mentally ill to the extent that he is dangerous to himself or to the person or property of others and is in need of supervision or restraint, and if he is unable to practice dentistry without danger to the interests of his patients and the public. No proceeding pursuant to this subdivision shall be instituted unless the board finds, after preliminary investigation, that probable cause exists therefor.

In the case of a suspension pursuant to subdivision (b), the Board of Dental Examiners shall terminate the suspension upon proof that the facts found as to the licensee's disability no longer exist; and on payment of all fees required.

(c) The pendency or determination of a proceeding or investigation provided for by this section shall not abate or

terminate a disciplinary investigation or proceeding except as required by the facts and law in a particular case.

(d) Before reinstating such a person, the board may require the person to pass an oral or written examination, or both, to determine his present fitness to resume his practice.

1692. In reinstating a license suspended under Section 1691, the board may impose terms and conditions to be followed by the certificate holder after his certificate has been reinstated. The authority of the board to impose terms and conditions includes, but is not limited to, the following:

(a) Requiring the certificate holder to obtain additional dental training and to pass an examination upon the completion of the training. The examination may be written or oral, or both, and may be a practical or clinical examination, or both, at the option of the board.

(b) Requiring the certificate holder to submit to a complete diagnostic examination by one or more physicians and surgeons appointed by the board. If the board requires the certificate holder to submit to such an examination, the board shall receive and consider any other report of a complete diagnostic examination given by one or more physicians of the certificate holder's choice.

(c) Restricting or limiting the extent, scope, or type of practice of the certificate holder.

CHAPTER 490

An act to amend Section 7332.5 of the Business and Professions Code, relating to cosmetology.

[Approved by Governor August 6, 1971. Filed with Secretary of State August 6, 1971.]

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

SECTION 1. Section 7332.5 of the Business and Professions Code is amended to read:

7332.5. The board shall admit to examination for a certificate of registration and license as a cosmetology instructor any person who has made application to the board in proper form, has paid the fee required by this chapter, and is qualified as follows:

(a) Has had at least 600 hours of teacher training in an approved school in this state or equivalent training in another state, and one years practical experience within the past three years in all branches of cosmetology, except the branch of electrology, in a licensed cosmetological establishment in this state or equivalent experience in another state.

(b) Is of good moral character and temperate habits.

(c) Holds a valid California license as a cosmetologist.

An applicant shall submit an affidavit signed by his employers attesting to his experience.

CHAPTER 491

An act directing the transfer of the real property of the DeWitt State Hospital facility, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 6, 1971. Filed with Secretary of State August 6, 1971.]

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

SECTION 1. To accomplish a public purpose of the state, the Director of General Services is hereby authorized and directed to quitclaim all interests of the state, subject to the terms and conditions of Sections 3 and 4, in the real property, and appurtenances thereto, of the DeWitt State Hospital facility, described as follows:

(a) All that real property situate in the County of Placer, State of California, lying within Secs. 29 and 32, T. 13 N., R. 8 E., M.D.B. & M., more particularly described as follows:

Beginning at the corner common to Secs. 28, 29, 32 and 33, T. 13 N., R. 8 E., M.D.B. & M., running thence Wly along the Nly line of Sec. 32 to a point 208.7 ft. Ely of the NE corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, running thence Sly parallel and distant 208.7 ft. at right angles from the Ely line of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ said Sec. 32, a distance of 313 ft., running thence Wly parallel to the N. line of Sec. 32 a distance of 208.7 ft. to a point on the Ely line of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ said Sec. 32, running thence Nly along said Ely line to a point 39.6 ft. Sly of the Nly line of said Sec. 32, running thence Wly parallel and distant Sly 39.6 ft. at right angles to the Nly line of said Sec. 32 to a point on the Wly line of the NE $\frac{1}{4}$ said Sec. 32, running thence Nly along said $\frac{1}{4}$ section line to the N $\frac{1}{4}$ corner thereof, running thence Wly along the Nly line of said Sec. 32 to the NW corner of the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ said Sec. 32, running thence Sly along the Wly line of the said E $\frac{1}{2}$ of the E $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ to the SW corner thereof, running thence Wly along the Nly line of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ to the NW corner of E $\frac{1}{2}$ of SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ said Sec. 32, running thence Sly along the Wly line of the E $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ to a point 19.80 ft. Nly of the S line of the NW $\frac{1}{4}$ running thence Ely parallel and distant 19.8 ft. at right angles from the Sly line of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of said Sec. 32 to a point on the Wly line of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, running thence Sly along said Wly line to the S line of the NE $\frac{1}{4}$, running thence Ely along the Sly line of the NE $\frac{1}{4}$ to a point 330 ft. Wly of the E $\frac{1}{4}$ corner, said point being the SW corner of the lands now or formerly owned by R. H. Frankland, running thence Nly along said lands parallel and distant 330 ft. at right angles from the Ely line of Sec. 32 a distance of 660 ft., running thence Ely parallel and distant 660 ft. at right angles from the Sly line of the NE $\frac{1}{4}$ a distance of 330 ft. to a point on the Ely line of Sec.

32, running thence Nly along the Ely line of Sec. 32 to the point of beginning.

Also an easement for irrigation ditch 50 ft. in width lying 25 ft. on each side of the following described center lines:

Beginning at a point N $88^{\circ} 57' 42''$ E 1893.51 ft. from the corner common to Secs. 29, 30, 31 and 32, T. 13 N., R. 8 E., M.D.B. & M., running thence N $1^{\circ} 04' 10''$ W 27.79 ft., thence N $63^{\circ} 59' 00''$ E 374.0 ft., thence S $61^{\circ} 26' 20''$ E 288.00 ft., thence N $89^{\circ} 03' 50''$ E. 319.0 ft., thence N $52^{\circ} 25' 50''$ E 258.0 ft., thence S $65^{\circ} 56' 30''$ E 118.0 ft., thence N $19^{\circ} 38' 20''$ E 193.0 ft., thence N $30^{\circ} 34' 10''$ E 145.0 ft., thence N $8^{\circ} 17' 20''$ W 111.0 ft., thence N $37^{\circ} 24' 50''$ E 78.0 ft., thence S $86^{\circ} 32' 50''$ E 66.0 ft., thence S $62^{\circ} 48' 20''$ E 200 ft., thence S $89^{\circ} 14' 20''$ E 156.0 ft., thence N $42^{\circ} 41' 50''$ E 349.0 ft., thence S $73^{\circ} 42' 20''$ E 95.0 ft., thence S $39^{\circ} 53' 50''$ E 119.0 ft., thence S $4^{\circ} 30' 20''$ W 158.0 ft., thence S $44^{\circ} 07' 30''$ W 505.47 ft., thence S $1^{\circ} 04' 10''$ E 135.12 ft. to its termination.

(b) Except the portion of the real property described in subdivision (a) consisting of approximately 2.2 acres of land described as follows:

All that certain real property situate in the County of Placer, State of California, more particularly bounded and described as follows:

A portion of the Northeast Quarter of Section 32, Township 13 North, Range 8 East, M. D. M., Placer County, California.

Beginning at a $\frac{3}{4}$ -inch diameter iron pin set on the South line of the tract of land described hereby, a point on the Northerly right-of-way line of County Road PE 7092 (Atwood Road) and from said point, the one-inch iron pipe found set for the Quarter Section corner on the East line of Section 32, Township 13 North, Range 8 East, M. D. M bears South $83^{\circ} 55'$ East 645.55 feet; thence South $88^{\circ} 31' 30''$ West from the point of beginning along said road right-of-way line for a distance of 10.00 feet to a point on the approximate centerline of a Nevada Irrigation District ditch; thence along the approximate centerline of said ditch on the following thirteen (13) consecutive courses: (1) North $30^{\circ} 50'$ East 38.03 feet, (2) North $33^{\circ} 45'$ East 36.50 feet, (3) North $38^{\circ} 45'$ East 71.50 feet, (4) North $27^{\circ} 35'$ East 15.00 feet, (5) North $16^{\circ} 00'$ East 111.00 feet, (6) North $11^{\circ} 15'$ East 26.00 feet, (7) North $06^{\circ} 15'$ East 108.00 feet, (8) North $14^{\circ} 10'$ West 16.00 feet, (9) North $69^{\circ} 30'$ East 46.50 feet, (10) North $74^{\circ} 35'$ East 40.00 feet, (11) North $81^{\circ} 25'$ East 53.00 feet, (12) North $83^{\circ} 04'$ East 54.81 feet, and (13) North $50^{\circ} 50'$ East 15.26 feet to a point that is distant 330.00 feet, Westerly of and measured at right angles from the East line of said Section 32; thence South $01^{\circ} 34' 36''$ West along a line parallel with and distant 330.00 feet Westerly of and measured at right angles from the East line of said Section 32 for a distance of 430.03 feet to a point on the Northerly right-of-way line of the above-mentioned County Road; thence South $88^{\circ} 31' 30''$ West along said

right-of-way line for a distance of 314.02 feet to the point of beginning.

SEC. 2. The transfer authorized by Section 1 of this act shall be made to the County of Placer, at no cost to the county, in a manner agreeable to the county.

SEC. 3. In the event the county ceases to use the property transferred by this act for a public purpose, the property shall revert to the state.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is imperative in terms of maintenance and operation of expensive machinery and facilities that the machinery and facilities not be allowed to sit idle.

CHAPTER 492

An act to amend Section 10664 of, and to add Sections 10911 and 10912 to, the Fish and Game Code, relating to marine life refuges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 6, 1971. Filed with Secretary of State August 6, 1971.]

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

SECTION 1. Section 10664 of the Fish and Game Code is amended to read:

10664. In the Laguna Beach, Newport Beach, Point Fermin, South Laguna Beach, Dana Point, Niguel, Irvine Coast, and Doheny Beach Marine Life Refuges, the following fish, mollusks and crustaceans may be taken under the authority of a sport fishing license as authorized by this code: abalone, lobster, bonita, rockfish (Sebastes), mackerel, perch, kelp bass, sand bass, spotted bass, corbina, croaker and halibut. All other fish and forms of aquatic life are protected and may not be taken without a written permit from the department.

SEC. 2. Section 10911 is added to the Fish and Game Code, to read:

10911. The following constitutes a marine life refuge and shall be designated as the Niguel Marine Life Refuge: That portion of California state tide and submerged lands bounded by a line commencing at a point which is the intersection of the line of mean high tide and a line which is 2,440 feet south of and parallel to the north line of Fractional Section 21, R.8W., T.8S., S.B.M., such point also being on the north boundary of the Dana Point Marine Life Refuge, thence along the mean high tide line northerly and westerly 12,000 feet more or less to its intersection with the westerly prolonga-

tion of the most northerly boundary line of lot 101 of "Three Arches Palisades No. 1" as shown on a map filed in book 3, page 3, Records of Surveys in the Office of the County Recorder, Orange County; thence, S. 89° 54' W. 1,200 feet from such point of intersection along the westerly prolongation of such northerly boundary line; thence, south and west, and east parallel to and 1,200 feet from the line of mean high tide to a point on the north line of Dana Point Marine Life Refuge and also being 1,200 feet west of the point of beginning; thence, east 1,200 feet along the northerly boundary of Dana Point Marine Life Refuge to the point of beginning.

SEC. 3. Section 10912 is added to the Fish and Game Code, to read:

10912. The following constitutes a marine life refuge and shall be designated as the Irvine Coast Marine Life Refuge:

That portion of California state tide and submerged lands adjoining the Newport Beach Marine Life Refuge as described in Section 10905 and bounded by a line beginning at the intersection of the southwesterly extension of lot 141, Tract No. 3357 as shown on a map recorded in Book 107, Page 1 of Miscellaneous Maps on file in the office of the County Recorder, Orange County and the Line of Ordinary High Tide; thence, southeasterly along the Line of Ordinary High Tide approximately 20,000 feet to its intersection with the southwesterly extension of the northwesterly boundary line of the City of Laguna Beach; thence, southwesterly along such southwesterly extension 600 feet; thence, northwesterly along a line parallel to and 600 feet southwesterly of the Line of Ordinary High Tide to the southwesterly extension of said lot 141; thence, northeasterly 600 feet along such southwesterly extension to the point of beginning.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to protect the irreplaceable natural resources in the areas designated by this act as the Niguel and Irvine Coast Marine Life Refuges, it is necessary that the provisions of this act go into immediate effect.

CHAPTER 493

An act to add Sections 14220.5 and 14227 to the Education Code, relating to the State Teachers' Retirement Law.

[Approved by Governor August 10, 1971 Filed with
Secretary of State August 10, 1971.]

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

SECTION 1. Section 14220.5 is added to the Education Code, to read:

14220.5. If a person retired for disability is employed or is self-employed in any capacity, the monthly benefit for disability shall be reduced by fifty cents (\$0.50) for each dollar earned.

SEC. 2. Section 14227 is added to the Education Code, to read:

14227. Any retirant retired for disability may be employed in a position requiring certification qualifications. The employment does not operate to reinstate the disability retirant as a member of this system, or to terminate or suspend his disability retirement allowance except as provided in Sections 14220 and 14220.5, and no deduction shall be made from his salary as contributions to this system.

CHAPTER 494

An act to add Sections 27 and 131 to the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session), relating to the Estero Municipal Improvement District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1971. Filed with Secretary of State August 10, 1971.]

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

SECTION 1. Section 27 is added to the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session), to read:

Sec. 27. There is no incompatibility of office between city council membership and board membership.

SEC. 2. Section 131 is added to the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session), to read:

Sec. 131. If the board deems it appropriate, the resolution declaring necessity for incurring the bonded indebtedness may include an additional question which shall be subject to hearing, to wit:

If only a portion of the district will be benefited, is that portion uninhabited as defined by the District Reorganization Act of 1965?

If at the conclusion of the hearing the board, by ordinance adopted by a four-fifths vote, determines that the portion is uninhabited and that written protests have not been made by the owners of either more than one-half of the area subject to taxation for the payment of the bonds and interest or more

than one-half of the assessed value of land within such area, the board may thereafter proceed with issuance of the bonds without the necessity of an election. The determinations made by such ordinance are final and conclusive.

The principal amount of such bonds shall not exceed the then unissued balance of the principal amount of bonds of the same type and for the same purpose authorized at an election theretofore held in the district as a whole. When bonds are issued pursuant to this section, unissued bonds referred to herein in a principal amount at least equal to the principal amount of bonds issued pursuant to this section shall be canceled by order of the legislative body and shall not be issued.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such a necessity are:

Large areas within the boundaries of the district are presently uninhabited and require substantial improvements by means of the expenditure of the proceeds of district bonds before use may be made of the lands. In order to assure that the district may undertake the timely completion of the needed improvements without overburdening lands previously improved, and thus reduce public health and safety problems within its boundaries, it is necessary that this act go into immediate effect.

CHAPTER 495

An act to amend Section 28640 of the Health and Safety Code, relating to food.

[Approved by Governor August 10, 1971 Filed with Secretary of State August 10, 1971.]

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

SECTION 1. Section 28640 of the Health and Safety Code is amended to read:

28640. One of the following shall be plainly indicated on each side of the exterior of the vehicle, in letters at least three inches high:

(a) The name, street address, and city of the person who has obtained a license from a local governmental entity within which the vehicle operates to operate the vehicle for serving or dispensing food.

(b) The name of the owner or operator of the vehicle or his business name and the city in which the owner or operator is located, provided that such name or business name appears in the telephone directory of such city.

(c) The name of the owner or operator of the vehicle or his business name and the street address and city of the commissary from which the vehicle is serviced.

CHAPTER 496

An act to amend Sections 69994.2, 70044.5, 70045.5, 70045.6, 70047, 70048, 70049.5, 70057, 70059.7, 72195, 73342, 73343, 73526, 73606, 74306, and 74351 of the Government Code, relating to courts.

[Approved by Governor August 10, 1971. Filed with Secretary of State August 10, 1971.]

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

SECTION 1. Section 69994.2 of the Government Code is amended to read:

69994.2. The regular official phonographic reporters shall be compensated at an annual salary of fifteen thousand two hundred eighty-eight dollars (\$15,288), except that such reporters may be employed at an annual salary of thirteen thousand eight hundred sixty dollars (\$13,860) for the first year of service, and at an annual salary of fourteen thousand five hundred fifty-six dollars (\$14,556) for the second year of service. The judges of the superior and municipal courts of such county, a majority concurring, may appoint a supervising phonographic reporter at an annual salary of sixteen thousand fifty-six dollars (\$16,056).

SEC. 2. Section 70044.5 of the Government Code is amended to read:

70044.5. In a county with a population of 430,000 or more and under 480,000, as determined by the 1960 federal census, official reporters shall be appointed by the judges of the court pursuant to the provisions of Section 70043 and shall serve at the pleasure of the judges. The annual salary of each regular official reporter for the performance of duties required of such reporter by law shall be as follows:

For each such regular official reporter employed by such county and who performs the duties required of him by law the sum of thirteen thousand five hundred dollars (\$13,500) per annum for the first year of such service, the sum of fourteen thousand dollars (\$14,000) per annum for the second year of such service, the sum of fourteen thousand five hundred dollars (\$14,500) per annum for the third year of such service, the sum of fifteen thousand dollars (\$15,000) per annum for the fourth year of such service, and the sum of fifteen thousand five hundred dollars (\$15,500) per annum for the fifth year of such service and for each year of such service thereafter.

In addition to new employees, the salaries herein provided for shall be applicable to regular official reporters employed by such county on the effective date of this section and for the purpose of determining the salaries to be paid after this section becomes effective, all years of service rendered by such reporters to such county prior to the effective date of this section shall be counted in determining the salary to which

they are entitled under the salary schedule above mentioned.

The compensation of official reporters pro tempore in the county shall be at the rate of fifty dollars (\$50) a day or any fractional part thereof.

Vacation allowances and sick leave allowances for official reporters shall be the same as provided for classified employees of the county under the authority of the county charter.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

Each official reporter shall perform the duties required of him by law. In addition, he shall render stenographic or clerical assistance, or both, to the judge or judges of the superior court as such judge or judges may direct.

SEC. 3. Section 70045.5 of the Government Code is amended to read:

70045.5. Notwithstanding the provisions of Section 70045, in any county having a population of 55,000 and not over 60,000, as determined by the 1940 federal census, each regular official reporter shall be paid a monthly salary of nine hundred fifty dollars (\$950).

SEC. 4. Section 70045.6 of the Government Code is amended to read:

70045.6. In a county with a population of over 290,000 and under 300,000 as determined by the 1960 federal census, each regular reporter shall be paid an annual salary of fourteen thousand four hundred dollars (\$14,400), and each pro tempore official reporter shall be paid fifty-five dollars (\$55) a day for the days he actually is on duty under order of the court. In such a county the fee required by Section 70053 shall be fourteen dollars (\$14).

SEC. 5. Section 70047 of the Government Code is amended to read:

70047. In a county with a population of over 395,000 and under 420,000, as determined on the basis of the 1960 federal census, the annual salary of each regular official reporter shall be based on a four-step salary plan with one-year increments as follows:

Step 1. Fourteen thousand forty dollars (\$14,040).

Step 2. Fourteen thousand seven hundred forty-eight dollars (\$14,748).

Step 3. Fifteen thousand four hundred eighty dollars (\$15,480).

Step 4. Sixteen thousand two hundred forty-eight dollars (\$16,248).

The step of entry to the above schedule shall be determined on the basis of their presently existing years of service as official reporters in Contra Costa County on the effective date of the amendment made to this section by the Legislature at the 1971 Regular Session. The compensation of each official

reporter pro tempore shall be at the rate of fifty-five dollars (\$55) a day for the days he actually is on duty under order of the court which per diem rate shall apply when an official reporter is appointed pursuant to Section 869 of the Penal Code by a justice court judge acting as a magistrate.

During the hours which the court is open for the transaction of the judicial business, the regular official reporter shall perform the duties required by law. When not engaged in the performance of any other duty imposed upon him by law, he shall render stenographic or clerical assistance to the judge of the court to which he is assigned as such judge may direct.

SEC. 6. Section 70048 of the Government Code is amended to read:

70048. In a county with a population of 1,000,000 and under 2,000,000, as determined by the 1960 federal census, regular official phonographic reporters shall be paid a monthly salary of one thousand five hundred dollars (\$1,500).

Official phonographic reporters pro tempore shall be compensated at the rate of sixty dollars (\$60) a day, or any fractional part thereof.

SEC. 7. Section 70049.5 of the Government Code is amended to read:

70049.5. In a county with a population of over 32,000 and under 33,000, as determined by the 1960 federal census, each regular official reporter shall receive as full compensation an annual salary of ten thousand dollars (\$10,000) unless the board of supervisors of the county shall by ordinance provide for compensation in excess of that amount, in which event the amount set by ordinance shall apply.

SEC. 8. Section 70057 of the Government Code is amended to read:

70057. In a county with a population of 1,000,000 and under 2,000,000, as determined by the 1960 federal census, the fee required by Section 70053 shall be fourteen dollars and fifty cents (\$14.50).

SEC. 9. Section 70059.7 of the Government Code is amended to read:

70059.7. In a county with a population of not less than 168,500 and not more than 169,000, as determined by the 1960 federal census, each regular official reporter shall be paid an annual salary of thirteen thousand five hundred dollars (\$13,500), which salary shall include payment for his services in reporting all proceedings in the superior court and before the grand jury.

Reporters pro tempore shall be paid at the rate of fifty-five dollars (\$55) a day for the days they are actually on duty under order of the court, and shall receive from the county their necessary traveling and other expenses when necessarily called from other counties.

In such a county, the fee required by Section 70053 shall be ten dollars (\$10).

SEC. 10. Section 72195 of the Government Code is amended to read:

72195. Government Code Sections 69942 to 69953, inclusive, and Section 273 of the Code of Civil Procedure are hereby made applicable to the qualifications, duties, official oath, certification of transcripts and fees of official reporters of municipal courts, except that the fee for reporting testimony and proceedings in contested cases, except for official reporters of municipal courts where a statute provides otherwise, is fifty-five dollars (\$55) a day, or any fractional part thereof.

SEC. 11. Section 73342 of the Government Code is amended to read:

73342. Official reporters shall be appointed by the judges of each municipal court district pursuant to the provisions of Section 72194 and shall serve at the pleasure of the judges.

The salary of each official reporter shall be at the rates provided for by Section 70047, which shall be a charge against the general fund of the county.

SEC. 12. Section 73343 of the Government Code is amended to read:

73343. Pursuant to Section 72194, the judges of the court may appoint as many additional reporters as the business of the court requires, who shall be known as official reporters pro tempore. They shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in the sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive fifty-five dollars (\$55) a day, which shall upon order of the court be a charge against the general fund of the county.

SEC. 13. Section 73526 of the Government Code is amended to read:

73526. Official reporters shall be appointed by the judges of the court pursuant to the provisions of Section 72194 and shall serve at the pleasure of the judges.

The annual salary of each regular official reporter for the performance of duties required of such reporter by law shall be as follows:

For each such regular official reporter employed by the county and who performs the duties required of him by law the sum of thirteen thousand five hundred dollars (\$13,500) per annum for the first year of such service, the sum of fourteen thousand dollars (\$14,000) per annum for the second year of such service, the sum of fourteen thousand five hundred dollars (\$14,500) per annum for the third year of such service, the sum of fifteen thousand dollars (\$15,000) per annum for the fourth year of such service, and the sum of fifteen thousand five hundred dollars (\$15,500) per annum for the fifth year of such service and for each year of such service thereafter.

In addition to new employees, the salaries herein provided for shall be applicable to regular official reporters employed by the county on the effective date of this section and for the

purpose of determining the salaries to be paid after this section becomes effective, all years of service rendered by such reporters to the county prior to the effective date of this section shall be counted in determining the salary to which they are entitled under the salary schedule above mentioned.

The compensation of official reporters pro tempore in the county shall be at the rate of fifty dollars (\$50) a day or any fractional part thereof.

Vacation allowances and sick leave allowances for official reporters shall be the same as provided for classified employees of the county under the authority of the county charter.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

Each official reporter shall perform the duties required of him by law. In addition, he shall render stenographic or clerical assistance, or both, to the judge or judges of the municipal court as such judge or judges may direct.

SEC. 14. Section 73606 of the Government Code is amended to read:

73606. Official reporters shall be appointed by the judges of the court pursuant to the provisions of Section 72194 and shall serve at the pleasure of the judges.

The annual salary of each regular official reporter for the performance of duties required of such reporter by law shall be as follows:

For each such regular official reporter employed by the county and who performs the duties required of him by law the sum of thirteen thousand five hundred dollars (\$13,500) per annum for the first year of such service, the sum of fourteen thousand dollars (\$14,000) per annum for the second year of such service, the sum of fourteen thousand five hundred dollars (\$14,500) per annum for the third year of such service, the sum of fifteen thousand dollars (\$15,000) per annum for the fourth year of such service, and the sum of fifteen thousand five hundred dollars (\$15,500) per annum for the fifth year of such service and for each year of service thereafter.

In addition to new employees, the salaries herein provided for shall be applicable to regular official reporters employed by the county on the effective date of this section and for the purpose of determining the salaries to be paid after this section becomes effective, all years of service rendered by such reporters to the county prior to the effective date of this section shall be counted in determining the salary to which they are entitled under the salary schedule above mentioned.

The compensation of official reporters pro tempore in the county shall be at the rate of fifty dollars (\$50) a day or any fractional part thereof.

Vacation allowances and sick leave allowances for official reporters shall be the same as provided for classified employees of the county under the authority of the county charter.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

Each official reporter shall perform the duties required of him by law. In addition, he shall render stenographic or clerical assistance, or both, to the judge or judges of the municipal court as such judge or judges may direct.

SEC. 15. Section 74306 of the Government Code is amended to read:

74306. Official reporters shall be appointed by the judges of the court pursuant to the provisions of Section 72194 and shall serve at the pleasure of the judges.

The annual salary of each regular official reporter for the performance of duties required of such reporter by law shall be, as follows:

For each such regular official reporter employed by the county and who performs the duties required of him by law the sum of thirteen thousand five hundred dollars (\$13,500) per annum for the first year of such service, the sum of fourteen thousand dollars (\$14,000) per annum for the second year of such service, the sum of fourteen thousand five hundred dollars (\$14,500) per annum for the third year of such service, the sum of fifteen thousand dollars (\$15,000) per annum for the fourth year of such service, and the sum of fifteen thousand five hundred dollars (\$15,500) per annum for the fifth year of such service and for each year of such service thereafter.

In addition to new employees, the salaries herein provided for shall be applicable to regular official reporters employed by the county on the effective date of the amendments to this section at the 1970 Regular Session of the Legislature and for the purpose of determining the salaries to be paid after such effective date, all years of service rendered by such reporters to the county prior to such effective date shall be counted in determining the salary to which they are entitled under the salary schedule above mentioned.

The compensation of official reporters pro tempore in the county shall be at the rate of fifty dollars (\$50) a day or any fractional part thereof.

Vacation allowances and sick leave allowances for official reporters shall be the same as provided for classified employees of the county under the authority of the county charter.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

Each official reporter shall perform the duties required of him by law. In addition, he shall render stenographic or clerical assistance, or both, to the judge or judges of the municipal court as such judge or judges may direct.

SEC. 16. Section 74351 of the Government Code is amended to read:

74351. Official reporters in the Municipal Court of the San Diego Judicial District appointed pursuant to Section 72194 shall be attachés of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court shall receive a salary in the same sum monthly or per diem as is paid the official reporters of the Superior Court in the County of San Diego. There shall also be one official reporter appointed by the court as chief reporter, such appointment to be entered upon the minutes of the court, who shall receive compensation in the sum of 15 percent per month in addition to any sum otherwise provided by this section. These salaries shall be a charge against the general fund of the county.

Pursuant to Section 72194, the judges of such court may appoint as many additional reporters as the business of the court may require, who shall be known as official reporters pro tempore, and who shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in said sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive the same per diem as is paid the official reporters pro tempore of the superior court in the County of San Diego, which shall be a charge against the general fund of the County of San Diego.

Fees for transcription of testimony and proceedings in such court shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive, which shall be paid from the county treasury.

Official reporters of such court shall be members of any retirement system maintained by the county. For the purpose of such retirement system the salary provided in this article for such reporters shall be deemed their entire compensation.

CHAPTER 497

An act to add Section 6908.5 to the Harbors and Navigation Code, relating to river port districts.

[Approved by Governor August 10, 1971. Filed with Secretary of State August 10, 1971.]

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

SECTION 1. Section 6908.5 is added to the Harbors and Navigation Code, to read:

6908.5. Upon a four-fifths vote of all the members of the board, it may issue negotiable promissory notes bearing interest at a rate of not exceeding 6 percent per annum. Such notes shall be general obligations of the district payable from revenues and taxes in the same manner as bonds of the district and their maturity date shall not be later than three years from the date of issuance. The total aggregate amount of such notes outstanding at any one time shall not exceed the lesser of either five hundred thousand dollars (\$500,000) or 1 percent of the assessed valuation of the taxable property in the district, or if such assessed valuation is not obtainable, 1 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district evidenced by his certificate.

CHAPTER 498

An act to amend Sections 881 and 13656 of, to add Sections 672, 877, 20401, 20402, 20403, 20404, and 20405 to, and to repeal Sections 20401, 20402, 20402.1, and 20403 of, the Education Code, relating to county educational units.

[Approved by Governor August 10, 1971 Filed with
Secretary of State August 10, 1971.]

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

SECTION 1. Section 672 is added to the Education Code, to read:

672. Upon the transfer of duties and functions to the county board of education pursuant to Section 671, the county superintendent of schools may, with the approval of the county board of education, pay actual and necessary travel expenses incurred by the county superintendent of schools or by his designated staff members in accordance with regulations established by the county board of education. The board may authorize an advance of funds to cover such necessary traveling expenses. Such advance shall be repaid or adjusted upon the filing of a regular claim for the actual and necessary traveling expenses incurred.

SEC. 2. Section 877 is added to the Education Code, to read:

877. The county board of education or county superintendent of schools may declare a holiday in the schools or offices operated by the county superintendent of schools whenever good reason exists.

SEC. 3. Section 881 of the Education Code is amended to read:

881. Except as provided in Section 880, all expenses necessary for the county board of education, the county committee on school district organization and the county superintendent of schools to comply with the following provisions of this code

are payable from the county general fund: 701, 702, 703, 704, 705, 706, 707, 751, 752, 753, 754, 801, 802, 803, 804, 806, 851, 858, 915, 1103, 1426, 1427, 3104, 3144, 3149, 3149.1, 3154, 3295, 3296, 3296.5, 3297, 3298, 5606, 5736, 5737, 6675, 6676, 9254, 10608, 11708, 12268, 12404, 13157, 13158, 13159, 13161.5, 13162, 13167, 13177, 13204, 13209, 13210, 13211, 13212, 13215, 13216, 13217, 13218, 13219, 13260, 13261, 13275, 13511, 13528, 13529, 13555, 13562, 13563, 13564, 13565, 13566, 13567, 14021, 14022, 14050, 14051, 14052, 14053, 14054, 14055, 14056, 14058, 14059, 14060, 14102, 14102.1, 14103, 14104, 14105, 14125, 14212, 15052, 15053, 15054, 15055, 15412, 16501, 19592, 19667, 20604, 20701, 20702, 20803, 21107, 21108, 21113, 21153, 21201, 21202, 21203, 21204, 21205, 21206, 21207, 21208, 21209, ~~21251~~, 21252, 21253, 21254, 21255, 21301, and 26301.

The provisions of this section shall not be construed to prohibit support from the county general fund from being provided for duties and services performed pursuant to sections enumerated above for those counties operating under the provisions of Section 671.

SEC. 4. Section 13656 of the Education Code is amended to read:

13656. All employees a part of the classified service shall be entitled to the following paid holidays provided they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday: January 1, February 12 known as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," July 4, the first Monday in September known as "Labor Day," September 9 known as "Admission Day," the fourth Monday in October known as "Veterans Day," that Thursday in November proclaimed by the President as "Thanksgiving Day," December 25, every day appointed by the President, or the Governor of this state, as provided for in subdivisions (b) and (c) of Section 5201 for a public fast, thanksgiving or holiday, or any day declared a holiday under Section 877 or 5202 which the board specifies shall be a holiday for classified or certificated employees.

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

When a holiday herein listed falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. When a holiday herein listed falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed. When a classified employee is required to work on any of said holidays, he shall be paid compensation, or given compensating time off, for such work, in addition to the regular pay received for the holiday, at the rate specified in Section 13590.2.

The provisions of Article 3 (commencing with Section 5201) of Chapter 2 of Division 6 shall not be construed to in any way limit the provisions of this section, nor shall anything in this section be construed to prohibit the governing board from providing holiday pay for employees who have not been in paid status on the days specified herein.

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

SEC. 5. Section 20401 of the Education Code is repealed.

SEC. 6. Section 20401 is added to the Education Code, to read:

20401. On or before the date specified by the Superintendent of Public Instruction each year, the county board of education shall file with the Superintendent of Public Instruction a single-fund tentative budget showing all the purposes for which the county school service fund will need money.

The budget may also contain a general reserve in such sum as the county board of education may deem sufficient to meet the cash requirements of the next succeeding fiscal year until adequate proceeds of the taxes levied or apportionment of state funds are available.

The budget may also contain an undistributed reserve which shall be available for appropriation by a two-thirds vote of the members of the county board of education to cover expenditures that have not been provided for, that have been insufficiently provided for, or for unforeseen requirements as they may arise.

The single fund tentative budget shall include estimated cash balances, estimated apportionments from the State School Fund, and an estimate of revenues from sources other than taxes on the secured roll of the equalized assessment roll of the county.

SEC. 7. Section 20402 of the Education Code is repealed.

SEC. 8. Section 20402 is added to the Education Code, to read:

20402. The single-fund budget shall be prepared in the form prescribed and furnished by the Superintendent of Public Instruction and shall be the county school service fund budget.

SEC. 9. Section 20402.1 of the Education Code is repealed.

SEC. 10. Section 20403 of the Education Code is repealed.

SEC. 11. Section 20403 is added to the Education Code, to read:

20403. On or before August 10, the county board of education shall hold a public hearing on the county school service fund budget. Notice of the public hearing shall be published at least once in a newspaper of general circulation published within the county not less than 10 days prior to the date set for the hearing. The cost of publication shall be a proper and legal charge against the county school service fund and shall

not exceed the rate fixed by the board of supervisors for official advertising. The published notice shall include the time, place, and purpose of the public hearing, and such other information as may be determined by the county board of education, and shall state that any taxpayer directly affected by the county school service fund budget may appear before the county board of education and speak to the proposed budget or any item therein.

Following the public hearing, the final budget shall be adopted by the county board of education and filed with the Superintendent of Public Instruction, the board of supervisors, and the county auditor.

SEC. 12. Section 20404 is added to the Education Code, to read:

20404. On or before August 15, the county board of education shall file with the board of supervisors a certified statement showing the amount of money to be raised by a county tax for purposes of this chapter. The board of supervisors shall fix a rate for the county tax sufficient to produce the amount specified in the statement and shall, at the time of levying other county taxes, levy the tax so fixed.

The proceeds of the tax levied pursuant to this section shall be credited to the single county school service fund of the county and any expenses of the county superintendent of schools, the county board of education, and the county committee on school district organization required by Section 881 or any other sections of this code required to be paid from the county general fund shall not be paid from such fund but shall be paid from the money in the single county school service fund.

SEC. 13. Section 20405 is added to the Education Code, to read:

20405. The county school service fund shall be audited annually by a public accountant or a certified public accountant selected by the county superintendent of schools. The cost of the audit shall be a legal charge against the county school service fund.

CHAPTER 499

An act to amend Section 21665 of the Public Utilities Code, relating to airports.

[Approved by Governor August 10, 1971. Filed with Secretary of State August 10, 1971.]

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

SECTION 1. Section 21665 of the Public Utilities Code is amended to read:

21665. On its own motion, the department may, or upon the request of an affected or interested person the department shall, hold a public hearing in connection with the approval

of an airport site or the issuance of an airport permit. Before the department grants or denies approval of an airport site or issues an original permit to use or operate an airport, all public service corporations and all persons or corporations engaged in radio or television broadcasting owning facilities in the area involved shall be notified of the application and shall have 15 days after the notice in which to demand a public hearing. Such notice shall also be given to any affected or interested person who has made written request that such notice be given. The public hearing required by this section shall be held at a location in the immediate vicinity of the airport or airport site.

CHAPTER 500

An act to amend Section 5104 of, and to add Section 10100.1 to, the Streets and Highways Code, relating to work on private property.

[Approved by Governor August 10, 1971 Filed with
Secretary of State August 10, 1971]

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

SECTION 1. Section 5104 of the Streets and Highways Code is amended to read:

5104. If the written consent of the owner of the property is first obtained, work may be done on private property to eliminate any disparity in level or size between the improvement and private property, provided that the legislative body determines in the resolution of intention to order the improvement that it is in the public interest and more economical to do such work on private property than to adjust the work on public property to eliminate such disparity. The actual cost of such work may be added to the assessment of the lot on which the work is done.

SEC. 2. Section 10100.1 is added to the Streets and Highways Code, to read:

10100.1. If the written consent of the owner of the property is first obtained, work may be done on private property to eliminate any disparity in level or size between the improvement and private property, provided that the legislative body determines in the resolution of intention to order the improvement that it is in the public interest and more economical to do such work on private property than to adjust the work on public property to eliminate such disparity. The actual cost of such work may be added to the assessment of the lot on which the work is done.

CHAPTER 501

An act providing for the establishment and maintenance of regional centers for mentally retarded persons and their families, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1971. Filed with Secretary of State August 10, 1971.]

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

SECTION 1. To the extent additional federal funds become available, the State Department of Public Health shall establish and maintain four regional centers for mentally retarded persons and their families pursuant to Chapter 3 (commencing with Section 38100) of Division 25 of the Health and Safety Code, as follows:

(a) One regional center to serve the Counties of Del Norte, Humboldt, Lake, and Mendocino.

(b) One regional center to serve the Counties of Napa, Sonoma and Solano.

(c) One regional center to serve Kern County and portions of counties whose boundaries are contiguous with the boundaries of Kern County.

(d) One regional center to serve the Counties of San Bernardino, Riverside, Inyo, and Mono.

SEC. 2. Upon approval of the Department of Finance, the State Controller shall transfer any funds not required by the Department of Mental Hygiene for support of programs for mentally retarded patients in state hospitals, Item 243, Budget Act of 1971, to the appropriation for local assistance of the Department of Public Health, Item 252, Budget Act of 1971, for placement of mentally retarded patients in suitable community facilities; and for operation of mental retardation diagnostic and counseling centers and for the purchase of care and treatment services for the mentally retarded.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to establish the services provided for by Chapter 1594 of the Statutes of 1969, to promote economy and to provide alternatives to state hospitalization for mentally retarded persons now on state hospital waiting lists, it is imperative that this statute take effect immediately.

CHAPTER 502

*An act to amend Section 21320 of the Education Code,
relating to school district funds.*

[Approved by Governor August 10, 1971. Filed with
Secretary of State August 10, 1971.]

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

SECTION 1. Section 21320 of the Education Code is amended to read:

21320. In addition to establishing or maintaining a revolving cash fund under the provisions of Article 1 (commencing with Section 21301) of this chapter, the governing board of any school district having an average daily attendance of 20,000 or more may, by resolution, establish revolving cash funds for use by school principals and other administrative officials designated by the governing board and acting in accordance with regulations prescribed by the governing board, for services or matériel and for the purposes specified in Section 13604.1. The resolution shall set forth the necessity for the revolving cash funds, the principals of schools and other administrative officials of the school district designated by the governing board, the purposes for which the revolving cash funds shall be made available, and the amount of such funds. The total amount of such funds for each district shall not exceed 3 percent of the current year's instructional supply budget.

The governing board of any school district may establish a checking account for the revolving fund in one or more banks. The account shall be established in the custody of the principal or other administrative official designated by the governing board for whose use the revolving cash fund is created. The principal or administrative official in whose name the revolving cash fund is created shall be responsible for all expenditures therefrom, subject to such regulations as the governing board prescribes. The governing board shall provide for an audit of such funds on a regular basis.

The revolving cash fund for supplies shall be subject to the bonding provisions of Section 21302.

CHAPTER 503

*An act to amend Section 27151 of the Vehicle Code,
relating to motor vehicles.*

[Approved by Governor August 10, 1971. Filed with
Secretary of State August 10, 1971.]

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

SECTION 1. Section 27151 of the Vehicle Code is amended to read:

27151. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle, above that emitted by the muffler originally installed on the vehicle and the original muffler shall comply with all of the requirements of this chapter. No person shall operate a motor vehicle with an exhaust system so modified.

CHAPTER 504

An act to amend Sections 31641.45, 31652 and 31831.1 of, and repeal Section 31831.2 of, the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor August 10, 1971. Filed with Secretary of State August 10, 1971.]

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

SECTION 1. Section 31641.45 of the Government Code is amended to read:

31641.45. Whenever a member is entitled to redeposit funds previously withdrawn from a retirement system and thereby becomes eligible to receive a pension or retirement allowance for the service for which he was granted public service credit as authorized in Section 31641.1, regardless of whether or not the member elects to exercise such entitlement, the member shall be refunded the amount deposited by him in accordance with Section 31641.2 plus interest which has been credited to such amount and shall receive no credit in the system for such service.

This section applies only to a member who would be eligible to receive the benefit of Section 31835 or 20023.1 on making the redeposit.

SEC. 2. Section 31652 of the Government Code is amended to read:

31652. (a) Any member may redeposit in the retirement fund, prior to filing an application for retirement, by lump sum payment or by installment payments over a period of one year or for a longer time upon approval of the board, an amount equal to all of the accumulated normal contributions which he has withdrawn, plus regular interest thereon from the date of reentrance into the retirement system, and his membership, subject to the provisions of Section 31652.2, is the same as if unbroken by such termination. Except as provided in this section his rate of contribution shall be based on age at the nearest birthday at time of reentrance into the system. If he does not redeposit all of the accumulated normal contributions previously withdrawn he shall be considered as a new member without credit for any previous service.

“Regular interest” as used in this section shall mean that amount of interest which would have been credited to the ac-

count of the member on the amount to be deposited at the interest rates established for the system if the contributions required by this section had been on deposit from the date of reentrance into the retirement system until the amount required to be deposited has been paid.

(b) Any member who left county service on or before December 31, 1971, and thereafter again became a member of the county system which he left and (1) who did not withdraw his accumulated normal contributions, or (2) who elected to leave his accumulated normal contributions on deposit pursuant to Article 9 (commencing with Section 31700), or (3) who redeposited or redeposits withdrawn accumulated normal contributions plus interest as authorized in Section 31652, notwithstanding the provisions of Section 31652.2, shall be eligible for all benefits granted a member entering a reciprocal retirement system under Article 15 (commencing with Section 31830), including the benefits granted to members who left their accumulated contributions on deposit or who redeposited their accumulated contributions pursuant to Section 31831.1.

(c) Any member who left county service on or after January 1, 1972, and who within 90 days thereafter again became a member of the county system which he left and (1) who did not withdraw his accumulated normal contributions, or (2) who elected to leave his accumulated normal contributions on deposit pursuant to Article 9 (commencing with Section 31700), or (3) who redeposits or redeposited his withdrawn accumulated normal contributions plus interest as authorized by Section 31652 within 180 days after leaving county service, notwithstanding the provisions of Section 31652.2, shall be eligible for all benefits granted a member entering a reciprocal retirement system under Article 15 (commencing with Section 31830), except that Section 31831.1 shall not apply to such members.

(d) This section shall not apply to members who are retired or who are not in service of an employer making him a member of this system.

SEC. 3. Section 31831.1 of the Government Code is amended to read:

31831.1. Any member who left county or district service on or before December 31, 1971, and became a member of a retirement system established under this chapter in another county or of the Public Employees' Retirement System, who did not elect to, or was not eligible to, leave his contributions on deposit pursuant to Article 9 (commencing with Section 31700) may now elect to leave his accumulated contributions on deposit pursuant to Article 9 (commencing with Section 31700) by redepositing in the retirement fund of the county or district he left the amount of accumulated contributions and interest he withdrew from such retirement fund plus regular interest thereon from date of separation.

Any such member whose accumulated contributions are on deposit as provided in this section and any other member who left county or district service on or before December 31, 1971, who became a member of a retirement system established under this chapter in another county or of the Public Employees' Retirement System and who elected to leave his accumulated contributions on deposit pursuant to Article 9 (commencing with Section 31700) shall be eligible for the benefits provided in this article, and for purposes of such benefits shall be deemed to have entered membership in such other system within 90 days of his separation from county or employment. The deferred retirement allowance for such member shall be determined in accordance with the provisions of this chapter applicable to members retiring directly from county employment on the date of his retirement. Any member who qualifies for a reduced age at entry pursuant to this section shall be entitled to use such age only from and after the date he completes the redeposit as provided in this section or, if he elected to leave his accumulated contributions on deposit pursuant to Article 9 (commencing with Section 31700), from and after the date he notifies the board in writing that he desires the benefits of this section. This section shall not apply to members who are retired or who are not in service of an employer making him a member of a retirement system established under this chapter or of the Public Employees' Retirement System.

Unless this chapter expressly provides to the contrary the retirement allowance received by a member pursuant to this section shall be calculated based upon the laws pertaining to the retirement system of such district or county as of the date of retirement and not the laws pertaining to such system as of the date the member first left county or district service.

SEC. 4. Section 31831.2 of the Government Code is repealed.

SEC. 5. Nothing in this act shall be construed as affecting rights provided under the Public Employees' Retirement System.

CHAPTER 505

An act to amend Sections 6904 and 6904.3 of, and to add Section 6914.5 to, the Business and Professions Code, relating to collection agencies.

[Approved by Governor August 10, 1971. Filed with Secretary of State August 10, 1971.]

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

SECTION 1. Section 6904 of the Business and Professions Code is amended to read:

6904. If the director determines that a licensee has failed to pay sums owed to a customer, has misappropriated trust

funds, is insolvent, or has failed to dispose of assigned accounts and judgments within 90 days after having ceased to be engaged actively in the collection agency business, as defined in Section 6914.5, he may appoint a conservator to take possession of the licensee's books, accounts, records, papers, files, safes, vaults, property, and other assets used in connection with the business, and the trust bank account in which customer funds are deposited.

SEC. 2. Section 6904.3 of the Business and Professions Code is amended to read:

6904.3. If no hearing is requested, or if the determination of the director made pursuant to Section 6904 is not reversed and becomes final, the director may, after reviewing the findings and recommendations of the conservator, order that the conservator dispose of assigned accounts and judgments, or wind up and liquidate the collection agency in the manner specified below; or he may consent to the sale, transfer or continuation of all or any part of the collection agency business upon such terms and conditions as he deems necessary for the best interests of the assignor creditors and the protection of the public, and thereafter discharge the conservator. Any such terms and conditions shall, however, include payment of the fee and expenses of the conservator fixed in accordance with Section 6904.4.

If the director determines that the collection agency shall be wound up and liquidated, the conservator shall do all of the following:

(a) Determine the names and addresses of all customers as shown by the books, accounts, records, and papers of the licensee.

(b) Compile records on all assigned accounts showing amounts paid and amounts still owed or due. This shall include all accounts pending in litigation or on which judgments have been secured.

(c) Notify all customers of the appointment of the conservator and of the accounts outstanding according to the books and records. Each customer shall be requested to notify the conservator of any accounts assigned which do not appear in the books and records and of any moneys paid by the licensee on such accounts. Each customer shall also be requested to advise the conservator if the accounts shown on the books and records are incorrect insofar as moneys paid to the customer on such accounts is concerned.

(d) Return all uncollected accounts to the assignor creditor advising of amounts paid by debtors on all unsatisfied accounts or solicit bids from any licensed and qualified persons in the state for the right to solicit the accounts owned by the licensee and accept such bid as he may consider to be in the best interests of all customers.

(e) Fix a time limit, not to exceed four months from the date of the notification provided for in subdivision (c), during which a customer may file a claim with him. All such claims

shall be verified under oath by the customer. If a customer fails to file a verified claim with the conservator during the time limit, the conservator shall be relieved of further duty or action hereunder on behalf of such customer.

(f) Notify the bank where trust funds are on deposit that a conservator has been appointed and that the trust funds shall be held for the benefit of creditors. Such notification shall be subscribed by the director and shall bear the seal of the bureau. The receipt of such notification by a bank shall relieve it from all liability to the licensee or his heirs or assigns.

(g) Make a demand upon the surety after ascertaining all claims in the manner set forth in this section. The conservator shall have the power to settle or compromise such claims with the surety and may, in such case, execute and deliver a release and discharge of the bond involved.

(h) Bring an action on the bond if the surety refuses to pay the amount demanded pursuant to subdivision (g). If the recovery in such action, together with any funds that may be in the trust bank account, is not sufficient to pay all of the claims as finally determined, the amount recovered thereon shall be divided pro rata among such claimants.

(i) File with a bank having custody of any money or indebtedness due to the licensee in any bank account used in connection with the licensed business an affidavit showing the right of the conservator to receive such money or indebtedness under the provisions of this chapter. The receipt of such conservator shall constitute sufficient acquittance for any payment of money made pursuant to the provisions of this article and shall fully discharge the bank from any further liability with reference thereto without the necessity of inquiring into the truth of the facts stated in the affidavit.

(j) File with the director a final accounting which covers the period of his receivership. Upon such filing the director may discharge the conservator and release him from his duties.

Nothing contained in this section shall be construed to prevent any person claiming to be injured by the fraud, deceit, or willful negligence of a licensee, or by failure of a licensee to comply with the provisions of this chapter or any rule or regulation established thereunder, from bringing an action upon the bond against both principal and surety in any court of competent jurisdiction to recover damages caused by such fraud, deceit, willful negligence, or failure to comply with the provisions of this chapter or any rule or regulation established thereunder.

SEC. 3. Section 6914.5 is added to the Business and Professions Code, to read:

6914.5. Whenever a licensee ceases to be engaged actively in the collection agency business, he shall forthwith dispose of accounts assigned to him by sale or transfer to another licensee of the right to solicit reassignment of all uncollected accounts or by returning to the assignors the accounts and all things that rightfully belong to them. All accounts in litiga-

tion shall be disposed of through dismissals and satisfactions, where appropriate, or, if reassigned, through substitution of attorneys. Where a judgment has been obtained on behalf of more than one creditor against a single debtor, an effort shall be made to obtain collective reassignment of the creditors' interests therein.

The licensee shall be deemed to have ceased being actively engaged in the collection agency business when his license has expired, been surrendered, or been revoked or whenever the business premises are no longer open for service to customers and the public.

CHAPTER 506

An act to amend Section 36620 of the Vehicle Code, relating to vehicles.

[Approved by Governor August 10, 1971. Filed with Secretary of State August 10, 1971.]

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

SECTION 1. Section 36620 of the Vehicle Code is amended to read:

36620. A combination of vehicles consisting of a power unit and two cotton trailers when used on the highway for the exclusive purpose of transporting cotton from a farm to a cotton gin and returning the empty trailers to such farm may exceed a total length of 60 feet but shall not exceed a total length of 70 feet if both of such cotton trailers had first obtained special identification plates, as set forth in Section 36125, prior to July 1, 1963.

The provisions of this section shall be operative only until the 91st day after final adjournment of the 1973 Regular Session of the Legislature.

CHAPTER 507

An act to add Section 13802.5 to the Public Utilities Code, relating to municipal utility districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1971. Filed with Secretary of State August 10, 1971.]

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

SECTION 1. Section 13802.5 is added to the Public Utilities Code, to read:

13802.5. The terms and conditions of annexation may provide, among other things, for the levy and payment of taxes within the territory to be annexed in addition to the taxes

authorized elsewhere in this division, for the fixing of rates, rentals, and charges differing from those fixed or existing elsewhere within the district, or for the making of one or more payments, or the transfer of real or personal property or other assets to the district by the public agency. Such payments may be either for the acquisition, transfer, use or right to use all or any part of the existing property of the district or for installation and construction of facilities and equipment required to serve the annexed territory.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act will permit the annexation of a small, residential area of approximately 45 homes to a municipal utility district capable of meeting the area's water supply needs. The water system presently serving this area, operated by a county water district, is so inadequate that homeowners during the summer months are often out of water for periods of from 8 to 15 hours daily. In order to alleviate this situation at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 508

An act to amend Section 21113 of the Vehicle Code, relating to traffic regulations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1971 Filed with
Secretary of State August 10, 1971.]

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

SECTION 1. Section 21113 of the Vehicle Code is amended to read:

21113. (a) No person shall drive any vehicle or animal, nor shall any person stop, park, or leave standing any vehicle or animal, whether attended or unattended, upon the driveways, paths, or the grounds of any public school, state university, state college, state, county, hospital district, or municipal airport, institution or building, or unit of the state park system or any educational institution exempted in whole or in part from taxation, except with the permission of, and upon and subject to such conditions and regulations as may be imposed by, the governing board or officer of the public school, state university, state college, state, county, hospital district, or municipal airport, institution or building, or educational institution, or the Director of Parks and Recreation regarding units of the state park system.

(b) Every governing board or officer shall erect or place appropriate signs giving notice of any special conditions or regu-

lations that are imposed under this section and every board or officer shall also prepare and keep available at the principal administrative office of the board or officer, for examination by all interested persons, a written statement of all such special conditions and regulations adopted under this section.

(c) When any governing board or officer permits public traffic upon the driveways, paths or grounds under their control then, except for those conditions imposed or regulations enacted by the governing board or officer applicable to the traffic, all the provisions of this code relating to traffic upon the highways shall be applicable to the traffic upon the driveways, paths, or grounds.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The present language of subdivision (c) of Section 21113 of the Vehicle Code is not sufficiently clear to permit enforcement of Vehicle Code provisions on the driveways, paths or grounds of any public school, state university, state college, state, county, hospital district, or municipal airport, institution or building, or unit of the state park system or any educational institution exempted in whole or in part from taxation, where the governing board has adopted special conditions or regulations with the result that chaotic traffic and parking conditions exist on such driveways, paths or grounds. It is therefore, imperative that this act which clarifies such subdivision take effect immediately.

CHAPTER 509

An act to amend Section 1505 of the Vehicle Code, relating to the Department of Motor Vehicles.

[Approved by Governor August 10, 1971 Filed with
Secretary of State August 10, 1971]

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

SECTION 1. Section 1505 of the Vehicle Code is amended to read:

1505. The director, with the approval of the Governor and the Secretary of the Business and Transportation Agency, shall organize the department in such manner as he may deem necessary to conduct the work of the department.

CHAPTER 510

An act to amend Sections 22704, 22705, 22851, 27465, and 27501 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor August 10, 1971 Filed with
Secretary of State August 10, 1971.]

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

SECTION 1. Section 22704 of the Vehicle Code is amended to read:

22704. Article 3 (commencing with Section 22850) shall govern notice of removal and disposition of a vehicle appraised at a value exceeding two hundred dollars (\$200) but shall have no application to lower value vehicles.

SEC. 2. Section 22705 of the Vehicle Code is amended to read:

22705. If the vehicle is appraised at a value not exceeding two hundred dollars (\$200), the public agency which removed the vehicle shall:

(a) Within 48 hours after appraisal notify the Department of California Highway Patrol in Sacramento of the removal of such vehicle.

(b) Prepare a certificate which shall describe the vehicle including the location of any license plates thereon, state the appraised value and that the vehicle will be junked or dismantled, and indicate that;

(1) Notice of intent to junk or dismantle the vehicle has been mailed to the registered and legal owners at the address of record with the department, or

(2) The owner has signed a release under penalty of perjury disclaiming any future interest, which release shall be included with the certificate.

In the event the owner has not signed a release and has not, within 15 days after official notification, reclaimed the vehicle such action shall constitute a waiver of interest and the vehicle may be disposed of.

(3) The vehicle is in such condition that vehicle identification numbers are not available to determine owners of record with the department, in which event the vehicle may be disposed of.

(c) Upon completion of the certificate, execute and deliver a bill of sale free of any lien for fees and penalties due and payable to the department together with a copy of the certificate to either the lienholder who shall endorse the bill of sale to a licensed automobile dismantler, or to the licensed automobile dismantler, or to the public agency for disposal, whichever has the vehicle in possession.

Within three days after completion of the certificate, the person or public agency in possession of the vehicle shall remove and forward to the Department of Motor Vehicles any evidence of registration of the vehicle, including, but not limited to, registration certificates, certificates of title, and license plates.

(d) Forward the completed certificate to the Department of Motor Vehicles in Sacramento.

(e) A vehicle which is the subject of a certificate prepared and forwarded pursuant to this section shall not be reconstructed or made operable.

(f) Licensed dismantlers acquiring vehicles which are the subject of certificates prepared and forwarded pursuant to this section shall be excused from the reporting requirements of Section 11520, and any fees and penalties which would otherwise be due to the Department of Motor Vehicles are hereby waived, provided that a copy of the certificate forwarded to the Department of Motor Vehicles pursuant to this section is retained in the licensed dismantlers' business record.

(g) A local agency may authorize by contract or franchise the removal, disposal, or removal and disposal of such vehicles by other than a licensed automobile dismantler if it has first requested bids for removal, disposal, or removal and disposal, of such vehicles. Such franchise or contract shall be issued to or executed with the lowest responsible bidder. The bill of sale shall then be executed and delivered pursuant to subdivision (c) with the franchisee or contractor.

SEC. 3. Section 22851 of the Vehicle Code is amended to read:

22851. Whenever a vehicle has been removed to a garage under the provisions of this chapter and the keeper of the garage has received the notice or notices as provided herein, the keeper shall have a lien dependent upon possession for his compensation for towage and for caring for and keeping safe such vehicle for a period not exceeding 60 days and, if the vehicle is not recovered by the owner within said 60 days or the owner is unknown, the keeper of the garage may satisfy his lien in the manner and after giving the notices required in Sections 3071 and 3072 of the Civil Code. Notwithstanding the provision of this section, if the vehicle is appraised at a value not exceeding two hundred dollars (\$200) by a person authorized to make such appraisal, the keeper of the garage may, if the vehicle is not recovered by the owner within 20 days or the owner is unknown, satisfy his lien as provided in Section 3073 of the Civil Code or Section 22705 of this code.

SEC. 4. Section 27465 of the Vehicle Code is amended to read:

27465. (a) No dealer or person holding a retail seller's permit shall sell, offer for sale, expose for sale, or install on a vehicle for use on a highway, a pneumatic tire when the tire is so worn that less than one thirty-second ($\frac{1}{32}$) of an inch tread remains in any two adjacent grooves at any location on the tire. This subdivision shall not apply to any person who installs on a vehicle, as part of an emergency service rendered to a disabled vehicle upon a highway, a spare tire with which such disabled vehicle was equipped.

(b) No person shall use on a highway a pneumatic tire when the tire is so worn that less than one thirty-second ($\frac{1}{32}$) of an inch tread depth remains in any two adjacent grooves at any location on the tire.

(c) The measurement of tread depth shall not be made where tiebars, humps, or fillets are located.

(d) The requirements of this section shall not apply to those vehicles defined in Sections 322, 323, 545, and 36000, and those listed in Section 34500.

SEC. 5. Section 27501 of the Vehicle Code is amended to read:

27501. (a) No dealer or person holding a retail seller's permit shall sell, offer for sale, expose for sale, or install on a vehicle for use on a highway, a pneumatic tire which is not in compliance with regulations adopted pursuant to Section 27500. This subdivision shall not apply to any person who installs on a vehicle, as part of an emergency service rendered to a vehicle upon a highway, a spare tire with which such disabled vehicle was equipped.

(b) No person shall use on a highway a pneumatic tire which is not in conformance with such regulations.

(c) The requirements of this section shall not apply to those vehicles defined in Sections 322, 323, 545, and 36000, and those listed in Section 34500.

CHAPTER 511

An act to add Section 54940 to the Government Code, relating to county service areas, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1971 Filed with
Secretary of State August 10, 1971]

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

SECTION 1. Section 54940 is added to the Government Code, to read:

54940. Notwithstanding Sections 54902, 54903, and 56457, the annexation of territory to County Service Area Number 3, County of El Dorado, shall be effective for assessment and taxation purposes for the 1971-1972 fiscal year if the statement and map or plat required by Sections 54900 and 54901, and the certificate of completion required by Sections 56451 and 56452, were filed on or before March 1, 1971.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Certain county service areas have annexed cities but have failed to complete the required filings within the specified time; therefore, unless this act takes immediate effect, they will be unable to collect taxes for the performance of their essential functions for the 1971-72 fiscal year.

CHAPTER 512

An act to add Chapter 7.1 (commencing with Section 13345) to Division 6 of, and to add Section 13626 to, the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor August 10, 1971. Filed with Secretary of State August 10, 1971.]

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

SECTION 1. Chapter 7.1 (commencing with Section 13345) is added to Division 6 of the Public Utilities Code, to read:

CHAPTER 7.1. EMERGENCY FINANCING

Article 1. Incurring Indebtedness for Repair or Replacement of Damaged or Demolished Works

13345. Whenever the board by resolution adopted by a vote of four-fifths of the total vote of the board finds and determines that any part of the works of the district has been damaged or demolished by reason of fire, flood, earthquake, sabotage, or act of God or the public enemy, and that the cost of repairing or replacing such works so damaged or demolished is too great to be paid out of the ordinary annual income and revenue of the district, and that the public interest requires the incurring of indebtedness for the purposes set forth in the resolution, the board may authorize the incurring of such indebtedness pursuant to the provisions of this chapter.

13346. Whenever the board makes the finding and determination as described in Section 13345, the district may borrow money and incur indebtedness by the issuance of bonds, notes, or other securities as provided in this chapter by action of the board and without the necessity of calling and holding an election in the district. Such evidences of indebtedness shall constitute general obligations of the district. The indebtedness may be incurred for any purpose for which the district is authorized to expend funds. The indebtedness incurred under this chapter shall be evidenced by bonds, notes or other evidences of indebtedness maturing in not to exceed five years from their date, shall bear interest at such rate or rates as may be fixed by the board and may be issued and sold at public sale as the board may direct. All other terms and conditions of such evidences of indebtedness shall be fixed by the board. The maximum principal amount of all indebtedness outstanding under this chapter shall not at any one time exceed 1 percent of the assessed valuation of the property within the district taxable for district purposes. The board may authorize and issue refunding notes for the purpose of paying and redeeming at or before maturity any notes theretofore issued and then outstanding, provided that such refunding notes shall not be in excess of the limitation of indebtedness provided in this section and shall mature in not to exceed

five years from the dates of the original indebtedness. Such refunding notes may in turn be refunded under like terms and conditions; provided, that in no event shall any such refunding note mature in excess of five years from the date of the original indebtedness.

13347. Such evidences of indebtedness shall be payable from any sources of available funds, including revenues, taxes, or state or federal grants. The board is hereby authorized to levy and collect taxes upon all property in the district subject to taxation by the district without limitation of rate or amount for the payment of the evidences of indebtedness and the interest thereon. Such taxes shall be in addition to all other taxes levied for district purposes and shall be levied at the same time and in the same manner as other district taxes are levied and when collected shall be deposited in a special fund and shall be used for no purpose other than the payment of the principal of and interest on such indebtedness. The board shall apply for any federal or state funds available for purposes of repairing or replacing works damaged or demolished by reason of fire, flood, sabotage, or act of God or the public enemy.

SEC. 2. Section 13626 is added to the Public Utilities Code, to read:

13626. The board may utilize the provisions of Chapter 7.1 (commencing with Section 13345) to authorize emergency financing of the repair or replacement of damaged or demolished works of the special district; provided, that the payment of the principal and interest on such bonds or evidences of indebtedness shall be made only from revenues, taxes, or other available funds, of the special district.

CHAPTER 513

An act to amend Section 4756 of the Fish and Game Code, relating to bears.

[Approved by Governor August 10, 1971 Filed with
Secretary of State August 10, 1971.]

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

SECTION 1. Section 4756 of the Fish and Game Code is amended to read:

4756. Except as provided in this section it is unlawful to use dogs to hunt, pursue, or molest bears.

The use of one dog per hunter is permitted for the hunting of bears during the time that the season is open for the taking of deer in the area of the state affected.

The use of more than one dog per hunter is permitted in the hunting of bears during the open season on bears in the area of the state affected except during the period when archery deer seasons or regular deer seasons are open.

CHAPTER 514

An act to amend Section 1708 of the Public Utilities Code, relating to public utilities.

[Approved by Governor August 10, 1971. Filed with Secretary of State August 10, 1971.]

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

SECTION 1. Section 1708 of the Public Utilities Code is amended to read:

1708. The commission may at any time, upon notice to the parties, and with opportunity to be heard as provided in the case of complaints, rescind, alter, or amend any order or decision made by it. Any order rescinding, altering, or amending a prior order or decision shall, when served upon the parties, have the same effect as an original order or decision.

CHAPTER 515

An act to add Section 814.5 to the Evidence Code, and to add Article 4.5 (commencing with Section 170) to, and to repeal Article 3.5 (commencing with Section 156) of, Chapter 1 of Division 1 of the Streets and Highways Code, relating to highway relocation assistance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1971. Filed with Secretary of State August 10, 1971.]

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

SECTION 1. Section 814.5 is added to the Evidence Code, to read:

814.5. Any increase or decrease in the value of property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner or occupant, shall be inadmissible in determining the value of the property.

SEC. 2. Article 3.5 (commencing with Section 156) of Chapter 1 of Division 1 of the Streets and Highways Code is repealed.

SEC. 3. Article 4.5 (commencing with Section 170) is added to Chapter 1 of Division 1 of the Streets and Highways Code, to read:

Article 4.5. Highway Relocation Assistance

170. As used in this article:

(a) "Person" means any individual, partnership, corporation, or association.

(b) "Displaced person" means any person who moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, for a state highway or a federal-aid highway project.

(c) "Business" means any lawful activity, except a farm operation, conducted primarily:

(1) For the purchase, sale, lease, or rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property.

(2) For the sale of services to the public.

(3) By a nonprofit organization.

(4) Solely for the purpose of Section 170.5 for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display, whether or not such display is located on the premises on which any of the above activities are conducted.

(d) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(e) "Average annual net earnings" means one-half of any net earnings of the business or farm operation, before federal, state, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as the director determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period.

170.5. (a) As a part of the cost of construction, the department may compensate a displaced person for:

(1) Actual reasonable expense in moving himself, his family, business, farm operation, or other personal property.

(2) Actual direct loss of tangible personal property as a result of moving or discontinuing a business or farm operation, not to exceed an amount equal to the reasonable expense that would have been required to relocate such property and, in the case of heavy machinery or equipment not to exceed the in-place value of such property.

(3) Actual reasonable expense in searching for a replacement business or farm.

(b) Any displaced person eligible for payments under subdivision (a) who is displaced from a dwelling and who elects not to accept the payments authorized by subdivision (a) may

receive a moving expense allowance, determined according to a schedule established by the department, not to exceed three hundred dollars (\$300), and in addition a dislocation allowance of two hundred dollars (\$200).

(c) Any displaced person eligible for payments under subdivision (a) who is displaced from his place of business or from his farm operation and who elects to accept the payment authorized by this subdivision in lieu of the payment authorized by subdivision (a), may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall be not less than two thousand five hundred dollars (\$2,500) nor more than ten thousand dollars (\$10,000). In case of a business, no payment shall be made under this subdivision, unless the business cannot be relocated without a substantial loss of its existing patronage, and is not a part of a commercial enterprise having at least one other establishment which is engaged in the same or similar business that is not being acquired by the department. To be eligible for the payments authorized by this article the business or farm operation must make its state income tax returns available and its financial statements and accounting records available for audit for confidential use of the department to determine the payment authorized by this section.

(d) Whenever the acquisition of real property used for a business or farm operation causes the person conducting the business or farm operation to move from other real property, or to move his personal property from other real property, such person may receive payments for moving and related expenses under subdivision (a) or (b) and relocation advisory assistance under Section 172 for moving such other property.

171. In addition to payment authorized by Section 170.5, the department may make an additional payment, not in excess of fifteen thousand dollars (\$15,000), to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than 180 days prior to the first written offer for the acquisition of the property. Such additional payment shall include the following:

(a) The amount, if any, which when added to the acquisition cost of the dwelling, equals the reasonable cost of a comparable replacement dwelling which is decent, safe and sanitary, adequate to accommodate such displaced person, reasonably accessible to public services and places of employment, and available on the private market.

(b) The amount, if any, which will compensate such displaced person for any increased interest cost which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than 180 days prior to the first written offer for the acquisition of such dwelling. Such amount shall be equal to the excess in

the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be the prevailing interest paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(c) Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the one-year period beginning on the date on which he receives final payment of all costs of the acquired dwelling, or the date on which he moves from the acquired dwelling, whichever is the later date.

171.5. In addition to the payment authorized by Section 170.5, the department may make a payment to or for any displaced person displaced from any dwelling who is not eligible to receive a payment under Section 171, which dwelling was actually and lawfully occupied by such displaced person for not less than 90 days prior to the first written offer for the acquisition of such dwelling. Such payment shall be either:

(a) The additional amount necessary to enable such displaced person to lease or rent for a period not to exceed four years, a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities and reasonably accessible to his place of employment, not to exceed four thousand dollars (\$4,000).

(b) The additional amount necessary to enable such person to make a downpayment, including incidental expenses described in subdivision (c) of Section 171, on the purchase of a decent, safe and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, but not to exceed four thousand dollars (\$4,000), except that if such amount exceeds two thousand dollars (\$2,000), such person shall equally match any such amount in excess of two thousand dollars (\$2,000) in making the downpayment.

172. The department is authorized to give relocation advisory services to any person, business, or farm operation displaced because of the acquisition of real property for any project on the state highway system or federal-aid systems and may offer relocation advisory services to any person occupying property immediately adjacent to such highway projects who is caused substantial economic injury because of such projects.

172.5. When a state highway project cannot proceed to actual construction because comparable replacement housing

for sale or rental is not available to displaced persons within a reasonable period of time prior to displacement, the department may take such action as is necessary or appropriate to provide such housing by use of funds authorized for such project. For purposes of determining the applicability of this section, the department is hereby designated as a duly authorized administrative body of the state for the purposes of Revenue and Taxation Code Section 408(c).

172.7. In any inverse condemnation proceeding brought for the taking of actual possession of real property the court rendering judgment for the plaintiff, awarding compensation for such taking, or the attorney representing the public entity who effects a settlement of such proceeding, shall determine and award or allow to such plaintiff, as a part of such judgment or settlement, such sum as will in the opinion of the court or such attorney, reimburse such plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of such proceeding.

173. Any displaced person aggrieved by a determination as to eligibility for a payment authorized by this article, or the amount of such payment, may have his application reviewed by the director whose decision shall be final.

173.5. No payment received by a displaced person pursuant to this article shall be considered as income for the purposes of the Personal Income Tax Law or the Bank and Corporation Tax Law, nor shall any such payment be considered as income or resources to any recipient of public assistance and such payment shall not be deducted from the amount of aid to which the recipient would otherwise be entitled under Part 3 (commencing with Section 11000) of Division 9 of the Welfare and Institutions Code.

173.7. In addition to the payments authorized by this article, as a part of the cost of construction, the department may, if federal funds are available for reimbursement, make a payment to any individual, family, business, or farm operation pursuant to the provisions of Section 7265 of the Government Code, in accordance with such rules and regulations as the department shall adopt relating to such payments.

174. The department is authorized to adopt rules and regulations to implement this article for state highway projects and all federal-aid highway projects, and such other rules and regulations relating to highway relocation assistance as may be necessary or desirable under federal laws and the rules and regulations promulgated thereunder. Such rules and regulations shall include provisions relating to:

(a) A moving expense allowance, as provided in subdivision (b) of Section 170.5, for a displaced person who moves from a dwelling, determined according to a schedule, not to exceed three hundred dollars (\$300).

(b) The standards for decent, safe, and sanitary dwellings.

(c) The procedure for an aggrieved displaced person to have his determination of eligibility or amount of payment reviewed by the director.

(d) The eligibility of displaced persons for relocation assistance payments, and the procedure for such persons to claim such payments and the amounts thereof.

174.5. Nothing contained in this article shall be construed as creating in any condemnation proceeding brought under the power of eminent domain, any element of damages not in existence on the date of enactment of this article.

175. The provisions of this article create no rights or liabilities and shall not affect the validity of any property acquisitions by purchase or condemnation.

175.5. This article shall be known as the California Legislature Highway Relocation Act of 1971.

SEC. 4. In no event shall the enactment of Article 4.5 (commencing with Section 156) of Chapter 1 of Division 1 of the Streets and Highways Code operate to deprive a displaced person of benefits for which he has established eligibility prior to the effective date of this title, under former Article 3.5 (commencing with Section 156) of Chapter 1 of Division 1 of the Streets and Highways Code. The department is authorized to adopt rules and regulations establishing the benefits and eligibility of such persons.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The acquisition of real property for state highway purposes is requiring an increasing number of citizens to move and relocate their residences, farms, and businesses. These persons incur expenses which are not fully compensated for under California law. The "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" provides for federal participation in relocation assistance and payments only where such payment is authorized by state law. The prompt and equitable relocation and reestablishment of families, farms, and businesses is necessary. The expeditious implementation of relocation payments and advisory assistance is necessary for the efficient operation of the state highway right-of-way acquisition program. Immediate statutory authorization to make such payments and assistance is required. It is therefore necessary that this act go into immediate effect.

CHAPTER 516

An act to amend Sections 12728 and 12762 of, and to add Sections 12702.1, 12745.1, and 12772.1 to, the Business and Professions Code, relating to weighmasters.

[Approved by Governor August 10, 1971 Filed with Secretary of State August 10, 1971.]

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

SECTION 1. Section 12702.1 is added to the Business and Professions Code, to read:

12702.1. As used in this chapter the term "weighmaster," when used without qualification, shall include deputy weighmaster.

SEC. 2. Section 12728 of the Business and Professions Code is amended to read:

12728. Notwithstanding any other provision of law, when a weighmaster is weighing any vehicle moving earth, stone, sand, gravel, or asphalt paving material, for the purpose of weight certification, the tare and gross weights of the vehicle may be determined with the driver in the vehicle and may include his weight providing both gross and tare weights are determined in the same manner. The weighmaster shall enter on the certificate whether the driver is on or off the vehicle. No other person shall be on the vehicle or scale at the time of weighing.

SEC. 3. Section 12745.1 is added to the Business and Professions Code, to read:

12745.1. As used in this chapter the term "weighmaster," when used without qualification, shall include deputy weighmaster.

SEC. 4. Section 12762 of the Business and Professions Code is amended to read:

12762. Notwithstanding any other provision of law, when a weighmaster is weighing any vehicle moving earth, stone, sand, gravel, or asphalt paving material, for the purposes of weight certification the tare and gross weights of the vehicle may be determined with the driver in the vehicle and may include his weight providing both gross and tare weights are determined in the same manner. The weighmaster shall enter on the certificate whether the driver is on or off the vehicle. No other person shall be on the vehicle or scale at the time of weighing.

SEC. 5. Section 12772.1 is added to the Business and Professions Code, to read:

12772.1. As used in this chapter the term "weighmaster," when used without qualification, shall include deputy weighmaster.

CHAPTER 517

An act to amend Sections 28011 and 28012 of the Financial Code, relating to small business assistance.

[Approved by Governor August 10, 1971. Filed with Secretary of State August 10, 1971.]

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

SECTION 1. Section 28011 of the Financial Code is amended to read:

28011. "Low income area" means either:

(a) An area as defined by a severity score based upon the sum of the following:

(1) The percentage of families of not less than 20 percent in the census tract or tracts whose 1959 income reported to the census was under three thousand dollars (\$3,000).

(2) Twice the percentage of unemployment reported by the 1960 decennial census for the census tract or tracts in which reside the persons eligible for technical assistance under this division or in which a small business is located or will be established for such technical assistance;

or

(b) An area in which a job development corporation may be established pursuant to the California Job Development Corporation Law (Part 4 (commencing with Section 14000), Division 3 of the Corporations Code).

SEC. 2. Section 28012 of the Financial Code is amended to read:

28012. "Small business" means a business whose gross receipts from all sources in any year cannot reasonably be expected to exceed two hundred fifty thousand dollars (\$250,000), or will not employ more than 15 persons, or both. "Small business" includes any business dealing in alcoholic beverages.

CHAPTER 518

An act to add Sections 3390 and 3391 to the Education Code, relating to school district reorganization, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1971. Filed with Secretary of State August 10, 1971.]

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

SECTION 1. Section 3390 is added to the Education Code, to read:

3390. If the State Board of Education disapproves the plans and recommendations for the dissolution of the unified school district, the board shall notify the county superintend-

ent of schools and the county committee on school district organization having jurisdiction of the district of such action, and shall submit to them a written statement of the reasons for such disapproval.

SEC. 2. Section 3391 is added to the Education Code, to read:

3391. In the event of such disapproval of plans and recommendations by the State Board of Education, the county committee shall continue to have jurisdiction of such plans and recommendations, and may revise them as required to overcome the State Board of Education's reasons for disapproval, and prepare them for resubmission to the state board as otherwise provided by this article. Such revised plans and recommendations shall be resubmitted to the state board no later than 18 months after the state board disapproved the original plans and recommendations, and if they are not resubmitted by that time, the county committee shall no longer have jurisdiction of such plans and recommendations.

SEC. 3. The provisions of this act shall apply to plans and recommendations for the dissolution of unified school districts disapproved by the State Board of Education after May 1, 1971.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that existing plans and recommendations for the dissolution of unified school districts which have been disapproved by the State Board of Education may be expeditiously revised and effectuated without initiation of new proceedings, it is necessary that this act go into effect immediately.

CHAPTER 519

An act to amend Sections 605, 6751, 6812.5, 6873, 16902, 17414, 17503, 17505, 20910, and 21709 of, to amend and renumber Sections 9316.1 and 9316.2 of, and to repeal Sections 361, 17653, 20813, 20814, and 21707 of, the Education Code, relating to public schools.

[Approved by Governor August 10, 1971. Filed with Secretary of State August 10, 1971.]

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

SECTION 1. Section 361 of the Education Code is repealed.

SEC. 2. Section 605 of the Education Code is amended to read:

605. Members of the county board of education shall be elected on the date and in the manner prescribed for the election of members of governing boards of school districts, pro-

vided such elections are held throughout the county on the same date; otherwise the election shall be consolidated with the direct primary election. Where the elections for governing board members are held on the same date, then the provisions of Section 1304 of this code shall apply to the election of members of the county board of education. The first election held under this article (commencing with Section 601), shall be conducted by the county board of supervisors and thereafter by the county board of education. Members shall take office on the first day of July subsequent to their election and shall serve for a term to be determined for each county by the county committee on school district organization. The county committee on school district organization shall also determine the manner in which the county board of education first elected shall effect a staggering of terms.

Sec. 3. Section 6751 of the Education Code is amended to read:

6751. The governing board of any school district or a county superintendent of schools with the approval of the county board of education, maintaining schools in juvenile halls or juvenile homes, ranches, or camps as authorized by the Welfare and Institutions Code, may provide for any one or more of the special educational programs for educationally handicapped minors authorized in this section. A county superintendent of schools may enter into an agreement pursuant to Section 6753 with the governing board of a school district having less than 901 average daily attendance in the elementary schools or less than 901 in the high schools of the district to provide any one or more of such special educational programs for the district, or the county superintendent of schools may enter into an agreement pursuant to Section 6753 with the governing board of a school district having an average daily attendance of 901 or more in the elementary schools of the district or 901 or more in the high schools of the district to provide only those special educational programs for the district which are set forth in subdivision (a), (c), or (d), or any combination thereof. Whenever a special educational program for educationally handicapped pupils set forth in subdivision (a) or (d) of this section is provided by a county superintendent of schools for a district with an average daily attendance of 901 or more in the elementary schools of the district or 901 or more in the high schools of the district, pursuant to an agreement entered into pursuant to Section 6753, the foundation program prescribed in Section 17656 for an elementary district with an average daily attendance of 901 or more shall apply to educationally handicapped pupils of the elementary schools of the district who are in such a special education program and the foundation program prescribed in Section 17665 shall apply to educationally handicapped pupils of the high schools of the district who are in such a special educational program.

Such special educational programs shall be provided in accordance with standards for each approved by the State Board of Education. Such standards shall emphasize fundamental school subjects with the aim of returning the pupils to the regular school program at the earliest possible date consistent with the interest of the pupil.

The special educational programs for educationally handicapped minors are:

(a) Special day classes (elementary and secondary). Under this program, educationally handicapped pupils unable to function in a regular class are assigned to a special day class. The special day class shall be maintained for not less than the minimum schoolday. In this program, fundamental school subjects shall be emphasized as prescribed by the State Board of Education.

(b) Learning disability groups (elementary and secondary). In this program, the pupil remains in his regular class but is scheduled for individual or small group instruction given by a special teacher. Whenever one to four educationally handicapped pupils are instructed at the same time by the same teacher in a learning disability group conducted by a school district or county superintendent of schools, the total attendance credited for such pupils shall equal one unit of attendance for each 60 minutes of instruction.

(c) Specialized consultation to teachers, counselors, and supervisors (elementary and secondary). Under this program, specialized consultation is provided teachers, counselors, and supervisors relative to the learning disabilities of individual pupils and special education services required by such pupils.

(d) Home and hospital instruction (elementary and secondary). Under this program, a pupil who is unable to function in a school setting and who does not attend school receives instruction at the appropriate grade level at home or in a hospital.

SEC. 3.5. Section 6812.5 of the Education Code is amended to read:

6812.5. Minors who are deaf, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped minors as determined by the State Board of Education, and who are between the ages of 18 months and three years, may be enrolled in experimental programs conducted by a school district or county superintendent of schools. Experimental programs for such minors shall be approved in advance by the Superintendent of Public Instruction and shall be conducted in accordance with rules and regulations established by him. Instruction in such experimental programs shall be afforded by a teacher possessing full qualifications to teach deaf, severely hard-of-hearing, blind, deaf-blind or other multihandicapped pupils as prescribed by rules and regulations of the State Board of Education.

Notwithstanding any provision of this code to the contrary, attendance of deaf, severely hard-of-hearing, blind, deaf-

blind, or other multihandicapped minors enrolled in experimental programs authorized by this section shall be credited to the school district or county superintendent of schools providing such instruction in the same manner as authorized for minors receiving special schooling pursuant to this chapter and Article 9 (commencing with Section 894) of Chapter 4 of Division 3.

Notwithstanding any provision of this code to the contrary, computations of allowances and apportionments from the State School Fund for deaf, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped minors enrolled in experimental programs authorized by this section shall be credited to the district or county superintendent of schools providing such instruction in the same manner as authorized for minors receiving special schooling pursuant to this chapter and Article 9 (commencing with Section 894) of Chapter 4 of Division 3.

Notwithstanding any provision of this code to the contrary, physically handicapped minors as prescribed in Section 895.8 shall include deaf, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped minors enrolled in experimental programs authorized by this section.

SEC. 4. Section 6873 of the Education Code is amended to read:

6873. Upon verification of the attendance reported and the claim submitted, the Superintendent of Public Instruction shall apportion to the school district submitting the report and the claim of the parent or guardian of such minor for the tuition in question an amount sufficient to satisfy the claim but not in excess of the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question and the amount allowable per unit of average daily attendance for the particular category under Section 18102, 18102.2, 18102.4 or 18102.6. In the case of a multiply handicapped minor the amount apportioned shall not exceed the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question and the amount allowable per unit of average daily attendance under Section 18102. The apportionments for physically handicapped, mentally retarded and multiply handicapped shall be made from the funds reserved under the provisions of subdivision (c) of Section 17303.5. The apportionment for educationally handicapped shall be made from funds reserved under the provisions of subdivision (g) of Section 17303.5. The apportionment shall be made for each fiscal year immediately following the fiscal year in which the attendance occurs.

SEC. 5. Section 9316.1 of the Education Code is amended and renumbered to read:

9314.1. The State Board of Education shall specify and call for bids on any textbook (including supplementary textbooks, reference books, dictionaries and other books used in public schools). Each contract executed shall include the right

to transcribe and reproduce the book in braille, large print, recordings or other media for use of handicapped minors, including the visually handicapped, unable to use the book in conventional print and form. Such right shall include those corrections, revisions, editorial changes, deletions, format alterations, and other similar modifications as required for the use of handicapped minors, including the visually handicapped.

SEC. 6. Section 9316.2 of the Education Code is amended and renumbered to read:

9314.2. Any contract for the right to print, publish, and distribute any textbook (including supplementary textbooks, reference books, dictionaries and books used in public schools) shall specify that the royalty, if required, for such books transcribed or reproduced in braille, large print, recordings or other media for use of handicapped minors including the visually handicapped shall be that specified in the contract for the regular inkprint textbooks designed for nonhandicapped pupils. Any contract for the purchase of textbooks (including supplementary textbooks, reference books, dictionaries and books used in public schools) shall establish a royalty, if required, for permission to transcribe or reproduce in braille, large print, recordings or other media for use of handicapped minors, including the visually handicapped.

SEC. 7. Section 16902 of the Education Code is amended to read:

16902. The county superintendent of schools of any county may, with the consent of the county board of education, contract for the transportation of pupils attending schools or classes operated by the county superintendent of schools pursuant to Sections 894 to 899.7, inclusive, of this code, to and from any exposition or fair, school activities, or other activities which the county superintendent of schools determines to be for the benefit of the pupils, in this state, and may pay for the transportation out of the county school service fund.

SEC. 8. Section 17414 of the Education Code is amended to read:

17414. If during any fiscal year there is apportioned to a school district or to any fund from the State School Fund at least one hundred dollars (\$100) more or at least one hundred dollars (\$100) less than the amount to which the district or fund was entitled, the Superintendent of Public Instruction, in accordance with regulations that he is herewith authorized to adopt not later than the third succeeding fiscal year shall withhold from, or add to, the apportionment made during such fiscal year, the amount of such excess or deficiency, as the case may be. Notwithstanding, any other provision of this code to the contrary, excesses withheld or deficiencies added by the Superintendent of Public Instruction under this section shall be added to or allowed from any portion of the State School Fund except that portion reserved as allowances for basic state aid.

SEC. 9. Section 17503 of the Education Code is amended to read:

17503. For purposes of this section:

(a) "Salaries of classroom teachers" and "teacher" shall have the same meanings as prescribed by Section 17200 of this code provided, however, that the cost of all health and welfare benefits provided to the teachers by the school district shall be included within the meaning of salaries of classroom teachers.

(b) "Current expense of education" means the gross total expended (not reduced by estimated income or estimated federal and state apportionments) for the purposes classified in the final budget of a school district (except one which, during the preceding fiscal year, had less than 101 units of average daily attendance) submitted to and approved by the county superintendent of schools pursuant to Section 20607 of this code for administration, instruction (including salaries and other expense), health services, operation of plant, maintenance of plant, and fixed charges. "Current expense of education" shall not include those purposes classified as transportation of pupils, food service, community service, capital outlay, state school building loan repayment; and shall not include the amount expended pursuant to any lease agreement for plant and equipment or the amount expended from funds received from the federal government pursuant to the "Economic Opportunity Act of 1964" or any extension of such act of Congress.

There shall be expended during each fiscal year for payment of salaries of classroom teachers:

(a) By an elementary school district, sixty percent (60%) of the district's current expense of education.

(b) By a high school district, fifty percent (50%) of the district's current expense of education.

(c) By a community college district, fifty percent (50%) of the district's current expense of education.

(d) By a unified school district, fifty-five percent (55%) of the district's current expense of education.

If the Superintendent of Public Instruction determines that a school district has not expended the applicable percentage of current expense of education for the payment of salaries of classroom teachers during the preceding fiscal year, he shall, in apportionments made to the school district from the State School Fund after April 15 of the current fiscal year, designate an amount of such apportionment or apportionments equal to the apparent deficiency in district expenditures. Any amount so designated by the Superintendent of Public Instruction shall be deposited in the county treasury to the credit of the school district, but shall be unavailable for expenditure by the district pending the determination to be made by the Superintendent of Public Instruction on any application for exemption which may be submitted to the Superintendent of Public Instruction. In the event it appears to the governing

board of a school district that the application of the preceding paragraphs of this section during a fiscal year results in serious hardship to the district, or in the payment of salaries of classroom teachers in excess of the salaries of classroom teachers paid by other districts of comparable type and functioning under comparable conditions, the board may, with the written approval of the county superintendent of schools having jurisdiction over the district apply to the Superintendent of Public Instruction in writing not later than September 15th of the succeeding fiscal year for exemption from the requirements of the preceding paragraphs of this section for the fiscal year on account of which the application is made. Upon receipt of such application, duly approved, the Superintendent of Public Instruction shall grant the district exemption for any amount that is less than one thousand dollars (\$1,000), and if the amount is one thousand dollars (\$1,000), or greater may grant the district exemption, to the extent deemed necessary by him, from such requirements for the fiscal year on account of which the application is made. If such exemption is granted the designated moneys shall be immediately available for expenditure by the school district governing board. If no application for exemption is made or exemption is denied, the Superintendent of Public Instruction shall order the designated amount or amount not exempted to be added to the amounts to be expended for salaries of classroom teachers during the next fiscal year.

The Superintendent of Public Instruction shall enforce the requirements prescribed by this section, and may adopt necessary rules and regulations to that end. He may require the submission to him, during the school year, by school district governing boards and county superintendents of schools, of such reports and information as may be necessary to carry out the provisions of this section.

SEC. 10. Section 17505 of the Education Code is amended to read:

17505 Notwithstanding any other provision of law to the contrary, Section 17503 shall not apply to any elementary school district, high school district, or unified school district, which maintains no individual class session with pupils in attendance exceeding the numbers, for the particular grade levels, following:

(a) An elementary school district—twenty-eight (28) pupils.

(b) A high school district—twenty-five (25) pupils.

(c) A unified school district—twenty-eight (28) pupils in respect to grades kindergarten through 8, inclusive; and twenty-five (25) pupils in respect to grades 9 through 12, inclusive.

The provisions of this section shall in no way affect the applicability of Section 17503 to districts with respect to maintenance of community colleges, and individual class ses-

sions in grades 13 and 14 maintained by any school district shall not be considered for purposes of this section.

As used in this section the phrase "individual class session" shall not include any class session held in grades kindergarten through 8, inclusive, in courses in art, instrumental and vocal music, industrial arts, and physical education. The phrase shall not include any class session held in grades 9 through 12, inclusive, in courses in commercial arts, instrumental and vocal music, industrial arts, vocational arts, and physical education. The phrase "individual class session" shall not include any class session held in grades 9 through 12, inclusive, for which two or more individual class groups which come within the descriptions specified by the first paragraph of this section and subdivision (a) or (b), or both, are assembled together in the same room for joint lectures or demonstrations.

Notwithstanding the provisions of subdivisions (b) and (c), grades 7, 8, and 9 of a junior high school shall be deemed to be high school grades for purposes of this section.

The governing board of each school district shall, subject to the rules and regulations of the Superintendent of Public Instruction and in the manner and form he shall prescribe, certify to that officer on or before December 31 of each year, information concerning its individual class sessions and the numbers of pupils in attendance thereon, as of the last day of the second school month of the same year which certification shall constitute the basis for the applicability of the provisions of this section to the school district.

SEC. 11. Section 17653 of the Education Code is repealed.

SEC. 12. Section 20813 of the Education Code is repealed.

SEC. 13. Section 20814 of the Education Code is repealed.

SEC. 14. Section 20910 of the Education Code is amended to read:

20910. For purposes of this chapter:

(a) Each elementary school district shall be deemed to comprise the kindergartens and grades 1 to 8, inclusive, maintained by the district, and the seventh and eighth grades of the district not maintained by the district because of the attendance upon a junior high school of pupils who would otherwise attend upon seventh and eighth grades maintained by the district.

(b) Each high school district shall be deemed to comprise all of grades 9 to 12, inclusive, maintained within the high school district whether maintained by a high school district or by a community college district.

(c) Each unified school district shall be deemed to be an elementary school district comprising the kindergartens and grades 1 to 8, inclusive, maintained by the district and the seventh and eighth grades of the district not maintained by the district in elementary schools because of the attendance upon a junior high school of pupils who would otherwise attend the seventh and eighth grades maintained in elementary schools by the district, and a high school district comprising all of grades 9 to 12, inclusive.

(d) In determining to which particular districts apportionments shall be made, the rules prescribed by Sections 17608, 17609, and 17610 for purposes of apportionments from the State School Fund shall be utilized.

Sec. 15. Section 21707 of the Education Code is repealed.

Sec. 16. Section 21709 of the Education Code is amended to read:

21709. (a) The governing board of each school district shall, within 30 days after the end of each fiscal year, submit to the county superintendent of schools who has jurisdiction over the school district a report containing the following information, concerning any election held pursuant to Sections 1908, 19590, 21751 and 21752 for the approval of the issuance of bonds or the assumption of any bonded indebtedness or other indebtedness:

(1) The total amount of the bond issue, bonded indebtedness or other indebtedness involved.

(2) The percentage of registered electors of the district who voted at the election.

(3) The results of the election, with the percentage of votes cast for and against the proposition involved.

(b) The county superintendent of schools of each county shall compile the information received under subdivision (a) and within 60 days after the end of each fiscal year transmit his compilation to the State Department of Education.

CHAPTER 520

An act relating to subventions to local government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1971. Filed with Secretary of State August 10, 1971.]

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

SECTION 1. For the 1970-1971 fiscal year only, the following amounts shall be allocated to counties and cities and counties out of the amount appropriated by Section 16105 of the Government Code, in addition to the amounts allocated pursuant to Section 16107 of the Government Code, to provide full reimbursement for losses due to reduction of property taxes on business inventories:

Alameda -----	\$973,354
Butte -----	121,139
Colusa -----	36,411
Contra Costa -----	721,762
Del Norte -----	14,024

Fresno -----	212,301
Glenn -----	9,845
Humboldt -----	42,144
Kings -----	41,129
Los Angeles -----	6,203,484
Marin -----	55,837
Mendocino -----	53,358
Merced -----	56,349
Monterey -----	78,512
Orange -----	1,350,785
Placer -----	24,334
Plumas -----	482
Riverside -----	271,599
Sacramento -----	659,564
San Bernardino -----	345,166
San Diego -----	867,120
San Francisco -----	362,875
San Joaquin -----	275,376
San Mateo -----	574,914
Santa Barbara -----	99,198
Santa Clara -----	1,051,212
Santa Cruz -----	75,153
Shasta -----	16,650
Solano -----	50,426
Sonoma -----	158,104
Stanislaus -----	388,136
Sutter -----	68,714
Trinity -----	5,427
Tulare -----	81,467
Ventura -----	218,517
Yolo -----	79,312
Yuba -----	16,298

SEC. 2. Notwithstanding the provisions of Section 16108 of the Government Code, no adjustment shall be made in the allocations made pursuant to Section 16107 of the Government Code for the 1971-1972 fiscal year to reflect any underpayments or overpayments for the 1970-1971 fiscal year, except as provided in Section 3 of this act.

SEC. 3. The State Board of Equalization shall determine the actual property tax losses caused by reason of the partial exemption for business inventories of each county and all local agencies in each county for the 1970-1971 fiscal year. If the state reimbursements under Section 16107 of the Government Code, as augmented by this act, exceed such actual losses, such excess shall be reported to the Controller and one-half shall be deducted from the 1971-1972 fiscal year allocations for such reimbursement and one-half from the 1972-1973 fiscal year allocations, except that a county may elect to have the entire excess deducted from the 1971-1972 fiscal year allocation. In the event the State Board of Equalization determines the state reimbursements under Section 16107 of the Government Code, as augmented by this act, are less than the actual losses for

the 1970-1971 fiscal year, the amount of the underpayment shall be reported to the Controller and added to the allocation under Section 16107 for the 1971-1972 fiscal year.

SEC. 4. Upon order of the Director of Finance, the Controller shall transfer funds from the Property Tax Relief Fund to reimburse counties for the amounts specified in Section 1 of this act. This transfer shall be made no later than October 31, 1971.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to promptly reimburse counties for underpayments in the reimbursement of losses due to reduction of property taxes on business inventories for the 1970-71 fiscal year, it is necessary for this act to take effect immediately.

CHAPTER 521

An act relating to community colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1971 Filed with
Secretary of State August 10, 1971.]

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

SECTION 1. Notwithstanding the provisions of Section, 25505.8 of the Education Code, and in substitution for the fee required by that section, the governing board of a community college district may charge the nonresident tuition fee set for the 1970-1971 fiscal year to students who are enrolled during the 1971-1972 fiscal year in a community college maintained by that district and who were enrolled in a public California community college during the 1970-1971 fiscal year. This reduction in tuition charged shall not be granted to nonresident students on an individual basis.

The provisions of this section do not supersede any authority of the governing board to reduce or eliminate the nonresident tuition fee in accordance with the provisions of Section 25505.8 of the Education Code.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Chapter 1364 of the Statutes of 1970 requires community colleges to charge nonresident students a standard mandatory tuition fee based on a stated formula beginning in the 1971-72 school year. Many nonresident students presently enrolled in community colleges will suffer a great financial hardship when

they enroll for the 1971-72 school year to finish their community college program, the new fee being greater than that which they are presently paying. So that those nonresident students may complete their education, it is necessary for this act to go into effect for the beginning of the 1971-1972 school year.

CHAPTER 522

*An act relating to the protection of ocean resources,
and making an appropriation therefor.*

[Approved by Governor August 11, 1971 Filed with
Secretary of State August 11, 1971.]

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

SECTION 1. The Resources Agency shall contract with a state agency, educational institution, or private research organization for the conduct of a study of oil leaks in the Santa Barbara Channel off the California coast, including such leaks as may be determined to result from natural causes. The study shall include the following items:

(a) Determination of the current magnitude and extent of shoreline contamination.

(b) Identification of the sources of oil that produce beach pollutants.

(c) Documentation of the geophysical aspects of active seepage zones.

(d) Examination of the cause and effect relationships between offshore oil sources and beach pollutants.

(e) Methods of reducing, mitigating, or eliminating pollution from such leaks.

SEC. 2. There is hereby appropriated the sum of fifty thousand dollars (\$50,000) from the California Environmental Protection Program Fund to the Resources Agency for the purposes of this act. Any and all appropriations made from the California Environmental Protection Program Fund by legislation enacted during the 1970 Regular Session of the Legislature, which are available for encumbrance beyond the 1970-1971 fiscal year, shall have priority with respect to payment over the appropriation made by this act in the event that there are insufficient amounts in the California Environmental Protection Program Fund to pay all such appropriations.

CHAPTER 523

An act to amend Section 13101 of the Education Code, as added by Chapter 557 of the Statutes of 1970, to amend Sections 13200, 13200.1, and 13200.5 of the Education Code,

and to amend Section 2 of Chapter 1424 of the Statutes of 1968, relating to teacher preparation and licensing.

[Approved by Governor August 11, 1971 Filed with Secretary of State August 11, 1971.]

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

SECTION 1. Section 13101 of the Education Code, as added by Chapter 557 of the Statutes of 1970, is amended to read:

13101. This chapter shall be known and may be cited as the "Teacher Preparation and Licensing Law of 1970" or the "Ryan Act."

SEC. 2. Section 13200 of the Education Code is amended to read:

13200. Notwithstanding the provisions of Section 13187 to the contrary, the Commission for Teacher Preparation and Licensing shall issue a probationary credential, limited to a two-year period, to any person who has been graduated with a baccalaureate degree from an institution approved by the commission and who has received a composite score at or above the 50th percentile on an examination or examinations approved by the Commission for Teacher Preparation and Licensing. The examination selected by the commission shall, in the commission's judgment, adequately assess the verbal and quantitative aptitude and the candidate's command of the humanities, natural sciences, and social sciences.

In implementing this section, the commission shall consider the importance of selecting an examination or examinations, which are nationally administered on a regular basis.

Any person applying for a credential under the provisions of this section shall submit to the commission: (1) a testament of acceptable moral character and physical health signed by a tenured faculty member and the president of the college from which he graduated; (2) a formal offer of employment from a school district; and (3) evidence of successful passage of the approved examination required by this section.

SEC. 3. Section 13200.1 of the Education Code is amended to read:

13200.1. The Commission for Teacher Preparation and Licensing shall issue not more than 200 such credentials, and may consult with and receive the recommendations of the University of California and the California State Colleges in the selection of persons to whom credentials may be issued pursuant to this section. Specific preference shall be given to persons who may be expected to pursue public education as an uninterrupted career.

SEC. 4. Section 13200.5 of the Education Code is amended to read:

13200.5. The school district employing a holder of a probationary credential may require either or both of the following:

(a) A demonstrated subject matter expertise as shown by the successful completion of an examination approved by the Commission for Teacher Preparation and Licensing.

(b) Practice teaching, for reasonable remuneration, in the summer school of a district during a summer preceding his employment.

SEC. 5. Section 2 of Chapter 1424 of the Statutes of 1968 is amended to read:

Sec. 2. The Commission for Teacher Preparation and Licensing shall submit to the Legislature on or before the fifth legislative day of the 1972 Regular Session, a comprehensive report on all phases of the experimental credential program provided by this act, and shall include recommendations concerning the feasibility of such program.

SEC. 6. Sections 1 to 5, inclusive, of this act shall become operative on January 1, 1973, or, after adequate public notice, at such earlier date that the Commission for Teacher Preparation and Licensing may determine.

CHAPTER 524

An act to add Section 25519.5 to the Education Code, relating to community colleges.

[Approved by Governor August 11, 1971. Filed with Secretary of State August 11, 1971.]

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

SECTION 1. Section 25519.5 is added to the Education Code, to read:

25519.5. The governing board of each community college district may offer a course of study leading to an associate in arts degree in bilingual, bicultural teacher assisting. The curriculum may include courses of study in bilingual, bicultural education and practicum in bilingual, bicultural teacher assisting.

CHAPTER 525

An act to amend Section 3150 of the Public Resources Code, relating to oil and gas districts.

[Approved by Governor August 11, 1971. Filed with Secretary of State August 11, 1971.]

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

SECTION 1. Section 3150 of the Public Resources Code is amended to read:

3150. For the purposes of this chapter, the state is divided into six districts, the boundaries of which shall be fixed by the director.

CHAPTER 526

An act to repeal Sections 8211, 8220, 8221, 8222, 8223, and 8224 of the Fish and Game Code, relating to fish.

[Approved by Governor August 11, 1971 Filed with
Secretary of State August 11, 1971.]

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

SECTION 1. Section 8211 of the Fish and Game Code is repealed.

SEC. 2. Section 8220 of the Fish and Game Code is repealed.

SEC. 3. Section 8221 of the Fish and Game Code is repealed.

SEC. 4. Section 8222 of the Fish and Game Code is repealed.

SEC. 5. Section 8223 of the Fish and Game Code is repealed.

SEC. 6. Section 8224 of the Fish and Game Code is repealed.

CHAPTER 527

An act to amend Sections 541, 543, 550, and 554 of the Probate Code, relating to probate bonds.

[Approved by Governor August 11, 1971 Filed with
Secretary of State August 11, 1971.]

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

SECTION 1. Section 541 of the Probate Code is amended to read:

541. Except as otherwise provided in this section, every person to whom letters testamentary or of administration are directed to issue (unless the testator has waived such requirement) shall, before receiving them, execute a bond to the State of California, with two or more persons or an authorized surety company as surety, to be approved by a judge of the superior court if the surety is not an authorized surety company, conditioned that the executor or administrator shall faithfully execute the duties of the trust according to law. In form the bond shall be joint and several. If the bond is to be given by individual persons, the penalty shall be not less than twice the value of the personal property and twice the value of the probable annual income from the real property belonging to the estate, which values shall be ascertained by the court or judge by examining on oath the party applying, and any other persons. If the bond is to be given by an authorized surety company, the court in its discretion may fix the amount of the bond at not

less than the value of the personal property and the probable value of the annual rents, issues and profits of all of the property belonging to the estate.

Unless the will provides for a requirement of a bond, if a verified petition for letters testamentary or of administration alleges that the petitioner is the sole beneficiary under the last will and testament of the decedent or that he has the right to succeed to the estate of the decedent as sole heir, the court, on the hearing of the petition, if the petition so requests, may in its discretion direct that no bond be filed or that it be filed in a reduced amount or sum, as may seem proper under the circumstances.

SEC. 2. Section 543 of the Probate Code is amended to read:

543. When it is provided in the will that no bond shall be required of the executor, or the court pursuant to Section 541 has directed that no bond be filed or that it be filed in a reduced amount or sum, the court, upon its own motion or upon petition of any person interested in the estate, nevertheless, for good cause, may require one to be given or the amount as in other cases thereof increased, either before or at any time after the issuance of letters.

SEC. 3. Section 550 of the Probate Code is amended to read:

550. When a petition is presented praying that an executor or administrator be required to give further security, or to give bond, where no bond was originally required, and it is alleged, on oath, that the executor or administrator is wasting the property of the estate, the judge, by order, may suspend his powers until the matter can be heard and determined.

SEC. 4. Section 554 of the Probate Code is amended to read:

554. (a) The liability of principal and sureties upon the bond of an executor, administrator, guardian, or conservator, is in all cases to pay in the kind of money or currency in which the principal is legally liable.

(b) The liability of the executor, administrator, guardian, or conservator shall not be limited to the penal amount of the bond.

(c) The liability of the surety upon such bond shall be limited to its penal amount except that if the surety fails to satisfy such liability upon demand made after the liability of the principal has become established, the surety shall also be liable for interest from the date of the demand on any judgment obtained against him in an action to recover upon the bond, and costs incurred in obtaining such judgment.

The bond shall not be void upon the first recovery, but may be sued and recovered upon from time to time, by any person aggrieved, in his own name, until the whole penalty is exhausted.

CHAPTER 528

An act to amend Section 4 of Chapter 1293 of the Statutes of 1970, relating to airports.

[Approved by Governor August 11, 1971. Filed with Secretary of State August 11, 1971.]

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

SECTION 1. Section 4 of Chapter 1293 of the Statutes of 1970 is amended to read:

Sec. 4. The sum of forty thousand dollars (\$40,000) is hereby appropriated from the California Environmental Protection Program Fund to the Department of Aeronautics for expenditure by it in the 1970-1971 and 1971-1972 fiscal years in carrying out the duties imposed upon it by this act. Amounts for subsequent years shall be as determined in the annual Budget Act.

CHAPTER 529

An act to amend Section 540 of the Code of Civil Procedure, relating to writs of attachment.

[Approved by Governor August 11, 1971. Filed with Secretary of State August 11, 1971.]

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

SECTION 1. Section 540 of the Code of Civil Procedure is amended to read:

540. The writ must be directed to the sheriff, or a constable, or marshal of any county in which property of such defendant may be, and must require him to attach and safely keep all the property of such defendant within his county not exempt from attachment, or so much of the property of such defendant as may be sufficient to satisfy the plaintiff's demand against such defendant, the amount of which must be stated in conformity with the amount stated in plaintiff's affidavit filed pursuant to Section 538, not exceeding the amount of the complaint, unless such defendant give him security by the undertaking of at least two sufficient sureties, which must first be approved by a judge of the court issuing the writ, or if said writ of attachment is issued to another county then by a judge of a court, having jurisdiction in cases involving the amount specified in the writ, in the county where the levy shall have been, or is about to be, made, or deposit a sum of money with the sheriff, constable, or marshal in an amount sufficient to satisfy such demand against such defendant, in addition to those costs actually incurred to the time of giving the undertaking or the deposit of money with the sheriff, constable, or marshal, a sum not to exceed 25 percent of the amount of the plaintiff's de-

mand, and in no event more than one thousand dollars (\$1,000), or in an amount equal to the value of the property of such defendant which has been or is about to be attached, in which case to take such undertaking or sum of money in lieu of the property which has been or is about to be attached.

In the event that the action is against more than one defendant, any defendant whose property has been or is about to be attached in the action may give the sheriff, constable, or marshal such undertaking which must first be approved by the judge as hereinabove provided, or deposit such sum of money, and the sheriff, constable, or marshal shall take the same in lieu of such property. Such undertaking, or the deposit of such sum of money, shall not subject such defendant to, or make him answerable for, any demand against any other defendant, nor shall the sheriff, constable, or marshal thereby be prevented from attaching or be obliged to release from attachment, any property of any other defendant. However, such defendant, at the time of giving such undertaking to, or depositing such sum of money with the sheriff, constable, or marshal, shall file with the sheriff, constable, or marshal a statement, duly verified by his oath, wherein such defendant shall state the character of his title to the attached property and the manner in which he acquired such title, and aver and declare that the other defendant or defendants, in the action in which said undertaking was given or such sum of money was deposited, has or have not any interest or claim of any nature whatsoever in or to said property.

Several writs may be issued upon the same affidavit and undertaking simultaneously or from time to time within 60 days after the filing of the affidavit and undertaking, to the sheriffs, constables, or marshals of any county or counties, whether or not any writ previously issued has been returned.

CHAPTER 530

An act to amend Sections 26.1, 26.5, and 26.6 of the Santa Clara County Flood Control and Water District Act (Chapter 1405 of the Statutes of 1951), relating to the Santa Clara County Flood Control and Water District.

[Approved by Governor August 11, 1971 Filed with
Secretary of State August 11, 1971.]

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

SECTION 1. Section 26.1 of the Santa Clara County Flood Control and Water District Act (Chapter 1405 of the Statutes of 1951) is amended to read:

Sec. 26.1. As used in connection with the ground water charge, the following words shall mean:

“Person,” “owner” or “operator” means public agencies, federal, state, and local, private corporations, firms, partner-

ships, individuals or groups of individuals, whether legally organized or not; "owner" or "operator" also means the person to whom a water-producing facility is assessed by the county assessor, or, if not separately assessed, the person who owns the land upon which a water-producing facility is located.

"Ground water" means nonsaline water beneath the natural surface of the ground, whether or not flowing through known and definite channels; "nonsaline water" means water which has less than 1,000 parts of chlorides to 1,000,000 parts of water, both quantities measured by weight.

"Production" or "producing" means the extraction or extracting of ground water, by pumping or any other method, from shafts, tunnels, wells (including, but not limited to, abandoned oil wells), excavations or other sources of such ground water, for domestic, municipal, irrigation, industrial, or other beneficial use, except that such terms shall not mean or include the extraction of ground water produced in the construction or reconstruction of a well, or water incidentally produced with oil or gas in the production thereof, or water incidentally produced in a bona fide mining or excavating operation or water incidentally produced in the bona fide construction of a tunnel, unless the ground water so extracted shall be used or sold by the producer for domestic, municipal, irrigation, industrial, or other beneficial purpose.

"Water-producing facility" means any device or method, mechanical or otherwise, for the production of water from the ground water supplies within the district or a zone thereof.

"Water year" means July 1st of one calendar year to June 30th of the following calendar year.

"Agricultural water" means water first used on lands in the production of plant crops or livestock for market.

SEC. 2. Section 26.5 of the Santa Clara County Flood Control and Water District Act (Chapter 1405 of the Statutes of 1951) is amended to read:

Sec. 26.5. The district shall annually prepare a written report upon the district's activities in the protection and augmentation of the water supplies of the district. The report shall include, among other information the board may order, a financial analysis of the district's water utility system; information as to the present and future water requirements of the district, the water supply available to the district, and future capital improvement and maintenance and operating requirements; a method of financing such requirements; a recommendation as to whether or not a ground water charge should be levied in any zone or zones of the district during the ensuing water year and, if any ground water charge is recommended, a proposal of a rate per acre-foot for agricultural water and a rate per acre-foot for all water other than agricultural water for such zone or zones.

SEC. 3. Section 26.6 of the Santa Clara County Flood Control and Water District Act (Chapter 1405 of the Statutes of 1951) is amended to read:

Sec. 26.6. On the second Tuesday in February of each year such report shall be delivered to the clerk of the district board in writing. Said clerk shall publish, pursuant to Section 6061 of the Government Code, a notice of the receipt of such report and of the public hearing to be held on the second Tuesday in March in a newspaper of general circulation printed and published within the district, at least 10 days prior to the date at which the public hearing regarding said report shall be held. Said notice, among other information which the district may provide therein, shall contain an invitation to all operators of water-producing facilities within the district and to any person interested in the district's activities in the protection and augmentation of the water supplies of the district to call at the offices of the district to examine said report. There shall be held on the second Tuesday of March of each year, in the chambers of the board, a public hearing at which time any operator of a water-producing facility within the district, or any person interested in the district's activities in the protection and augmentation of the water supplies of the district, may in person, or by representative, appear and submit evidence concerning the subject of said written report.

CHAPTER 531

An act to amend, repeal, and add Section 15 of, and to amend Section 16 of, the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session), relating to the Ventura County Flood Control District.

[Approved by Governor August 11, 1971. Filed with Secretary of State August 11, 1971.]

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

SECTION 1. Section 15 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session) is amended to read:

Sec. 15. (1) Whenever the board of supervisors shall determine that a bonded indebtedness should be incurred to pay the cost of any work of improvement in any zone, the said board may by resolution, passed by a four-fifths vote of the board, determine and declare the amount of bonds in order to raise the amount of money necessary for such work of improvement and the maximum rate of interest of said bonds. Said work of improvement may be described by reference to the report filed pursuant to Section 10 hereof and no other description shall be necessary. Said board shall cause a copy

of said resolution, duly certified by the clerk, to be filed for record in the office of the Recorder of Ventura County within five (5) days after its issuance. From and after said filing the said board shall be deemed vested with the authority to proceed with said bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the said board of supervisors may call a special election in said zone at which shall be submitted to the qualified electors of said zone the question whether or not bonds shall be issued in the amount determined in said resolution and for the purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied upon the property taxable by said district situated within the zone, and all such taxable property shall be and remain liable to be taxed for such payments as provided in this act

(3) Said board of supervisors shall call such special election by ordinance and not otherwise and submit to the qualified electors of said zone the proposition of incurring a bonded debt in said zone in the amount and for the purposes stated in said resolution and shall recite therein the purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to describe such purposes, by reference to the resolution adopted by said board of supervisors, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work of improvement, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed seven percent (7%) per annum. For the purposes of said election, said board of supervisors shall in said ordinance establish election precincts within the boundaries of the said zone and may form election precincts by consolidating the precincts established for general election precincts in said district to a number not exceeding six general election precincts for each such bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such precincts. As an alternative said ordinance may provide for the consolidation of said election with a statewide or other election in accordance with the provisions of the Elections Code governing consolidated elections.

In all particulars not recited in said ordinance, such election shall be held as nearly as practicable in conformity with the general election laws of the state.

Said board of supervisors shall cause a map or maps to be prepared covering general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public in-

spection for at least thirty (30) days before the date fixed for such election.

Said ordinance calling for such election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in said zone; the last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places in said zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given.

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds. If at such election two-thirds ($\frac{2}{3}$) of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district zone for the amount stated in such proceedings may be issued and sold as in this act provided.

This section shall remain in effect only until the 61st day after final adjournment of the 1973 Regular Session of the Legislature, and as of that date is repealed.

SEC. 1.5. Section 15 is added to the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session), to read:

Sec. 15. (1) Whenever the board of supervisors shall determine that a bonded indebtedness should be incurred to pay the cost of any work of improvement in any zone, the said board may by resolution, passed by unanimous vote of the entire board, determine and declare the amount of bonds in order to raise the amount of money necessary for such work of improvement and the maximum rate of interest of said bonds. Said work of improvement may be described by reference to the report filed pursuant to Section 10 hereof and no other description shall be necessary. Said board shall cause a copy of said resolution, duly certified by the clerk, to be filed for record in the office of the Recorder of Ventura County within five (5) days after its issuance. From and after said filing the said board shall be deemed vested with the authority to proceed with said bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the said board of supervisors may call a special election in said zone at which shall be submitted to the qualified electors of said zone the question whether or not bonds shall be issued in the amount determined in said resolution and for the purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied upon the property taxable by said district situated within the zone, and all such taxable property shall be and remain liable to be taxed for such payments as provided in this act.

(3) Said board of supervisors shall call such special election by ordinance and not otherwise and submit to the qualified electors of said zone the proposition of incurring a bonded

debt in said zone in the amount and for the purposes stated in said resolution and shall recite therein the purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to describe such purposes, by reference to the resolution adopted by said board of supervisors, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work of improvement, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed six percent (6%) per annum. For the purposes of said election, said board of supervisors shall in said ordinance establish election precincts within the boundaries of the said zone and may form election precincts by consolidating the precincts established for general election precincts in said district to a number not exceeding six general election precincts for each such bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such precincts. As an alternative said ordinance may provide for the consolidation of said election with a statewide or other election in accordance with the provisions of the Elections Code governing consolidated elections.

In all particulars not recited in said ordinance, such election shall be held as nearly as practicable in conformity with the general election laws of the state.

Said board of supervisors shall cause a map or maps to be prepared covering general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Said ordinance calling for such election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in said zone; the last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places in said zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given.

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds. If at such election two-thirds ($\frac{2}{3}$) of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district zone for the amount stated in such proceedings may be issued and sold as in this act provided.

This section shall become operative on the 61st day after final adjournment of the 1973 Regular Session of the Legislature.

SEC. 2. Section 16 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session) is amended to read:

Sec. 16. If the issuance of the bonds is authorized at said election, the said board of supervisors may thereafter adopt a resolution or resolutions providing for the issuance of all or any part of the bonds authorized at said election. Said resolution shall prescribe the form of the bonds and of the interest coupons attached thereto, and shall fix the times of the maturities of the bonds. The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The board may fix a date, not more than 10 years from the date of issuance, for the earliest maturity of each issue or series of bonds, and defer the payment of the first installment of principal of each issue or series of bonds accordingly. Beginning with the date of the earliest maturity of each issue or series, not less than one-fortieth of the principal amount of such issue or series shall be paid every year; provided, however, the bonds of any issue or series may be made to mature and become payable in approximately equal total annual installments of principal and interest during the term of the bonds, computed from the first year in which any part of the principal shall mature to the date of final maturity, which annual installments may vary one from the other in amounts not exceeding in any year more than 5 percent of the total principal amount of the bonds of such issue or series thereof then proposed to be issued. The final maturity date of any bond shall not exceed 40 years from the date of the bond. The board may provide call and redemption of all or any part of any issue or series of bonds before maturity at prices determined by the board. No bond shall be subject to call or redemption prior to maturity unless it contains a recital to that effect.

The bonds may be issued in such denomination or denominations as the board of supervisors may prescribe, and each bond shall be payable on the day and at the place fixed in said bonds, and with interest at the rate specified in such bond, which rate shall not be in excess of seven percent (7%) per annum, and shall be payable annually or semiannually. Said bonds shall be signed by the chairman of the board of supervisors, and countersigned by the auditor of said Ventura County, and the seal of said district shall be affixed thereto. The interest coupons of said bonds shall be numbered consecutively and signed by the Auditor of Ventura County by his engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 3. It is the intent of the Legislature that the amendments to Section 15 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session) which are made by Section 1 of this act shall remain in effect only until the 61st day after final adjournment of the 1973 Regular Session of the Legislature, and on that date Section 1.5 of this act shall become operative to restore Section 15 to the form in which it read immediately prior to the effective date of this act.

CHAPTER 532

An act to amend Sections 562 and 563 of the Welfare and Institutions Code, relating to traffic hearing officers.

[Approved by Governor August 11, 1971 Filed with
Secretary of State August 11, 1971]

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

SECTION 1. Section 562 of the Welfare and Institutions Code is amended to read:

562. Subject to the orders of the juvenile court, a traffic hearing officer may hear and dispose of any and all cases wherein a minor under the age of 18 years as of the date of the alleged offense is charged with any violation of the Vehicle Code not declared to be a felony, or a violation of subdivision (m) of Section 602 of the Penal Code, or a violation of the Fish and Game Code not declared to be a felony, or a violation of any of the equipment and registration provisions of the Harbors and Navigation Code, or a violation of any provision of an ordinance of a city or county relating to traffic offenses.

SEC. 2. Section 563 of the Welfare and Institutions Code is amended to read:

563. With the consent of the minor, a hearing before a traffic hearing officer or a hearing before a referee or a judge of the juvenile court wherein such minor is charged with such traffic offense may be conducted upon an exact legible copy of a written notice given pursuant to Article 2 (commencing with Section 40500) of Chapter 2 of Division 17 or Section 41103 of the Vehicle Code, or an exact legible copy of a written notice given pursuant to Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of the Penal Code when the offense charged is either a violation of the Fish and Game Code not declared to be a felony or a violation of subdivision (m) of Section 602 of the Penal Code, in lieu of a petition as provided in Article 7 of this chapter.

CHAPTER 533

An act to amend Section 12753 of the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor August 11, 1971 Filed with
Secretary of State August 11, 1971]

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

SECTION 1. Section 12753 of the Public Utilities Code is amended to read:

12753. In case of any great emergency, the board may, by resolution passed by a four-fifths vote of all its members, declare and determine that such emergency exists, and thereupon proceed to expend sums or enter into contracts involving the expenditure of any sums needed in such emergency without observance of the provisions requiring contracts, bids, or notice.

CHAPTER 534

An act to add Section 146.5 to, and to repeal Section 820.7 of, the Streets and Highways Code, relating to fringe parking facilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 11, 1971 Filed with
Secretary of State August 11, 1971.]

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

SECTION 1. Section 146.5 is added to the Streets and Highways Code, to read:

146.5. The department may construct fringe and transportation corridor parking facilities along the state highway system when such construction is financed, in whole or in part, with federal funds and the entire balance of the cost of such construction is financed with funds contributed by the local agency or transit district that will operate the buses which will serve such facility. For the purposes of this code, such facilities shall be considered as part of the state highway and the department shall acquire the right-of-way necessary for such facilities in accordance with all of the laws and procedures applicable to other state highway projects including, but not limited to, the provisions of Sections 104 to 104.3, inclusive.

The rights and obligations of the department and the local agency or transit district with respect to such fringe and transportation corridor parking facilities shall be determined by agreement between the department and the local agency or transit district.

SEC. 2. Section 820.7 of the Streets and Highways Code is repealed.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Construction of a freeway busway project along the San Bernardino Freeway cannot proceed until state law authorizes the expenditure of available federal funds for fringe and transportation corridor parking facilities which are a significant element of this project. Until the project is completed the heavy traffic congestion along the corridor presents a serious safety problem. In order that this problem may be remedied without further economic loss, it is necessary that this act take effect immediately.

CHAPTER 535

An act to add Section 13581.5 to the Education Code, relating to school district employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 11, 1971 Filed with Secretary of State August 11, 1971.]

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

SECTION 1. Section 13581.5 is added to the Education Code, to read:

13581.5. If the governing board of any school district establishes positions in the categories described below and restricts initial appointments of new employees to persons in low-income groups or residing in specifically designated areas of the community, then such positions shall, in addition to the regular class title, be classified as "restricted." The positions shall be part of the classified service and persons so employed shall be classified employees for all purposes except that they shall not acquire permanent status or seniority credit and shall not be eligible for promotion into the regular classified service until they have complied with the provisions of subdivision (c) of Section 13581.2.

The categories of positions for which the governing board may establish restrictions under this section are:

(a) The position of instructional aide, as defined in Section 13599.3.

(b) Any other position involving personal contacts with pupils or parents, that is established to assist school-staff personnel responsible for school-community relations; educational support services for such areas as counseling, library, or health; or the correction or prevention of behavioral problems.

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

The provisions of this section shall be operative until the 91st day after final adjournment of the 1974 Regular Session of the Legislature, and shall thereafter have no force or effect.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that school districts may promote relationships with the community by offering employment on the basis set forth in this act effective with the start of the 1971-72 school year, it is necessary that the act take effect immediately.

CHAPTER 536

An act to add Chapter 32 (commencing with Section 50001) to, and to repeal Chapter 32 (commencing with Section 50001) of Division 17 of, the Agricultural Code, relating to vegetable standards.

[Approved by Governor August 11, 1971. Filed with Secretary of State August 11, 1971.]

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

SECTION 1. Chapter 32 (commencing with Section 50001) of Division 17 of the Agricultural Code is repealed.

SEC. 2. Chapter 32 (commencing with Section 50001) is added to Division 17 of the Agricultural Code, to read:

CHAPTER 32. POTATOES

Article 1. Standards Generally

50001. Except as otherwise provided in this chapter, potatoes shall conform to the U.S. No. 2 grade or better, except:

(a) Potatoes which are less than 1½-inch minimum diameter shall be considered as not meeting U.S. No. 2 grade.

(b) Potatoes shall be mature. Potatoes in containers labeled U.S. Fancy, U.S. No. 1, or other U.S. grade markings or in containers without any grade markings, except U.S. No. 2, shall be considered mature when during the period of May 1 of each calendar year through March 31 of the following calendar year, not more than 25 percent of the potatoes in any one container or bulk lot have more than one-fourth of the skin missing or feathered. No one container of potatoes shall have more than twice the tolerance specified for maturity, provided that the average for the entire lot is within tolerance. During the period of April 1 through April 30 of each year, no maturity requirements are in effect, except for the general maturity requirements in Section 42513.

Containers of potatoes bearing U.S. No. 2 grade markings shall only be required to be mature as defined in Section 42513.

50005. Potatoes for processing which fail to comply with maturity requirements of this chapter may be transported out of this state, provided the potatoes are in bins or bulk loads of more than 100 pounds. Containers holding 100 pounds or less may be used, provided there shall be stenciled or imprinted upon each such container in three-inch letters the words "processing potatoes." No container of processing potatoes shall be transported out of the state bearing any false or misleading statements.

50008. Notwithstanding Section 43251, all potatoes, in containers designed to hold 100 pounds or less of potatoes, destined for processing in California that fail to meet U.S. No. 2 grade shall bear upon their containers in a conspicuous manner and in plain sight the name of the person who authorized the packing of the potatoes or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer. Each container of such potatoes shall also have printed or stenciled thereon in three-inch letters the full unabbreviated words "processing potatoes," and such potatoes shall only be used for processing purposes.

Article 2. Potatoes for Seed Purposes

50031. Potatoes for seed purposes, unless certified pursuant to Chapter 3 (commencing with Section 52651), Division 18, shall comply with all of the requirements of this division which relate to potatoes.

50032. Potatoes for use within this state for seed purposes, that fail to conform to the standards which are prescribed by Article 1 (commencing with Section 50001) of this chapter only by reason of serious damage which is due to greening and green ends, are as to such damage exempt from such standard if they are conspicuously marked and identified for seed purposes, or if they bear a notice which is accompanied by an order which directs the disposition of the potatoes for seed purposes only.

50033. The notice and order shall have the same force and effect as the warning notice and disposal order provided in Section 42881, and shall be subject to all the provisions of this division which relate to the warning notice and disposal order.

Article 4. Markings on Containers

50091. Containers of potatoes shall not bear any marking, brand, or designation of quality such as "extra selected," "selected," "select," "extra fancy," "fancy," "choice," "No. 1," or other similar superlative designations which imply a reasonably high quality, unless the contents of the container conform at least to the requirements of the U.S. No. 1 grade which is established for potatoes by the United States Department of Agriculture.

CHAPTER 537

*An act to add Section 6820.1 to the Education Code,
relating to handicapped minors.*

[Approved by Governor August 11, 1971. Filed with
Secretary of State August 11, 1971.]

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

SECTION 1. Section 6820.1 is added to the Education Code, to read:

6820.1. On and after September 1, 1975, no person shall be employed to teach deaf, severely hard-of-hearing, blind, partially seeing, aphasic, or speech-handicapped minors in the home, hospital, or licensed children's institution who does not hold a valid credential authorizing such teaching.

Nothing in this section shall be deemed to prohibit the employment of a person holding some other valid credential authorizing substitute teaching for not more than 20 schooldays in a given school year to serve as a substitute for the appropriately credentialed teacher absent because of illness or other reason acceptable to the employing school district or county superintendent of schools.

Upon application by the school district or county superintendent of schools the Superintendent of Public Instruction may approve an extension of the 20-day period for a given person but not beyond the end of the school year in which submitted.

CHAPTER 538

An act relating to the San Bernardino Freeway Busway Project, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 11, 1971. Filed with
Secretary of State August 11, 1971.]

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

SECTION 1. The Department of Public Works may undertake the modification of the railroad alignment in the vicinity of the City of El Monte in order to eliminate railroad grade crossings in that city and also to facilitate construction and operation of the San Bernardino Freeway Busway Project.

SEC. 2. Notwithstanding any other provisions of law, the construction of the project described in Section 1 of this act is eligible for an allocation of funds pursuant to the provisions of Section 190 of the Streets and Highways Code as though such work were a grade separation project of the City of El Monte, except that the Department of Public Works or other agencies acting on its behalf shall be responsible for the design

and construction of the project. The department shall acquire all rights-of-way necessary for this project in accordance with the laws and procedures applicable to state highway projects, including, but not limited to, the provisions of Sections 104 to 104.3, inclusive, of the Streets and Highways Code. No expenditure of Section 190 funds shall be made until the railroad affected has executed an agreement wherein it agrees to the abandonment of its existing Baldwin Park line easterly from the Rio Hondo River to Bogart Street in Baldwin Park, and has agreed to contribute not less than 10 percent of the cost of the modification of the railroad alignment.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The heavy traffic congestion along this corridor presents a serious problem. In order that this problem may be remedied without further economic loss, it is necessary that this act take effect immediately.

CHAPTER 539

An act to amend Section 11592 of the Business and Professions Code, relating to subdivision maps.

[Approved by Governor August 11, 1971 Filed with
Secretary of State August 11, 1971]

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

SECTION 1. Section 11592 of the Business and Professions Code is amended to read:

11592. A certificate by the engineer or surveyor responsible for the survey and final map is required. His certificate shall give the date of the survey and state that the survey was made by him or under his direction, and that the survey is true and complete as shown.

The certificate shall also state that all the monuments are of the character and occupy the positions indicated, or that they will be set in such positions and on or before a specified later date. The certificate shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced.

In the event that the certificate states that all the monuments will be set on or before a specified later date, the subdivider shall furnish to the governing body a bond or cash deposit, at the option of the governing body, in an amount equal to the estimated cost of setting such monuments, not already set prior to recording of the map guaranteeing pay-

ment of the cost thereof, but not in excess of the amount of the bond or deposit.

Within five days after the final setting of all monuments has been completed by the engineer or surveyor, he shall give written notice to the subdivider, and to the city engineer or the county engineer or such other public official or employee authorized to receive such notices, that the final monuments have been set.

Upon payment to the engineer or surveyor for setting the final monuments, the subdivider shall present to the governing body evidence of such payment and receipt thereof by the engineer or surveyor, together with a request that his bond be released or that his cash deposit be returned. At the earliest possible date thereafter, said bond shall be released or said cash deposit shall be returned to the depositor.

In lieu of the above procedure as it involves a cash deposit, the governing body may pay the engineer or surveyor for the setting of the final monuments from said cash deposit, if so requested by the depositor.

If the subdivider does not present evidence to the governing body that he has paid the engineer or surveyor for the setting of the final monuments, and if the engineer or surveyor notifies the governing body that he has not been paid by the subdivider for the setting of the final monuments, the governing body shall, within three months from the date of said notification, pay to the engineer or surveyor the amount of his charges, up to and including the amount of the bond or cash deposit.

In the event of the death, disability, or retirement from practice of the civil engineer or land surveyor charged with the responsibility for setting monuments, or in the event the civil engineer or land surveyor refuses to set such monuments, the governing body may direct the county surveyor or city engineer or such engineer or surveyor as it may select to set such monuments. When the monuments are so set the substitute engineer or surveyor shall delineate said monuments on an exact copy of the recorded map, indorse thereon his certificate pursuant to the provisions of this section with respect thereto and, upon approval thereof indorsed thereon by the county engineer or county surveyor, shall deliver the exact copy to the county recorder. The recorder thereupon shall record such map, and indorse the recording reference thereof upon the map originally recorded which shall operate as reference also to the map showing such additional monuments and shall constitute constructive notice thereof for all purposes as fully as though all of the information and data shown on both maps were shown upon the map originally recorded. All of the provisions of this section relating to payment shall apply for the services performed by the substituted engineer or surveyor.

CHAPTER 540

An act to add Section 15955.7 to the Education Code, relating to contracts by school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 11, 1971. Filed with Secretary of State August 11, 1971.]

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

SECTION 1. Section 15955.7 is added to the Education Code, to read:

15955.7. Nothing contained in this article shall be construed to limit the authority of any school district to contract for electromechanical or electronic data-processing work to be done or related services to be performed with any other public agency pursuant to the provisions of Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code or Section 1061 or 1062 of this code.

SEC. 2. Notwithstanding the provisions of Section 15955.5 of the Education Code, or any other provision of law to the contrary, the office of the Chancellor of the California Community Colleges shall conduct a pilot project whereby the governing board of a community college selected by the office of the chancellor may enter into a contract, for a term not to exceed five years, for the provision, to the district, of electromechanical or electronic data-processing services and for the management of such services. Such a contract may be entered into with any other school district, any public or private college or university, any public entity, or any private commercial entity.

SEC. 3. The governing board of the district shall report annually, commencing on June 30, 1972, to the Board of Governors of the California Community Colleges with respect to the effectiveness and efficiency of the operation of the district as a result of the contract for data-processing services, and the management thereof, authorized by Section 2 of this act.

SEC. 4. The Legislative Analyst shall conduct a study of the data-processing services provided a community college pursuant to Section 2 of this act, comparing the costs of such services provided by private industry with the costs of comparable services rendered by the regional educational data-processing center at Ventura. The study shall include an analysis of services provided with respect to the administration and operation of the college in order that the costs of those services may be determined separate and apart from services provided with respect to the college's instructional program. The Legislative Analyst shall, not later than the fifth calendar day of the 1973 Regular Session, submit a report to the Legislature on the results of the study.

SEC. 5. Sections 2 to 4, inclusive, of this act shall have no force and effect after July 1, 1976.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is essential to permit a community college district to enter a contract for data-processing services and the management thereof as soon as possible in order to assist the community colleges in carrying out their operations at the lowest possible cost by obtaining the results of the pilot project at the earliest possible time. It is also essential that the authority of school districts to contract for data-processing services and the management thereof with other public agencies be clarified. It is necessary, therefore, that this act take effect immediately.

CHAPTER 541

An act to amend Sections 2, 5, and 6 of, and to repeal Sections 7, 8, and 9, of, Chapter 1378 of the Statutes of 1965, and to repeal Section 3 of Chapter 721 of the Statutes of 1969, relating to the Commission on the Status of Women, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 11, 1971. Filed with Secretary of State August 11, 1971.]

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

SECTION 1. Section 2 of Chapter 1378 of the Statutes of 1965 is amended to read:

Sec. 2. There is in the state government the Commission on the Status of Women. The commission shall consist of 17 members: three Members of the Senate and one public member appointed by the Senate Committee on Rules, three Members of the Assembly and one public member appointed by the Speaker, the Superintendent of Public Instruction, the Chief of the Division of Industrial Welfare in the Department of Industrial Relations, and seven public members appointed by the Governor, with the consent of the Senate.

SEC. 2. Section 5 of Chapter 1378 of the Statutes of 1965 is amended to read:

Sec. 5. The commission shall have the powers and authority necessary to carry out the duties imposed upon it by this chapter, including, but not limited to, the following:

(a) To employ such administrative, technical and other personnel as may be necessary for the performance of its powers and duties.

(b) To hold hearings, make and sign any agreements and to do or perform any acts which may be necessary, desirable or proper to carry out the purposes of this chapter.

(c) To cooperate with, and secure the cooperation of, any department, division, board, bureau, commission, or other agency of the state to facilitate it properly to carry out its powers and duties hereunder.

(d) To appoint advisers or advisory committees from time to time when the commission determines that the experience or expertise of such advisers or advisory committees is needed for projects of the commission. Section 11009 of the Government Code is applicable to advisers or advisory committees.

(e) To accept any federal funds granted, by act of Congress or by executive order, for all or any of the purposes of this act.

(f) To accept any gifts, donations, grants, or bequests for all or any of the purposes of this act.

SEC. 3. Section 6 of Chapter 1378 of the Statutes of 1965 is amended to read:

Sec. 6. (a) The commission shall study the following:

(1) Women's educational and employment problems, needs, and opportunities.

(2) State laws in regard to the civil and political rights of women, including pensions, tax requirements, property rights, marriage and dissolution of marriage provisions, and similar matters.

(3) The effect of social attitudes and pressures and economic considerations in shaping the roles to be assumed by women in the society.

(4) Any laws, practices, or conditions concerning or affecting women which impose special limitations or burdens upon them or upon society, or which limit or tend to limit opportunities available to women.

(b) The commission shall act as an information center on the status of women and women's educational, employment, and other related needs.

(c) The commission shall recommend, develop, prepare, or coordinate materials, projects, or other activities, and shall give technical and consultative advice to public or private groups or persons concerned with any of the following:

(1) Preventing or minimizing problems brought about by the changing roles and responsibilities of women.

(2) Developing programs to encourage and enable women to be fully contributing members of society.

(d) A prime function of the commission shall be to encourage women's organizations and other groups to institute local self-help activities designed to meet women's educational, employment, and related needs. The commission shall make reports on its activities, findings and recommendations to the Legislature from time to time, but not less often than every odd-numbered year.

SEC. 4. Section 7 of Chapter 1378 of the Statutes of 1965 is repealed.

SEC. 5. Section 8 of Chapter 1378 of the Statutes of 1965 is repealed.

SEC. 6. Section 9 of Chapter 1378 of the Statutes of 1965 is repealed.

SEC. 7. Section 3 of Chapter 721 of the Statutes of 1969 is repealed.

SEC. 8. Any funds appropriated for the purposes of this act or Chapter 1378 of the Statutes of 1965 may be expended by the Commission on the Status of Women to make such salary adjustments as are authorized by salary-fixing authorities to provide an increase in the compensation for the commission's officers and employees from July 1, 1971, to the effective date of this act to provide compensation equivalent to that which they would have otherwise received had this act been adopted prior to July 1, 1971.

SEC. 9. Funds from any appropriation made for the purposes of this act or Chapter 1378 of the Statutes of 1965 may be expended to pay any obligation incurred between the commencement of the 1971-72 fiscal year and the effective date of this act which would otherwise have been authorized had this act been adopted prior to July 1, 1971, subject to the same limitations, conditions, and requirements.

SEC. 10. The sum of forty-five thousand five hundred dollars (\$45,500) is hereby appropriated from the General Fund to the Commission on the Status of Women to carry out the purposes of this act and Chapter 1378 of the Statutes of 1965.

SEC. 11. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the important work of the Commission on the Status of Women continue without interruption, it is necessary that this act take effect at the earliest possible date.

CHAPTER 542

An act to amend Section 12002 of the Education Code, relating to community college fire drills.

[Approved by Governor August 11, 1971 Filed with
Secretary of State August 11, 1971]

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

SECTION 1. Section 12002 of the Education Code is amended to read:

12002. Every public, private, or parochial school building having an occupant capacity of fifty (50) or more students or more than one classroom shall be provided with a dependable and operative fire warning system. Every person and public officer managing, controlling, or in charge of any public, private, or parochial school shall cause the fire alarm signal to be

sounded upon the discovery of fire. Every person and public officer managing, controlling, or in charge of any public, private, or parochial school, other than a two-year community college, shall cause the fire alarm signal to be sounded not less than once every calendar month in the manner prescribed in this article except that when a fire alarm system having a distinctive tone, and which is used for no other purpose, is installed, the manner of sounding alarm shall not be subject to the provisions of Sections 12003, 12004, and 12005 of this article.

CHAPTER 543

An act to amend Sections 39130 and 39184 of the Health and Safety Code, relating to air pollution.

[Approved by Governor August 11, 1971 Filed with
Secretary of State August 11, 1971]

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

SECTION 1. Section 39130 of the Health and Safety Code is amended to read :

39130. No person shall sell, display, advertise, or represent as a certified device any device which, in fact, is not a certified device. No person shall install or sell for installation upon any motor vehicle, any motor vehicle pollution control device which has not been certified by the board. Any violation of this section is a misdemeanor.

SEC. 2. Section 39184 of the Health and Safety Code is amended to read:

39184. No person shall sell, display, advertise, or represent as an accredited device any device which, in fact, is not an accredited device. No person shall install or sell for installation upon any used motor vehicle any motor vehicle pollution control device which has not been accredited by the board. Any violation of this section is a misdemeanor.

CHAPTER 544

An act to amend Sections 5074, 6702, 7150, 7151, 7153.1, 7153.2, 7153.4, 7155, and 7184 of the Financial Code, relating to savings and loan associations.

[Approved by Governor August 11, 1971 Filed with
Secretary of State August 11, 1971]

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

SECTION 1. Section 5074 of the Financial Code is amended to read:

5074. An amortized loan is a loan which provides for payments to be made of interest and on the principal in monthly installments. The installments as to the combined principal and interest shall be at least of a sufficient amount so that the smallest installment provided in the note evidencing the loan, other than the last installment, if continued at such monthly intervals would result in paying the entire principal within the maximum legal term for the particular loan. The first installment which includes principal on each amortized loan must fall due within the time limits specified in Section 7151 of this code.

A loan made to finance the construction of real property is an amortized loan if it meets the requirements set forth above or if such loan provides for payment in full on or before 24 months have elapsed from the date of the loan.

Sec. 2. Section 6702 of the Financial Code is amended to read:

6702. An association may invest in, hold, buy, and sell the following:

(a) Real property used or to be used primarily as the principal office or branch of the association, and real property used or to be used primarily as a service office or office of the service corporation of the association or an undivided interest in real property used or to be used primarily as a service office or office of the association or its service corporation and of other associations owning the other undivided interests in such real property. As used in this subdivision the term real property includes (1) real property in reasonably close proximity to a principal, branch, or service office used or to be used primarily as a parking lot in connection with the operations of such office and (2) structures or buildings located on land owned in fee or held under a lease or sublease by the association with an unexpired term of 25 years at the date of execution by the association of such lease or sublease. Except as provided in Section 6703 no association shall invest in such real property or in such structures or buildings more than one-half of the sum of its statutory net worth.

(b) Furniture, fixtures, furnishings, equipment and leasehold improvements necessary or proper for the business of the association, or for use in connection with properties owned by or securing loans of the association. Leasehold improvements as used herein shall not include structures or buildings referred to in subdivision (a) of this section. Except as provided in Section 6703 no association shall invest in furniture, fixtures, furnishings, equipment, and leasehold improvements as defined herein for its offices more than 30 percent of the sum of its statutory net worth.

(c) United States government bonds and treasury certificates, or any bonds, debentures, notes, or other obligations guaranteed by the United States of America, and obligations issued or guaranteed by the Government National Mortgage Association.

(d) Bonds, debentures, notes, and other securities issued or guaranteed in whole or in part by any Federal Home Loan Bank, or the Federal Savings and Loan Insurance Corporation, or other similar federal agency.

(e) Consolidated Federal Home Loan Bank bonds, debentures, or notes.

(f) Bonds of this state or of any flood control and water conservation districts or any zone thereof having an assessed valuation on taxable real property of not less than one million dollars (\$1,000,000), county, city and county, city, metropolitan water district, municipal utility district, any special district established by and within any municipal utility district, transit district, rapid transit district, metropolitan transit authority, flood control district, or school district of the State of California.

(g) Bonds, other securities, and bankers' acceptances which are expressly authorized as legal investments for or purchase by savings banks in this state.

(h) Bonds issued by any railroad corporation or any public utility corporation substantially all of the properties of which are located in the United States of America. Railway corporations and public utility corporations, as used in this subdivision, do not include street railway corporations. The purchase of all bonds pursuant to the sole authority of this subdivision shall be first approved by the commissioner.

(i) Stock, shares, debentures and bonds of any International Home Loan Bank which may hereafter be incorporated by authority of an act of Congress.

(j) California street improvement bonds. The purchase of all bonds pursuant to the sole authority of this subdivision shall be first approved by the commissioner and no association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 2 percent of the then total assets of the association.

(k) Stock issued by any Federal Home Loan Bank or other similar federal agency of which the association is eligible to be a member.

(l) Bonds and other securities as provided in Division 11 of this code.

(m) Stocks, bonds, debentures, participations, and other obligations of or issued by the Federal National Mortgage Association and the Small Business Administration. No association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 5 percent of the then total assets of the association.

(n) Loans and interests in loans on the security of real property located in foreign countries guaranteed by an agency of the federal or state government; and capital stock, obligations, notes, and other securities of any thrift institution organized under the laws of a foreign country and engaged in the business of making loans on the security of real estate in such country subject to regulations of the commissioner.

No association shall make any investment pursuant to this subdivision if its aggregate outstanding investment under this subdivision would thereupon exceed 1 percent of the then total assets of the association.

(o) Subject to the rules and regulations of the commissioner, stock issued by a corporation authorized to be created pursuant to Title IX of the Housing and Urban Development Act of 1968, and may make investments in a partnership, limited partnership, or joint venture formed pursuant to Section 907(a) or 907(c) of such act.

SEC. 3. Section 7150 of the Financial Code is amended to read:

7150. An association may make amortized loans, as defined in Section 5074, upon the security of real property for the following terms, from the due date of the first principal installment.

a. Loans secured by real property on which the principal improvement consists of a dwelling or dwellings for not more than four families, or of real property of the type described in Section 7153.1, for a term of not more than 30 years.

b. Loans secured by other residential property, for a term of not more than 25 years.

c. Loans secured by other real property, for a term of not more than 20 years; provided, that the commissioner may, by regulation, permit a term of more than 20 years, but not more than 25 years, for loans made in accordance with such regulations.

d. Loans made pursuant to Article 3 of this chapter, for the maximum term, applicable to such loan pursuant to the provisions of the National Housing Act or any act of Congress supplementary or amendatory thereof or of the Servicemen's Readjustment Act of 1944 or any act of Congress supplementary or amendatory thereof or of the Veterans' Readjustment Act of 1952 or any act of Congress supplementary or amendatory thereof.

SEC. 4. Section 7151 of the Financial Code is amended to read:

7151. The first monthly installment which includes principal on an amortized loan must fall due within the following periods after the date of such loan:

a. Twenty-four months in the case of loans made to finance the construction of real property.

b. Six months in the case of a loan secured by a one- to four-family residential property made to a borrower who acquired such property as a trade-in or exchange to facilitate the sale of another one- to four-family residential property.

c. Three months in the case of all other loans.

SEC. 5. Section 7153.1 of the Financial Code is amended to read:

7153.1. An association may make amortized loans upon the security of improved real property in an amount not in excess

of 80 percent of the appraised value of such real property if one of the following conditions is met:

(a) The real property is a condominium, as defined in Civil Code Section 783, designed for one-family occupancy.

(b) The real property is a residential unit designed for one-family occupancy within a community apartment project in which an undivided interest in the real property is coupled with the exclusive right of occupancy of such residential unit.

(c) The real property is a residential unit, designed for one-family occupancy, within a cluster-type residential project, in which the interest in such real property is coupled with an undivided interest in common in a portion of the remaining real property on which such project is located.

No loan on the security of real property in a condominium project, community apartment project or cluster-type residential project, shall be made under the sole authority of this section if the aggregate principal amount of all loans by the association on the security of the project, or any part thereof, would exceed an amount equal to 1 percent of the association's assets, unless (1) binding contracts have been entered into for the bona fide sale of not less than a majority of the residential units in the project or (2) the loan is approved by the commissioner

SEC. 6. Section 7153.2 of the Financial Code is amended to read:

7153.2. An association may make amortized loans upon the security of real property in an amount in excess of eighty percent (80%) of the appraised value of such real property, if:

(a) There is located thereon only a structure designed for residential use for one family or a structure designed for residential use for one family and structures ancillary to such residential use or if such real property is of the type described in subdivision (a), (b) or (c) of Section 7153.1;

(b) The loan is in an amount not in excess of (1) thirty-six thousand dollars (\$36,000), or (2) ninety percent (90%) of the appraised value of the real property, or (3) if the loan is made to finance the purchase of the real property, ninety percent (90%) of the purchase price, whichever is less;

(c) If the loan is sought or assumed for the purpose of enabling a purchaser to acquire the security property, the purchaser and the vendor or vendors have jointly executed a certification in writing stating the purchase price of the security property and the items comprising such price;

(d) The association has made or obtained, prior to approval of the loan, a written report on the credit standing of the borrower and the financial ability of such borrower to undertake and pay off the obligation involved in the loan;

(e) The borrower makes a certification in writing that he intends to occupy the property as his home and that no lien or charge upon the property other than the lien of the

association or liens or charges which will be discharged from the proceeds of the loan, or, in the case of real property of the type described in subdivisions (a), (b), and (c) of Section 7153.1, liens or charges to secure unpaid assessments for management and common expenses, has been given or executed by him; and

(f) The loan requires repayment in monthly installments and each such payment includes the monthly proration of annual taxes and hazard insurance premiums in advance until the unpaid balance of such loan shall have been reduced to eighty percent (80%) of the appraised value or the purchase price if any, whichever is less, of such property.

No association shall have such investments under this section aggregating at any one time more than 30 percent of its total assets. Whenever the unpaid balance of any such loan made under this section shall have been reduced to 80 percent of the appraised value or the purchase price if any, whichever is less, of such property, such loan may be removed from the above imposed limitation of assets.

A loan under this section may be made to finance the construction of a structure described in the first paragraph hereof, but the amount by which such a loan exceeds eighty percent (80%) of the appraised value of the real property shall not be disbursed unless and until construction has been fully completed. If the loan is made to finance construction of such structure for sale the borrower need not certify that he intends to occupy the property as his home, but the amount by which such loan exceeds eighty percent (80%) of the appraised value of the real property shall not be disbursed unless and until construction has been fully completed, the property has been sold and title has been conveyed to a purchaser who has executed an agreement with the association assuming and agreeing to pay the loan and there is then compliance with all of the provisions of the first paragraph hereof.

SEC. 7. Section 7153.4 of the Financial Code is amended to read:

7153.4. An association may make amortized loans upon the security of real property, the principal improvements on which consist of one or more structures designed primarily for residential use of five or more families, in an amount not in excess of 75 percent of the appraised value of such real property.

SEC. 8. Section 7155 of the Financial Code is amended to read:

7155. An association may make loans on the security of unimproved real property in an amount not in excess of the following amounts:

(a) Seventy percent of the appraised value for a term of not to exceed two years, after which the loan may not be extended and may be refinanced only with an amortized loan.

(b) Seventy-five percent of the appraised value for a term of not to exceed three years, if the real property is a building lot or site or building lots or sites, ready for the construction

on each such building lot or site of a structure designed for residential use for one family. Such loan may be extended for an additional period not in excess of three years, provided interest on the loan is then current and the outstanding balance of the loan is or has been reduced to an amount not in excess of 75 percent of the current appraised value of the security property. No loan shall be made under the sole authority of this subdivision if the aggregate amount of such loan and of the balance of all outstanding loans made pursuant to the provisions of this subdivision exceeds 5 percent of the association's assets.

(c) Seventy-five percent of the appraised value for a term of not to exceed five years, if the real property is a building lot or site ready for construction of a structure designed for residential use for one family. Each loan made pursuant to the provisions of this subdivision shall provide for equal, or substantially equal, monthly payments of principal and interest, or equal monthly payments of principal with interest payable monthly on the unpaid balance, beginning not more than 60 days after disbursement of the loan, sufficient to amortize at least 40 percent of the original principal amount of the loan prior to the end of the loan term. The borrower, including a purchaser who assumes the loan, shall execute a certification in writing stating that no lien or charge on such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan or liens in favor of any public entity or authority to secure payment of taxes, assessments or similar items, has been given or executed by the borrower or has been contracted or agreed to be so given or executed by the borrower or has been contracted or agreed to be so given or executed. The borrower shall further certify in writing that:

(1) It is his intention that the lot which is security for the loan will be the site for construction of his permanent home and is not a site for a seasonal or vacation home, and

(2) Such borrower does not own and is not purchasing any other lot intended to be the site for construction of his permanent home.

SEC. 8.5. Section 7184 of the Financial Code is amended to read:

7184. An association may, with or without security, make loans, advance credit, and purchase obligations representing loans and advances of credit, for the purpose of financing repairs, alterations, improvements, or equipment, except furnishings, on real property. Such loans or advances:

(a) Shall not exceed five thousand dollars (\$5,000) on any one loan or advance.

(b) Shall not be for a period in excess of 10 years.

(c) Shall not aggregate at any one time more than 5 percent of the association's total assets.

CHAPTER 545

An act to amend Section 15955.2 of the Education Code, relating to data-processing systems.

[Approved by Governor August 11, 1971 Filed with
Secretary of State August 11, 1971.]

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

SECTION 1. Section 15955.2 of the Education Code is amended to read:

15955.2. Continuing contracts for the lease of electronic data-processing systems may be made with an acceptable lessor until the governing board of the school district determines that it is in the best interests of that school district to replace the present electronic data-processing systems. The governing board may make such contracts with an acceptable lessor who is one of the three lowest responsible bidders.

CHAPTER 546

An act to amend Sections 24306, 24308, 24309, 24311, and 24311.1 of the Education Code, relating to the dismissal, demotion, or suspension of state college employees.

[Approved by Governor August 11, 1971 Filed with
Secretary of State August 11, 1971]

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

SECTION 1. Section 24306 of the Education Code is amended to read:

24306. Any permanent or probationary employee may be dismissed, demoted, or suspended for the following causes:

- (a) Immoral conduct.
- (b) Unprofessional conduct.
- (c) Dishonesty.
- (d) Incompetency.
- (e) Physical or mental unfitness for position occupied.
- (f) Failure or refusal to perform the normal and reasonable duties of the position.
- (g) Conviction of a felony or conviction of any misdemeanor involving moral turpitude.
- (h) Fraud in securing appointment.
- (i) Drunkenness on duty.
- (j) Addiction to the use of narcotics or habit-forming drugs.

SEC. 2. Section 24308 of the Education Code is amended to read:

24308. Notice of dismissal, demotion, or suspension for cause of an employee shall be in writing, signed by the chancellor or his designee and be served on the employee,

setting forth a statement of causes, the events or transactions upon which the causes are based, the nature of the penalty and the effective date, and a statement of the employee's right to answer within 20 days and request a hearing before the State Personnel Board.

Notice of the reassignment of an administrative employee pursuant to Section 22607 shall be in writing and shall be served on the employee setting forth a statement of the employee's right to answer within 20 days and request a hearing before the trustees but only on the question of whether the position to which he is reassigned is commensurate with his qualifications.

SEC. 3. Section 24309 of the Education Code is amended to read:

24309. Any employee dismissed, suspended, or demoted for cause may request a hearing by the State Personnel Board by filing such a request, in writing, with the board within 20 days of being served with the notice. The request may be on the grounds that the required procedure was not followed; that there is no ground for dismissal, suspension, or demotion; that the penalty is excessive, unreasonable or discriminatory; or that the employee did not do the acts or omissions alleged as the events or transactions upon which the causes are based; or that the acts or omissions alleged as the events or transactions upon which the causes are based were justified.

The State Personnel Board shall hold a hearing, following the same procedure as in state civil service proceedings and shall render a decision affirming, modifying or revoking the action taken. In a hearing, the burden of proof shall be on the party taking the dismissal action.

An administrative employee reassigned pursuant to Section 22607 may request a hearing by the trustees by filing a request for a hearing, in writing, with the trustees within 20 days of being served with the notice. The request may be on the grounds that the required procedure was not followed or that the position to which the employee is reassigned is not commensurate with his qualifications. The trustees shall hold a hearing, and shall render a decision affirming, modifying, or revoking the action taken.

SEC. 4. Section 24311 of the Education Code is amended to read:

24311. Absence without leave of an employee, whether voluntary or involuntary, for five consecutive working days is an automatic resignation from state service, as of the last date on which the employee worked.

An employee may within 90 days of the effective date of such separation file a written request with the State Personnel Board for reinstatement. If the appointing authority has notified the employee of his automatic resignation, any request for reinstatement must be in writing and filed within 15 days of the service of notice of separation. Notice may be personally

served or it may be served by mail to the last known residence or business address of the addressee and is complete on mailing. Proof of service, either personal or by mail, shall be made by affidavit. Reinstatement may be granted only if the employee makes a satisfactory explanation to the board as to the cause of his absence and his failure to obtain leave therefor, and the board finds that he is ready, able, and willing to resume the discharge of the duties of his position or, if not, that he has obtained the consent of his appointing power to a leave of absence to commence upon reinstatement.

Any employee so reinstated shall not be paid salary for the period of his absence or separation or for any portion thereof.

SEC 5. Section 24311.1 of the Education Code is amended to read:

24311.1. If a petition to set aside the resignation of any employee is filed with the State Personnel Board within 30 days after the last date upon which services to the state college are rendered, or the date the resignation is tendered, whichever is later, the resignation may be set aside on the ground that it was given or obtained pursuant to or by reason of mistake, fraud, duress, undue influence, or that for any other reason it was not the free, voluntary, and binding act of the person resigning. The State Personnel Board shall hold a hearing and render a decision on the petition following the same procedure as in the state civil service procedures governing resignations from the state civil service.

CHAPTER 547

An act to amend Section 35103 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor August 11, 1971. Filed with Secretary of State August 11, 1971.]

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

SECTION 1 Section 35103 of the Vehicle Code is amended to read:

35103. When any vehicle carries a load composed solely of plywood, particle board, hardboard, gypsum board, similar types of wallboard, or any combination thereof, stacked side by side, the total outside width of the load shall not exceed 100 inches.

This section shall not be applicable to any highway when it would operate to prevent the state from receiving federal funds for highway purposes.

CHAPTER 548

An act to add Section 10702.5 to the Education Code, relating to the public schools.

[Approved by Governor August 11, 1971 Filed with
Secretary of State August 11, 1971]

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

SECTION 1. Section 10702.5 is added to the Education Code, to read:

10702.5. The governing board of any school district may authorize any organization composed entirely of pupils attending the schools of the district to maintain such activities, including fund-raising activities, as may be approved by the governing board.

The governing board of any school district may, by resolution, authorize any student body organization to conduct fund-raising activities on school property during school hours provided that the governing board has determined that such activities will not interfere with the normal conduct of the schools.

CHAPTER 549

An act to amend Section 605 of the Education Code, relating to county boards of education.

[Approved by Governor August 11, 1971 Filed with
Secretary of State August 11, 1971.]

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

SECTION 1. Section 605 of the Education Code is amended to read:

605. Members of the county board of education shall be elected on the date and in the manner prescribed for the election of members of governing boards of school districts, provided such elections are held throughout the county on the same date; otherwise the election shall be consolidated with the direct primary election. Once established, no subsequent change of circumstances shall require that the time of holding the election be changed. Where the elections for governing board members are held on the same date, then the provisions of Section 1313 of this code shall apply to the election of members of the county board of education. The first election held under this article (commencing with Section 601) shall be conducted by the county board of supervisors and thereafter by the county board of education. Members shall take office on the first day of July subsequent to their election and shall serve for a term to be determined for each county by the county committee on school district organiza-

tion. The county committee on school district organization shall also determine the manner in which the county board of education first elected shall effect a staggering of terms.

CHAPTER 550

An act to add Chapter 3 (commencing with Section 72125) to Part 9, Division 20 of the Water Code, relating to municipal water districts.

[Approved by Governor August 11, 1971. Filed with Secretary of State August 11, 1971.]

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

SECTION 1. Chapter 3 (commencing with Section 72125) is added to Part 9, Division 20 of the Water Code, to read:

CHAPTER 3. PAYMENTS BY PUBLIC AGENCIES IN LIEU OF TAXES

72125. "Public agency," as used in this chapter, means any city, county, district, other local authority or public body of, or within, this state.

72126. On or before July 1st of each year, a district by resolution may authorize public agencies, located wholly or partially within the boundaries of the district, to pay all or any portion of the taxes levied by the district for the fiscal year commencing on July 1st of such year. Following the adoption of such resolution, any public agency located wholly or partially within the boundaries of the district may, as provided in this chapter, utilize funds derived from the sale of water or other funds not appropriated to some other use to pay a district within whose boundaries such public agency is wholly or partially situated such amounts in avoidance of taxes of the district as may be determined annually by the governing body of such public agency. Any such payment shall be credited to the taxable property of the public agency within the district and shall be deducted from the amount of taxes which would otherwise be levied by the district against such property. If any such payment exceeds the amount of taxes which would otherwise have been levied against such property, the amount of such excess, with interest, shall be carried over and applied in reduction of taxes levied on such property during the ensuing year or years.

72127. On or before the first day of September, in any year the governing body of a public agency located wholly or partially within a district may declare its intention to utilize its funds to pay the whole or a portion of the taxes to be next paid to such district.

72128. All such declarations shall be made by order and resolution of the governing body of the public agency and shall state that payment shall be made in cash directly to the district in equal installments on December 10th in the year of the declaration and on April 10th in the year next following.

72129. Immediately upon the adoption of such declaration a certified copy shall be filed by such public agency with the secretary of the district to whom the taxes would inure, the county assessor and county auditor of the county wherein the public agency is situated and the State Board of Equalization.

72130. Upon receipt of a certified copy of such declaration, the board of directors of the district may reject such declaration whenever the public agency has, in the preceding five-year period, declared its intention to utilize its funds in lieu of taxes and has failed to meet its obligations thereunder in a timely manner.

72131. Upon receipt of a certified copy of such declaration, the county assessor, county auditor, or other responsible officer shall reduce the amount of taxes to be collected within the boundaries of the public agency for the benefit of the district by the amount which the public agency has declared its intent to pay, provided, the board of directors of the district does not notify such officers of rejection of such declaration pursuant to Section 72130.

72132. A public agency which exercises its right to utilize its funds in avoidance of taxes shall retain its rights to state, county, or other public agency reimbursement to the same extent that the public agency would have enjoyed had the taxes of the district been carried on the county assessment roll.

CHAPTER 551

An act to amend Sections 13050 and 13056 of the Insurance Code, relating to insurance.

[Approved by Governor August 11, 1971. Filed with Secretary of State August 11, 1971.]

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

SECTION 1. Section 13050 of the Insurance Code is amended to read:

13050. Within 30 days after the effective date of this chapter, with the approval of the commissioner, all insurers licensed to write and engaged in writing in this state, on a direct basis, of any of the reinsured lines, shall establish the California Riot and Civil Disorders Insurance Association, to formulate and administer the program for the equitable apportionment among such insurers of insurance to the State of California to permit the State of California to discharge its obligation to reimburse the secretary, pursuant to the provisions of the

act. Each such insurer, as a condition of its authority to transact such kinds of insurance in this state, shall participate in the association in accordance with a plan of operation drawn up by the governing committee and approved by the commissioner. Such plan of operation may also provide for assessment of all members in amounts sufficient to operate the association. The governing committee shall administer this plan of operation. Unless otherwise determined at a general meeting of the insurers, the duly elected or appointed governing committee of the California FAIR Plan shall serve as the governing committee of the association.

SEC. 2. Section 13056 of the Insurance Code is amended to read:

13056. (a) In exchange for the association's assuming the obligation of the State of California to the secretary under the act, the state shall transmit to the association an annual premium as long as the association's obligation under this chapter remains in force. The first premium shall be for the year commencing July 31, 1969, payable when this section becomes effective, and the next annual premium shall be due on July 31, 1970, and additional payments shall be made on July 31 of each year thereafter.

(b) The operating expenses of the association shall be deducted from such premium, and the balance of such premium shall be allocated to members of the association on the basis of their premiums on reinsured lines in the state during such preceding calendar year.

CHAPTER 552

An act to add Section 15802.6 to the Education Code, relating to school property.

[Approved by Governor August 11, 1971. Filed with Secretary of State August 11, 1971.]

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

SECTION 1. Section 15802.6 is added to the Education Code, to read:

15802.6. Notwithstanding the provisions of Section 15802, the deductible amount of fire insurance for any community college district may exceed one thousand dollars (\$1,000) for each occurrence.

CHAPTER 553

An act relating to the reorganization of school districts.

[Approved by Governor August 11, 1971. Filed with Secretary of State August 11, 1971.]

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

SECTION 1. This act shall apply to the territory of a union high school district, located in a county with more than 90 school districts, which had an average daily attendance in kindergarten and grades 1 to 12, inclusive, of between 13,000 and 15,000 in the 1969-1970 fiscal year.

SEC. 2. If the criteria of Section 3100 of the Education Code are substantially met, the State Board of Education shall approve the reorganization of such territory into two or more unified school districts if the reorganization occurs pursuant to a plan proposed by the county committee on school district organization which contains an areawide tax rate proposal fixing rates for the elementary and high school levels deemed sufficient by the State Board of Education to overcome any disparity in the comparative wealth of the districts.

SEC. 3. Notwithstanding any other provision of law, Article 2.5 (commencing with Section 17680) and Article 3 (commencing with Section 17701) of Chapter 3 of Division 14 of, and Chapter 3.5 (commencing with Section 20910) of Division 16 of, the Education Code, relating to the areawide taxes, shall apply to the territory to which this act applies.

CHAPTER 554

*An act to add Section 23607 to the Water Code,
relating to irrigation districts.*

[Approved by Governor August 11, 1971. Filed with
Secretary of State August 11, 1971.]

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

SECTION 1. Section 23607 is added to the Water Code, to read:

23607 Notwithstanding Section 23602, or any other provision of law to the contrary, in the Palmdale Irrigation District the formation of an improvement district may be proposed by the board of the district. In such event no petition shall be required for the formation of the improvement district, but the board shall give notice of and hold a hearing on the proposal as nearly as practicable in accordance with the provisions of this chapter. If the board finds that it would be for the best interests of the district and the proposed improvement district to form the improvement district, it shall proceed with the formation of the improvement district as nearly as practicable in accordance with the provisions of this chapter, except that it shall not enter a final order forming the improvement district unless the formation of the improvement district as proposed by the board is approved by the voters of the proposed improvement district at an election held within the proposed

improvement district at which a majority of the voters voting on the proposition approve the formation of the improvement district as proposed by the board. Such election may be consolidated with any other election held within the district.

At the time of the hearing on the proposed improvement district, the board of directors may also determine that it is in the best interests of the district and of the improvement district that bonds be sold to finance the acquisition of any existing improvements within the improvement district and the construction of other improvements therein. An election shall then be called to submit to the voters the proposal of whether or not bonds in the amount determined by the board should be authorized, and the election shall be called and held pursuant to the provisions of Chapter 4 (commencing with Section 21925) of Part 4 of this division. In that event the bond election shall be consolidated with the election for the formation of the improvement district and the improvement district shall not be formed unless two-thirds of the votes cast are in favor of both the formation of the district and the issuance of the bonds.

SEC. 2. The provisions of this act are necessary because the existing procedures for the formation of improvement districts in irrigation districts preclude the establishment of improvement districts in the Palmdale Irrigation District to provide vitally needed water service to certain areas of the district, as a high percentage of landowners within the district are not residents of the district. This problem is not common to all districts formed under the Irrigation District Law. It is therefore hereby declared that a general law cannot be made applicable and that the enactment of Section 23607 of the Water Code as a special law is necessary for the solution of problems existing in the Palmdale Irrigation District.

CHAPTER 555

An act to add Section 57747 to the Education Code, relating to educational programs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 11, 1971 Filed with
Secretary of State August 11, 1971]

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

SECTION 1. There is hereby appropriated from the funds appropriated for the support of special elementary school reading instruction programs by Item 273 of the Budget Act of 1971 to the Superintendent of Public Instruction the sum of four hundred seventy-five thousand dollars (\$475,000) for the purpose of carrying out the provisions of Chapter 1199 of the

1970 Statutes for the establishment of three pilot SHARE projects in the 1971-72 school year.

SEC. 2. Section 5774.7 is added to the Education Code, to read:

5774.7. If there are not sufficient funds to fully fund the SHARE programs established pursuant to Chapter 1199 of the Statutes of 1970 and programs operated under this chapter as budgeted for the 1971-1972 fiscal year, the Superintendent of Public Instruction shall, insofar as necessary, reduce the amounts allocable under the programs conducted pursuant to this chapter according to the following schedule of priorities:

1. He shall first reduce the amount to be expended for scholarship grants for teachers under Article 6 (commencing with Section 5794) of this chapter.

2. He shall next reduce the amount to be expended for allotments for professional school librarians under Article 7 (commencing with Section 5798) of this chapter.

3. He shall next reduce the amount to be expended for salary increases under Section 5788.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit the funds appropriated by this act to be available at the commencement of the 1971-1972 school year, and thus facilitate the efficient and effective implementation of the project for the entire school year, it is essential that this act take effect immediately.

CHAPTER 556

An act to add Section 25123.5 to the Government Code, and to add Section 3751.5 to the Elections Code, relating to county government, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1971. Filed with Secretary of State August 13, 1971.]

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

SECTION 1. Section 25123.5 is added to the Government Code, to read:

25123.5. Notwithstanding the provisions of Section 25123, that portion of any ordinance which changes supervisory salaries shall become effective 60 days after its adoption.

SEC. 2 Section 3751.5 is added to the Elections Code, to read:

3751.5. Notwithstanding the provisions of Section 3751, that portion of any ordinance which changes supervisory sal-

aries shall become effective 60 days from the date of its final passage.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Important budgetary decisions affected by this act must be made immediately in view of the time limitations set forth in this act and thus this act must go into immediate effect.

CHAPTER 557

An act to amend Section 6423.1 of the Education Code, relating to mentally gifted minors.

[Approved by Governor August 13, 1971 Filed with
Secretary of State August 13, 1971]

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

SECTION 1. Section 6423.1 of the Education Code is amended to read:

6423.1. The governing board of any school district which provides a program for mentally gifted minors in accordance with Section 6423, may:

(a) Conduct programs, seminars and classes for mentally gifted minors, as defined in Section 6421, within or without the boundaries of the school district and for that purpose employ instructors, supervisors, and other personnel and provide necessary equipment and supplies.

(b) Transport or arrange transportation of pupils, instructors, supervisors or other personnel to or from such places where such programs and classes are being conducted, whether within or without the district, but such transportation shall be within the state.

(c) For such purposes use such district facilities as are authorized under Article 6 (commencing with Section 6011) of this chapter for outdoor science and conservation education.

Attendance of pupils at such programs, seminars, and classes shall be included in computing attendance and average daily attendance of the district for the purposes of apportionments from the State School Fund.

CHAPTER 558

An act to add Section 50054 to the Government Code, relating to public works.

[Approved by Governor August 13, 1971 Filed with
Secretary of State August 13, 1971.]

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

SECTION 1. Section 50054 is added to the Government Code, to read:

50054. Whenever any city or county or city and county renders construction services or constructs public works for any city, county, city and county or any other governmental agency below the level of the state government, the price charged for such services or construction shall be sufficient to reimburse the governmental body performing such services for the full cost thereof including labor, material, equipment costs or rentals and a reasonable allowance for overhead. In computing overhead, without limitation on other factors properly includable, there shall be allocated to the overhead cost its proportionate share of indirect labor and administrative costs.

CHAPTER 559

An act to amend Section 1252.2 of the Code of Civil Procedure, relating to eminent domain.

[Approved by Governor August 13, 1971 Filed with
Secretary of State August 13, 1971]

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

SECTION 1. Section 1252 2 of the Code of Civil Procedure is amended to read:

1252.2. When the property sought to be taken by eminent domain does not have a separate valuation on the assessment roll, any party to the eminent domain proceeding may, at any time after the taxes on such property are subject to cancellation pursuant to Section 4986 of the Revenue and Taxation Code, apply to the tax collector for a separate valuation of such property in accordance with Article 3 (commencing with Section 2821) of Chapter 3 of Part 5 of Division 1 of the Revenue and Taxation Code notwithstanding any provision in such article to the contrary.

CHAPTER 560

An act to amend Section 895 of the Education Code, relating to education of mentally retarded minors.

[Approved by Governor August 13, 1971 Filed with
Secretary of State August 13, 1971]

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

SECTION 1. Section 895 of the Education Code is amended to read:

895. (a) The county superintendent of schools shall establish and maintain special training schools or classes for mentally retarded minors who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 901 in the elementary schools of the district and who come within the provisions of Section 6902. The schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them.

Any elementary or unified school district which has an average daily attendance of less than 901 in elementary schools of the district, with the approval of the county superintendent of schools, may establish and maintain special training schools or classes for mentally retarded minors who come within the provisions of Section 6902.

(b) The county superintendent of schools may, with the approval of the county board of education, establish and maintain special training schools or classes for mentally retarded minors who reside in the county and who come within the provisions of Section 6902 and contract with an elementary or unified school district with an average daily attendance of 901 or more in the elementary schools of the district, or with a high school district with an average daily attendance of less than 901, subject to such terms and conditions as may be agreed upon. The contract shall be approved by the county board of education and shall require the district to pay to the county school service fund of the county in which the district is located all costs of the education of the minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such minors.

Whenever a special training school or class is established under the provisions of this subdivision, the computations prescribed by Sections 17655 5 and 17664 shall not apply.

(c) The county superintendent of schools shall establish and maintain special training schools or classes for mentally retarded minors who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools of the district and in unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the district and who come within the provisions of Section 6903. Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. In an instance where it would be impracticable because of the transportation distances existing to bring a sufficient number of mentally retarded minors, within the meaning of Section 6903, together in one place to form a special training class, the county superintendent of schools upon the annual approval of the Superintendent of Public Instruction may defer compliance with the provisions of this section for the year in question.

Any elementary or unified school district which has an average daily attendance of less than 8,000 in elementary schools of the district and any unified or high school district which has an average daily attendance of less than 8,000 in high schools of the district, with the approval of the county superintendent of schools, may establish and maintain special training schools or classes for mentally retarded minors who come within the provisions of Section 6903

A county superintendent of schools, required to provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 6903, may with the approval of the Superintendent of Public Instruction enter into agreement with an elementary, unified or high school district for the latter to provide for the education of such mentally retarded minors.

(d) The county superintendent of schools may, with the approval of the county board of education, establish and maintain special training schools or classes for mentally retarded minors who reside in the county and who come within the provisions of Section 6903 and agree with an elementary or unified school district with an average daily attendance of 8,000 or more in the elementary schools of the district and in unified or high school districts with an average daily attendance of 8,000 or more in the high schools of the district for the education by the county superintendent of schools of such minors residing in such districts. Whenever a special training school or class is established under the provisions of this subdivision, the foundation program prescribed in Section 17656 for an elementary district with an average daily attendance of 901 or more shall apply for elementary schools, and the foundation program prescribed in Section 17665 shall apply for high schools.

CHAPTER 561

An act to amend Sections 3, 5, and 6 of the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session), relating to the Castaic Lake Water Agency.

[Approved by Governor August 13, 1971. Filed with Secretary of State August 13, 1971.]

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

SECTION 1 Section 3 of the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec 3 The area is hereby divided into three divisions, such divisions being numbered first, second and third divisions

The first division shall include the northeast portion of the Agency bounded on the south by a line running west from the

northeast corner of Section 36, T. 4 N., R. 15 W., S.B.B. & M. to the northwest corner of Section 31 of T. 4 N., R. 15 W., said line being extended westerly to the intersection of the common boundaries of the first, second and third divisions; and bounded on the west by a north-south line beginning at the quarter corner in the north line of Section 34, T. 5 N., R. 16 W. and extending south to intersect the south boundary of the first division.

The second division shall include the southerly portion of the Agency lying south of a line extending from the northeast corner of Section 36, T. 4 N., R. 15 W. thence westerly to the northwest corner of Section 31, T. 4 N., R. 15 W. and projected westerly through the southwest corner of the first division to the westerly boundary of the Agency at the northeast corner of Section 31, T. 4 N., R. 16 W.

The third division shall include the northwesterly portion of the Agency not included in the first and second divisions.

Two directors shall be elected for each division by the voters thereof at the next general agency election following the organization of the agency and one director at large shall be elected at such election by the voters of the agency as a whole. Each director elected and appointed for a division shall be an elector in the division or an owner of real property in the division and shall be a resident of the county in which he is such elector or owner of real property, and each director at large shall be an elector or owner of real property in the agency and a resident of Los Angeles County, California, or of Ventura County, California. Each director elected or appointed for a division is herein called a "divisional director," and the director elected or appointed for the agency at large is herein called "director at large."

SEC. 2. Section 5 of the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 5. The board of directors of the agency organized under this act shall consist of seven members. The Board of Supervisors of Los Angeles County, California, shall appoint the first board of directors, each of whom shall be a resident or owner of real property within the agency who resides in Los Angeles County, California, and shall hold office until his successor is elected. All successors of the first board shall be elected or chosen at the time and in the manner hereinafter provided

(a) Each director elected or appointed at the first general agency election shall hold office for the term of four years from and after the date of his taking office as herein provided, and until the election and qualification of his successor, except that the six divisional directors elected or appointed at the first general agency election shall classify themselves by lot, so that three of them shall hold office until the qualification of and taking office by their successors elected at an election held the next succeeding even-numbered year, and so that three shall

hold office until the qualification of and taking office by their successors at an election held in the second successive even-numbered year.

(b) The elections of directors shall be held at the time of the general election and shall be consolidated therewith. Candidates shall declare their candidacy no less than 88 and no more than 113 days before the general election. Each candidate for director who at such election receives the highest number of votes cast for candidates for the office for which he seeks election shall be elected to such office.

If a tie vote makes it impossible to determine which of two or more candidates has been elected, the governing body shall forthwith notify the candidates who have received the tie votes to appear before it either personally or by a representative at a time and place designated by the governing body. The governing body shall at that time and place determine the tie by lot and the results thereof shall be declared by the governing body. The candidate so chosen shall qualify, take office and serve as though elected at the preceding general district election. Directors elected hereunder, except for the first board of directors, shall take office at the time provided by the Government Code for county officers. Said election held at the same time of the general election and consolidated therewith shall be known as the general Castaic Lake Water Agency election. Each other election held by authority of this act or any other law shall be known as a special Castaic Lake Water Agency election.

SEC. 3. Section 6 of the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 6 No later than 113 days before the general election the registrar of voters shall publish a notice designating the name and date of the election and the office or offices for which candidates are to be nominated. No later than 70 days before the general election the registrar of voters shall publish a notice giving the names and addresses of all candidates in the general Castaic Lake Water Agency election, the date of the election and the hours that the polls will be open.

If, on the 80th day prior to the day fixed for the agency general election, only one person has been nominated for each office of member of the board of directors to be filled at that election, or if no person has been nominated for any one or more of said offices, said board of directors shall by resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the county in which the agency or a greater portion thereof is situated, at a regular or special meeting held prior to the day of election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons who have been nominated, or if no person or persons have been nominated, any qualified person or persons. The

person appointed shall qualify and take office and serve exactly as if elected at an agency general election.

In such case the second publication provided for in this section shall, instead of calling an election, state that no election is to be held but that the board of supervisors will either appoint those nominated for the positions of directors or appoint a qualified person or persons to the office or offices for which no one has been nominated, as the circumstances may warrant. All notices required by this section shall be published in a newspaper of general circulation published in the agency or, if no such newspaper is published in the agency, in a newspaper having general circulation in the agency.

CHAPTER 562

An act to amend Sections 3212, 3212.5, and 3212.6 of the Labor Code, relating to workmen's compensation.

[Approved by Governor August 13, 1971. Filed with Secretary of State August 13, 1971.]

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

SECTION 1. Section 3212 of the Labor Code is amended to read:

3212. In the case of members of a sheriff's office, district attorney's staff of inspectors and investigators or of police or fire departments of cities, counties, cities and counties, districts or other public or municipal corporations or political subdivisions, whether such members are volunteer, partly paid, or fully paid, and in the case of active firefighting members of the Division of Forestry of the State Department of Natural Resources whose duties require firefighting or of any county forestry or firefighting department or unit, whether voluntary, fully paid, or partly paid, and in the case of members of the warden service of the Wildlife Protection Branch of the Department of Fish and Game whose principal duties consist of active law enforcement service, excepting those whose principal duties are clerical or otherwise do not clearly fall within the scope of active law enforcement service such as stenographer, telephone operators, and other officeworkers, the term "injury" as used in this act includes hernia when any part of the hernia develops or manifests itself during a period while such member is in the service in such office, staff, division, department or unit, and in the case of members of such fire departments, except those whose principal duties are clerical, such as stenographers, telephone operators and other officeworkers, and in the case of county forestry or firefighting departments, except those whose principal duties are clerical, such as stenographers, telephone operators and other officeworkers, and in the case of active firefighting members of the Division of Forestry whose duties require firefighting, and in the case of members

of the warden service of the Wildlife Protection Branch of the Department of Fish and Game whose principal duties consist of active law enforcement service, excepting those whose principal duties are clerical or otherwise do not clearly fall within the scope of active law enforcement service such as stenographer, telephone operators, and other officeworkers, the term "injury" includes pneumonia and heart trouble which develops or manifests itself during a period while such member is in the service of such office, staff, department or unit. In the case of regular salaried county or city and county peace officers, the term "injury" also includes any hernia which manifests itself or develops during a period while the officer is in the service. The compensation which is awarded for such hernia, heart trouble or pneumonia, shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits, as provided by the workmen's compensation laws of this state.

Such hernia, heart trouble or pneumonia so developing or manifesting itself in such cases shall be presumed to arise out of and in the course of the employment. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the appeals board is bound to find in accordance with it.

Such hernia, heart trouble or pneumonia so developing or manifesting itself in such cases shall in no case be attributed to any disease existing prior to such development or manifestation.

SEC. 2. Section 3212.5 of the Labor Code is amended to read:

3212.5. In the case of a member of a police department of a city or municipality, or a member of the State Highway Patrol, when any such member is employed upon a regular, full-time salary, and in the case of a sheriff or deputy sheriff, or an inspector or investigator in a district attorney's office of any county, employed upon a regular, full-time salary, the term "injury" as used in this division includes heart trouble and pneumonia which develops or manifests itself during a period while such member, sheriff, or deputy sheriff, inspector or investigator is in the service of the police department, the State Highway Patrol, the sheriff's office or the district attorney's office, as the case may be. The compensation which is awarded for such heart trouble or pneumonia shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits as provided by the provisions of this division.

Such heart trouble or pneumonia so developing or manifesting itself shall be presumed to arise out of and in the course of the employment; provided, however, that the member of the police department, State Highway Patrol, the sheriff or deputy sheriff, or an inspector or investigator in a district attorney's office of any county shall have served five years or more in such capacity before the presumption shall arise

as to the compensability of heart trouble so developing or manifesting itself. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the appeals board is bound to find in accordance with it.

Such hernia, heart trouble or pneumonia so developing or manifesting itself in such cases shall in no case be attributed to any disease existing prior to such development or manifestation.

The term "members" as used herein shall be limited to those employees of police departments, the California Highway Patrol and sheriffs' departments and inspectors and investigators of a district attorney's office who are defined as peace officers in Section 830.1, 830.2, or 830.3 of the Penal Code.

SEC. 3. Section 3212.6 of the Labor Code is amended to read:

3212.6. In the case of a member of a police department of a city or county, or a member of the sheriff's office of a county, or an inspector or investigator in a district attorney's office of any county, when any such member is employed upon a regular, full-time salary, whose principal duties consist of active law enforcement service, excepting those whose principal duties are clerical or otherwise do not clearly fall within the scope of active law enforcement service such as stenographers, telephone operators, and other officeworkers, the term "injury" includes tuberculosis which develops or manifests itself during a period while such member is in the service of such department or office. The compensation which is awarded for such tuberculosis shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits as provided by the provisions of this division.

Such tuberculosis so developing or manifesting itself shall be presumed to arise out of and in the course of the employment. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the appeals board is bound to find in accordance with it.

CHAPTER 563

An act to amend Section 15802 of, and to repeal Section 15802.5 of the Education Code, relating to school insurance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1971. Filed with
Secretary of State August 13, 1971.]

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

SECTION 1. Section 15802 of the Education Code is amended to read:

15802. The governing board of any school district shall furnish, repair, insure against fire, and in its discretion rent the school property of its districts. The governing board may also insure the property against other perils. The insurance shall be written in any admitted insurer, or in any non-admitted insurer to the extent and subject to the conditions prescribed in Section 1763 of the Insurance Code. Insurance on property of a district may be, in the discretion of the governing board, of the deductible type of coverage. By deductible type of coverage is meant a form of insurance under which the insurance becomes operative when the loss and damage exceeds an amount stipulated in the policy or policies.

The governing board, in their notice of bid for any school district construction, may indicate that it may elect to assume the cost of fire insurance by adding the coverage to the district's existing policy and in such event bids made on such construction shall be made in the alternative, with and without the fire insurance coverage included, and the governing board shall make its election as to who shall secure and pay for such insurance at the time of accepting the bid.

SEC. 2. Section 15802.5 of the Education Code is repealed.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Many policies of insurance affected by this act expire on June 30 of each year. In order that this act may apply to policies which come into force and effect on July 1, 1971, and so facilitate the orderly administration of this act, it is necessary that this act take effect immediately.

CHAPTER 564

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

[Approved by Governor August 13, 1971 Filed with
Secretary of State August 13, 1971]

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

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

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

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.

Air pollution control districts.
Airport districts.
Assessment districts.
Bridge and highway districts.
California water district improvement districts.
California water districts.
Cemetery districts.
Citrus pest control districts.
City general improvement district improvement districts.
City general improvement districts.
City maintenance districts.
Community college districts.
Community facilities districts.
Community service districts.
Conservancy districts.
County boards of education.
County drainage districts.
County fire protection districts.
County flood control and water districts.
County maintenance districts
County power pumping districts.
County sanitation districts.
County service area improvement areas.
County service areas.
County sewerage and water districts.
County water agencies.
County water authorities.
County water district improvement districts.
County water districts.
County waterworks districts.
Department of Water Resources and other agencies acting under and pursuant to Part 3 (commencing with Section 11100), Division 6 of the Water Code.

Drainage districts
Fire protection districts.
Flood control and water conservation districts.
Flood control districts.
Garbage and refuse disposal districts.
Garbage disposal districts.
Harbor districts.
Harbor improvement districts.
Harbor, recreation, and conservation districts.
Highway districts.
Highway interchange districts.
Highway lighting districts.
Horticultural protection districts.
Horticultural development districts.
Housing authorities.

Irrigation district distribution districts.
Irrigation district improvement districts.
Irrigation districts.
Joint harbor improvement districts.
Joint highway districts.
Joint municipal sewage disposal districts.
Junior college districts.
Levee districts.
Library districts.
Local health districts.
Local hospital districts.
Metropolitan water districts.
Mosquito abatement districts.
Municipal improvement district improvement districts.
Municipal improvement districts.
Municipal improvement assessment districts.
Municipal port districts.
Municipal sewer districts.
Municipal utility districts.
Municipal water district improvement districts.
Municipal water districts of any kind.
Parking authorities.
Parking districts.
Park, recreation and parkway districts.
Permanent road divisions.
Pest abatement districts.
Port districts.
Protection districts.
Public cemetery districts.
Public utility district improvement districts.
Public utility districts.
Rapid transit authorities.
Rapid transit districts.
Reclamation districts.
Recreational harbor districts.
Recreation and park districts.
Recreation, park and parkway districts.
Redevelopment agencies.
Regional park districts.
Regional planning districts.
Resort improvement districts.
River port districts.
Road districts.
Sanitary districts.
Sanitary districts annexed areas.
School districts of any kind or class.
Separation of grade districts.
Sewer maintenance districts.
Soil conservation districts.
Special transit service districts.
Storm water districts.
Transit districts.

Underground utility districts.
Unified air pollution control districts.
Unified port districts.
Urban renewal agencies.
Vehicle parking districts.
Veterans' memorial districts.
Water agencies.
Water authorities.
Water conservation districts.
Water districts.
Water replenishment districts.
Water storage district improvement districts.
Water storage districts.
Weed abatement districts.
Zones of flood control districts.
Zones of flood control and water conservation districts.
Zones of county water agencies.
Zones of county water authorities.

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

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

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

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

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

territory or the consolidation, merger or dissolution of such public bodies.

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

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

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

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

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

ing, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

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

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

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

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

SEC. 10. This act may be cited as the Second Validating Act of 1971.

SEC. 11. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The peace, health and safety of the citizens of the state require the orderly and unhampered functioning of public bodies and such functioning depends upon the validity of the organization, boundaries, and governing officers or boards of public bodies, and upon the validity of acts, proceedings, and bonds of public bodies, and it is therefore imperative and essential that such matters be validated so that during the period before this act would otherwise become effective:

(1) Citizens of the state can be afforded the protection of the police, fire, safety, sanitary, and other regulations and protections provided by public bodies;

(2) Public works and construction by public bodies can be commenced and continued without delay or restriction, to pro-

vide sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety, and immediately needed to provide for an increased population;

(3) Public bodies can issue and sell bonds heretofore authorized for the purpose of providing sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health, and safety and immediately needed to provide for an increased population, which cannot now be sold because of defects in the organization or boundaries of some public body or in the authorization of such bonds, which defects will be cured by this act.

CHAPTER 565

An act to amend Section 11850.1 of the Health and Safety Code, relating to narcotic offenses of teachers.

[Approved by Governor August 13, 1971 Filed with
Secretary of State August 13, 1971]

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

SECTION 1. Section 11850.1 of the Health and Safety Code is amended to read:

11850.1. Every sheriff or chief of police, upon the arrest for any of the narcotic offenses enumerated in Section 11850, or Sections 11910 to 11915, both inclusive insofar as said sections relate to subdivision (c) of Section 11901, of the Health and Safety Code of any school employee, shall do either of the following:

(1) If such school employee is a teacher in any of the public schools of this state, he shall immediately notify by telephone the superintendent of schools of the school district employing such teacher and shall immediately give written notice of the arrest to the State Department of Education and to the superintendent of schools in the county wherein such person is employed. Upon receipt of such notice, the county superintendent of schools shall immediately notify the governing board of the school district employing such person.

(2) If such school employee is a nonteacher in any of the public schools of this state, he shall immediately notify by telephone the superintendent of schools of the school district employing such nonteacher and shall immediately give written notice of the arrest to the governing board of the school district employing such person.

(3) If such school employee is a teacher in any private school of this state, he shall immediately notify by telephone

the private school authority employing such teacher and shall immediately give written notice of the arrest to the private school authority employing such teacher.

CHAPTER 566

An act to amend Section 9906 of the Government Code, relating to legislative advocates.

[Approved by Governor August 13, 1971 Filed with
Secretary of State August 13, 1971.]

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

SECTION 1. Section 9906 of the Government Code is amended to read:

9906. (a) Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California shall, before doing anything in furtherance of such object, register with the committee and shall give to such committee a recent three-inch by four-inch black-and-white photograph of himself and, in writing and under oath, his full legal name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses, and what expenses are to be included. He shall also, at the time of registering, submit to the committee a written authorization from each person by whom he is employed to act in furtherance of such object. Such person shall again register at each succeeding regular session of the Legislature and again submit at that time the information and authorization required by this subdivision (a), unless he at that time is no longer engaged for pay or other consideration for the purposes hereinabove specified.

(b) Each such person so registering shall, between the 1st and 15th day of each calendar month, so long as his activity continues, file with the committee a detailed report under oath of all money received and each expenditure of twenty-five dollars (\$25) or more during the preceding calendar month in carrying on his work; to whom paid; for what purposes; the total of all expenditures during the preceding calendar month; and the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials; and the proposed legislation he is employed to support or oppose. The provisions of this section shall not apply to any person who merely appears before a committee of the Legislature of the State of California in support of or opposition to legislation; nor to any state official acting in his

official capacity; nor to any elected public official acting in his official capacity; nor in the case of any newspaper or other regularly published periodical, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical, radio or television station) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislation, if such newspaper, periodical, radio or television station or individual, engages in no further or other activities in connection with the passage or defeat of such legislation, other than to appear before a committee of the Legislature of the State of California in support of or in opposition to such legislation; nor to a person when representing a bona fide church solely for the purpose of protecting the public right to practice the doctrines of such church.

(c) All information required to be filed under the provisions of this section with the committee and not previously published shall be compiled by the committee as soon as practicable after the close of the calendar month with respect to which such information is filed and shall be printed in the journal of the house of the chairman of the committee within the week immediately preceding final adjournment at each regular session.

(d) In addition to the requirements of subdivision (a), no person subject to that subdivision shall attempt to influence the passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California, unless he shall have received the certificate of registration provided for by subdivision 1 of Section 9909.

CHAPTER 567

An act to amend Section 13990.2 of, and to add Section 13990.7 to, the Government Code, relating to California Transportation Board.

[Approved by Governor August 13, 1971 Filed with
Secretary of State August 13, 1971.]

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

SECTION 1. Section 13990.2 of the Government Code is amended to read:

13990.2. There is in the Business and Transportation Agency a State Transportation Board. The board consists of seven members. The Governor shall nominate and, with the advice and consent of the Senate, shall appoint the members of the board. Except as provided in Section 13990.7, the members shall hold office for terms of four years and until their successors are appointed.

Whenever a term expires or a vacancy occurs when the Legislature is not in session, the Governor shall appoint a successor to fill the vacancy. The Senate shall consider without further presentation any appointment made when the Legislature is not in session. If the Senate consents to any appointment, such person shall hold office to the end of the term to which appointed. If the Senate takes no final action on any appointment at the next regular session of the Legislature following such appointment, the person so appointed shall hold office only until the adjournment of such session. If the Senate by final vote refuses to consent, the person so appointed shall hold office only until such refusal. The Chairmen of the Senate and the Assembly Transportation Committees shall be *ex officio* members without vote and together shall constitute a *Joint Legislative Committee on Transportation*, and shall participate in the activities of the board to the extent that such participation is not incompatible with their positions as Members of the Legislature.

The term of an appointee to a vacancy is the duration of his predecessor's term.

A nominee to fill a vacancy which occurs when the Legislature is not in session shall serve as a member of the State Transportation Board until the first day of the next regular session of the Legislature.

Sec. 1.5. Section 13990.2 of the Government Code is amended to read:

13990.2. There is in the Business and Transportation Agency a State Transportation Board. The board consists of seven members. The Governor shall nominate and, with the advice and consent of the Senate, shall appoint the members of the board. Except as provided in Section 13990.7, the members shall hold office for terms of four years and until their successors are appointed.

Whenever a term expires or a vacancy occurs when the Legislature is not in session, the Governor shall appoint a successor to fill the vacancy. The Senate shall consider without further presentation any appointment made when the Legislature is not in session. If the Senate consents to any appointment, such person shall hold office to the end of the term to which appointed. If the Senate takes no final action on any appointment at the next regular session of the Legislature following such appointment, the person so appointed shall hold office only until the adjournment of such session. If the Senate by final vote refuses to consent, the person so appointed shall hold office only until such refusal. One Member of the Senate appointed by the Senate Rules Committee and one Member of the Assembly appointed by the Speaker thereof shall be *ex officio* members without vote and together shall constitute a *Joint Legislative Committee on Transportation*, and shall participate in the activities of the board to the extent that such participation is not incompatible with their positions as Members of the Legislature.

The term of an appointee to a vacancy is the duration of his predecessor's term.

A nominee to fill a vacancy which occurs when the Legislature is not in session shall serve as a member of the State Transportation Board until the first day of the next regular session of the Legislature

SEC 2. Section 13990.7 is added to the Government Code, to read:

13990.7. The appointed positions on the State Transportation Board shall be vacant on the fourth day of February 1972. Seven persons shall be nominated and appointed pursuant to Section 13990.2 to fill such vacancies, and of these seven persons the nominator shall designate three who shall serve until March 16, 1973, two who shall serve until March 16, 1974, and two who shall serve until March 16, 1976

SEC. 3 It is the intent of the Legislature, if this bill and Senate Bill No. 286 are both chaptered and amend Section 13990.2 of the Government Code, and this bill is chaptered after Senate Bill No. 286, that Section 13990.2 of the Government Code, as amended by Section 2 of Senate Bill No. 286, be further amended on the effective date of this act in the form set forth in Section 1.5 of this act to incorporate the changes in Section 13990.2 proposed by this bill. Therefore, if Senate Bill No. 286 is chaptered before this bill and amends Section 13990.2, Section 1.5 of this act shall become operative on the effective date of this act and Section 1 of this act shall not become operative.

CHAPTER 568

An act to amend Section 673 of the Insurance Code, relating to insurance.

[Approved by Governor August 13, 1971 Filed with
Secretary of State August 13, 1971]

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

SECTION 1. Section 673 of the Insurance Code is amended to read:

673. (a) As used in this section, "exercise the right to cancel" means the act of formally electing to use the right of the insured to cancel any insurance policy in accordance with and subject to the provisions of that policy when the right to use that right of the insured has been transferred or assigned by the insured in writing to a lender who has advanced to the insurer the premium for such policy. Such transfer or assignment may be by power of attorney or other document. Such transfer or assignment may, but need not, be accompanied by an assignment of any unearned premium due the insured on cancellation.

(b) No lender shall exercise the right to cancel a financed insurance policy because of the default of the insured under a premium payment loan agreement except in accordance with this section.

(c) Written notice of the exercise of such right to cancel shall be mailed by the lender to the insurer and to the insured at the address shown on the premium payment loan agreement or his last known address, specifying a date five days or more after the date of mailing of such notice as the effective date of cancellation. Any insurer may, in writing delivered to the lender, waive, generally or specifically, the right to receive such notice or notices. A copy of such notice may be mailed to the producer of record if known to the lender, but failure to do so shall not affect any rights granted by this section. This subdivision shall not apply to an industrial loan company.

(d) An industrial loan company shall, in giving the insured 10 days' notice of its intent to cancel pursuant to Section 18923 of the Financial Code, furnish a copy of such notice to the insurance agent or insurance broker indicated on the premium finance agreement. After expiration of such 10-day period, the industrial loan company may thereafter, in the name of the insured, cancel such insurance contract or contracts by mailing to the insurer a written notice of cancellation, and the insurance contract shall be canceled as if such notice of cancellation had been submitted by the insured himself, but without requiring the return of the insurance contract or contracts. The industrial loan company shall also mail a notice of cancellation, setting forth the effective date of cancellation of the finance insurance contract, to the insured at his last known address and to the insurance agent or insurance broker indicated on the premium finance agreement. For the purposes of this subdivision, the words "premium finance agreement" shall have the same meaning as that specified in Section 18903 of the Financial Code.

(e) A written exercise of such right containing a confirmation of the effective date of cancellation shall be mailed by the lender to the insurer within five days following such effective date of cancellation specified in the notice described in subdivision (c) unless the insured has cured any and all defaults. Cancellation shall be effective on such financed insurance policy without requiring the return of the insurance policy or insurance policies, except as provided in subdivisions (f) and (g), on the confirmation date specified in the written exercise of such right. This subdivision shall not apply to an industrial loan company.

(f) All statutory, regulatory, and contractual restrictions providing that the financed insurance policy may not be canceled unless notice is given to a governmental agency, mortgagee, or other third party shall apply where cancellation is effected under this section. The insurer shall give the prescribed notice on behalf of itself or the insured to any governmental agency, mortgagee, or other third party on or before the

fifth business day after the day it receives the written exercise of cancellation right containing confirmation of the cancellation date from such lender, as provided in subdivision (e), or a written notice of cancellation from an industrial loan company, pursuant to subdivision (d), and shall, for the purpose of such notice, determine the effective date of cancellation as to those persons mentioned in this subdivision only, taking into consideration the number of days' notice required to complete the cancellation.

(g) Whenever such a financed insurance policy is canceled by any party for any reason:

(1) The insurer shall, in accordance with the written agreements of which it has notice, return to the lender such unearned premiums as are due to the lender. The amount of such return premiums shall be based upon the confirmed date of cancellation specified in subdivision (e), or upon the written notice of cancellation specified in subdivision (d) in the case of an industrial loan company, lessened by the amount, if any, to compensate equitably the insurer for carrying the risk of loss as to any governmental agency, mortgagee, or other parties specified in subdivision (f) from such date to the effective date of cancellation as to such parties.

(2) When a financed insurance policy is canceled, or the insured discontinues payments to a lender, the insurer shall calculate the return premium on a pro rata basis. This paragraph shall not apply to any policy issued under an assigned risk plan or to any policy with respect to which the insurer has made a loan to the insured for the purposes of payment of premiums for such policy.

(h) The commissioner may amend the rules and regulations of any assigned risk plan, fair plan, or similar plan to provide for the equitable assignment of insurance risks among insurers now in existence or hereafter established, in such manner as may be necessary to carry out the purposes of this section.

(i) A lender which sends a written exercise of cancellation right or a written notice of cancellation to an insurer, as provided in subdivision (e), or subdivision (d) in the case of an industrial loan company, thereby represents that he has a valid right so to do and to receive the unearned premium. If the lender thereby accomplishes the cancellation and receives an unearned premium, such representation shall be conclusive as between the insurer and the lender. An insurer relying upon the written exercise of such right containing a confirmation of cancellation date and giving, when applicable, notice as required by subdivision (e), shall be relieved from complying with any other duty or form of cancellation required by this code.

(j) This section shall not apply where the insurer exercises its own right to cancel the policy for nonpayment of premium, direct or indirect, or otherwise. Such a cancellation shall be subject to all applicable provisions of the policy, this code,

except this section, and any rights of the lender of which the insurer has written notice.

(k) This section shall apply only to contracts entered into between an insured and a lender on or after the effective date of this section.

CHAPTER 569

An act to amend Section 4651 of the Labor Code, relating to workmen's compensation.

[Approved by Governor August 13, 1971. Filed with
Secretary of State August 13, 1971.]

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

SECTION 1. Section 4651 of the Labor Code is amended to read:

4651 Such permanent or temporary disability payments shall thereafter be made not less frequently than twice in each calendar month, unless otherwise ordered by the appeals board.

No such payment shall be made by any written instrument unless it is immediately negotiable and payable in cash, on demand, without discount at some established place of business in the state.

CHAPTER 570

An act to amend Section 11512.1 of, and to add Sections 10122 and 10123 to, the Insurance Code, and to add Section 12532.9 to the Government Code, relating to insurance.

[Approved by Governor August 13, 1971. Filed with
Secretary of State August 13, 1971.]

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

SECTION 1. Section 10122 is added to the Insurance Code, to read:

10122 If a policy of group disability insurance issued or issued for delivery or amended in this state after the effective date of this section provides in any manner for coverage for an employee and one or more covered persons dependent upon such employee and provides for an extension of coverage for any period following a termination of employment of the employee, the policy shall provide that such extension of coverage shall apply to dependents upon the same terms and conditions precedent as applied to the covered employee, for the same period of time, subject to payment of premiums, if any, as required by the terms of the policy and subject to any applicable collective bargaining agreement.

All such group disability policies issued or issued for delivery or renewed in this state after the effective date of this

section shall be automatically construed to be in compliance with this section and need not be refiled or reprinted.

SEC. 2. Section 10123 is added to the Insurance Code, to read:

10123. (a) No self-insured employee welfare benefit plan, issued or renewed on or after the effective date of this section, which provides coverage for an employee and one or more covered persons dependent upon such employee and provides for an extension of coverage for any period following a termination of employment of the employee, shall fail to provide that such extension of coverage shall apply to dependents upon the same terms and conditions precedent as applied to the covered employee, for the same period of time, subject to payment of premiums, if any, as required by the terms of the policy and subject to any limitations or conditions set forth in any applicable collective bargaining agreement. All such plans entered into or renewed on or after the effective date of this section shall be construed to be in compliance with this section, and any provision in any such plan which is in conflict with this section shall be of no force or effect.

(b) As used in subdivision (a), "self-insured employee welfare benefit plan" has the same meaning as that specified in subdivision (b) of Section 10121.

SEC. 3. Section 11512.1 of the Insurance Code is amended to read:

11512.1. (a) Family hospital service contracts may be issued to a family consisting of an individual and one or more persons dependent upon him and may include his spouse whether or not dependent upon him. Such contracts shall contain a provision to the effect that to the family originally covered may be added from time to time all new members of the family group eligible for coverage and that the head of the family shall give the corporation notice of the addition to the family of any person eligible for coverage under the contracts.

(b) No such contract which contains coverage for sterilization operations or procedures may be entered into or renewed on or after November 23, 1970, if it imposes any disclaimer, restriction on, or limitation of coverage relative to the insured's reason for sterilization. All such contracts entered into or renewed on or after the effective date of such amendments shall be construed to be in compliance with this section, and any provision in any such contract which is in conflict with this section shall be of no force or effect.

(c) No such contract which contains coverage for both an employee and one or more covered persons dependent upon such employee and provides for an extension of coverage for any period following a termination of employment of the employee may be entered into or renewed on or after the effective date of the amendments to this section enacted at the 1971 Regular Session of the Legislature if it does not also provide that such extension of coverage shall apply to dependents

upon the same terms and conditions precedent as applied to the covered employee, for the same period of time, subject to payment of premiums, if any, as required by the terms of the policy and subject to any limitations or conditions set forth in any applicable collective bargaining agreement. All such contracts entered into or renewed on or after the effective date of such amendments shall be construed to be in compliance with this section, and any provision in any such contract which is in conflict with this section shall be of no force or effect.

SEC. 4. Section 12532.9 is added to the Government Code, to read:

12532.9. No health care service plan entered into or renewed on or after the effective date of this section which contains coverage, whether by specific benefit or by the effect of general wording, for both an employee and one or more covered persons dependent upon such employee and provides for an extension of such coverage for any period following a termination of employment of the employee shall fail to provide that such extension of coverage shall apply to dependents upon the same terms and conditions precedent as applied to the covered employee, for the same period of time, subject to payment of premiums, if any, as required by the terms of the policy and subject to any applicable collective bargaining agreement. All such plans entered into or renewed on or after the effective date of this section shall be construed to be in compliance with this section, and any provision in any such plan which is in conflict with this section shall be of no force or effect.

CHAPTER 571

An act to add Section 15802.1 to the Education Code, relating to school district property.

[Approved by Governor August 13, 1971. Filed with
Secretary of State August 13, 1971.]

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

SECTION 1. Section 15802 1 is added to the Education Code, to read:

15802.1 The governing board of any school district may, by resolution, establish a fund for losses to school district property in the county treasury for the purpose of covering, with respect to school district property, the deductible amount under deductible types of insurance policies or losses due to noninsured perils. In the fund shall be placed such sums, to be provided in the budget of the school district, as will create an amount which, together with investments made from the fund, will be sufficient in the judgment of the governing board to protect the school district from losses on any part of its school property due to the deductible amount under deductible types of insurance policies or losses due to noninsured

perils. Nothing in this section shall be construed as prohibiting the governing board from providing protection against losses to school district property partly by means of the fund and partly by means of insurance written by admitted insurers as provided in Section 15802.

Annual contributions to the fund shall not exceed one-half of 1 percent of the general fund budget of the school district or fifty thousand dollars (\$50,000), whichever is the greater.

The fund shall be considered as separate and apart from all other funds of the school district, and the balance therein shall not be considered as being part of the working cash of the school district in compiling annual budgets or fixing annual tax rates.

Warrants shall not be drawn on or transfers made from the fund so created, except to reimburse or indemnify the school district for losses as herein specified, and only upon resolution duly adopted by the board of education.

The cash placed in the fund may be invested and reinvested by the county treasurer, with the advice and consent of the governing board of the school district, in securities which are legal investments for surplus county funds in this state. The income derived from such investments, together with interest earned on uninvested funds, shall be considered revenue of and be deposited in the fund.

CHAPTER 572

An act to amend Section 117 of the Code of Civil Procedure, relating to small claims courts.

[Approved by Governor August 13, 1971. Filed with Secretary of State August 13, 1971.]

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

SECTION 1. Section 117 of the Code of Civil Procedure is amended to read:

117. All judges of the justice court, except as otherwise provided in this section, and judges of the municipal court shall exercise the jurisdiction conferred by this chapter, and while sitting in the exercise of said jurisdiction shall be known and referred to as the small claims court; provided, that the jurisdiction of such court, when sitting as a small claims court, shall be confined to cases for the recovery of money only where the amount claimed does not exceed five hundred dollars (\$500), except that a municipal court judge sitting as a small claims court shall also have jurisdiction in proceedings in unlawful detainer after default in rent for residential property where the term of tenancy is not greater than month to month, and where the whole amount claimed is five hundred dollars (\$500) or less.

Such courts shall have jurisdiction in actions to enforce payment of delinquent unsecured personal property taxes if the legality of the tax is not contested by the defendant.

Action shall be commenced and maintained in small claims court as follows:

(1) When a defendant has contracted to perform an obligation in a particular judicial district, an action founded on such obligation may be commenced and maintained either in the judicial district where such obligation is to be performed, or in which the defendant, or any such defendant, resides at the commencement of the action.

(2) When the action be for injury to person or to personal property, either the judicial district where the injury occurs, or where the defendants, or any of them, reside at the commencement of the action, shall be the proper judicial district for the trial of the action.

(3) In all other cases, actions shall be commenced and maintained in the judicial district in which the defendant, or any such defendant, resides at the commencement of the action.

SEC. 2. It is the intent of the Legislature that if this bill and Senate Bill No. 871 are both chaptered, Senate Bill No. 871 repeals Section 117 of the Code of Civil Procedure, and this bill is chaptered after Senate Bill No. 871, that Section 117 of the Code of Civil Procedure, as amended by Section 1 of this act, shall remain operative only until the operative date of Senate Bill No. 871, and that on the operative date of Senate Bill No. 871 Section 117 of the Code of Civil Procedure, as amended by Section 1 of this act, is repealed.

CHAPTER 573

An act to add Section 20954 to the Education Code, relating to school districts.

[Approved by Governor August 13, 1971 Filed with
Secretary of State August 13, 1971]

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

SECTION 1. Section 20954 is added to the Education Code, to read:

20954. The governing board of any school district may direct that moneys held in any special or restricted fund or account may be temporarily transferred from one or more of these accounts or funds to the general fund of the district to be used for the payment of obligations of the general fund of the district. Such a transfer can be made not more than twice within a fiscal year from the same fund or account and only when the district will receive income sufficient to repay the amount transferred. The amount transferred shall be repaid to the special restricted fund or account either in the

same or the following fiscal year, but in any case not more than 120 calendar days after the transfer. No more than 75 percent of the maximum of moneys held in any special or restricted fund or account during a current fiscal year may be transferred pursuant to the provisions of this section during that fiscal year.

CHAPTER 574

An act to amend Section 13002 of the Education Code, relating to school districts.

[Approved by Governor August 13, 1971 Filed with
Secretary of State August 13, 1971]

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

SECTION 1. Section 13002 of the Education Code is amended to read:

13002. The governing board of any school district shall provide for the payment of the actual and necessary traveling expenses of any employee of the district when performing services for the district under the direction of the governing board. The board may authorize an advance of funds to cover such necessary traveling expense. Such advance shall be repaid or adjusted upon filing of a regular claim for the actual and necessary traveling expenses incurred. The governing board may direct any employee of the district to attend any convention or conference or to visit schools for the discussion or observation of any school matter appertaining to the duties of the employee or any question of interest to the school district.

In implementing this section, a governing board of any school district having an average daily attendance in excess of 50,000 pupils may, by rule or regulation, delegate to the district superintendent the authority to perform all powers described in this section; provided, that funds expended pursuant to such delegation shall not exceed the amount previously budgeted for such purposes by the governing board.

SEC. 2. Section 13002 of the Education Code is amended to read:

13002. The governing board of any school district shall provide for the payment of the actual and necessary business expenses, including traveling expenses, of any employee of the district incurred in the course of performing assigned services for the district, whether within or outside the district, under the direction of the governing board. The board may authorize an advance of funds to cover such necessary expense. Such advance shall be repaid or adjusted upon filing of a regular claim for the actual and necessary expenses incurred. The governing board may direct any employee of the district to attend any convention or conference or to visit schools for the discussion or observation of any school matter appertaining

to the duties of the employee or any question of interest to the school district.

In implementing this section, a governing board of any school district having an average daily attendance in excess of 50,000 pupils may, by rule or regulation, delegate to the district superintendent the authority to perform all powers described in this section; provided, that funds expended pursuant to such delegation shall not exceed the amount previously budgeted for such purposes by the governing board.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 784 are both chaptered and amend Section 13002 of the Education Code, and this bill is chaptered after Senate Bill No. 784, that the amendments to Section 13002 proposed by both bills be given effect and incorporated in Section 13002 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 784 are both chaptered, both amend Section 13002, and Senate Bill No. 784 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 575

An act to amend Section 1357 of the Financial Code, relating to banks.

[Approved by Governor August 13, 1971. Filed with
Secretary of State August 13, 1971.]

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

SECTION 1. Section 1357 of the Financial Code is amended to read:

1357. An amount not exceeding in all 20 percent of the bank's savings deposits in (a) the bonds or other evidences of indebtedness of, or which are unconditionally guaranteed by the Dominion of Canada, the State of Israel, the Commonwealth of Puerto Rico, or any state of the United States other than California, for the payment of both principal and interest of which in United States' dollars, the faith and credit of such entity is pledged; (b) in limited obligations of any state of the United States, other than California, or the Commonwealth of Puerto Rico, payable only from special taxes which are pledged to the payment of principal and interest of such limited obligations; and (c) in the bonds or other evidences of indebtedness of any city, county, political subdivision, public corporation, or district (herein referred to generally as public corporations) of any state of the United States other than California, or of the Dominion of Canada, or of the State of Israel, or of the Commonwealth of Puerto Rico, having the power without limit as to rate or amount to levy taxes to pay the principal and

interest of such bonds upon all property within its boundaries subject to taxation by such public corporation; provided:

(a) An amount exceeding 25 percent of the paid-up capital and surplus of the savings bank or 1 percent of the savings deposits of the bank, whichever is greater, may not be invested in the bonds or other obligations of any one state other than California, or in the bonds of the Dominion of Canada, the State of Israel, the Commonwealth of Puerto Rico, or any one public corporation located in a state other than California;

(b) In the case of bonds constituting general obligations of any such state, commonwealth, dominion, or country, such state, commonwealth, dominion, or country has not within 10 years prior to such investment defaulted for a period of more than 90 days in the payment of any part of either principal or interest of any of its debts;

(c) In the case of such limited obligations of any such state, or commonwealth, (1) that such state, or commonwealth, has not within 10 years prior to the date of such investment defaulted for a period of more than 90 days in the payment of either principal or interest of any of its debts; (2) the special taxes pledged for the payment of such limited obligations shall have been collected for five fiscal years next preceding any investment and during said five fiscal years shall have averaged at least one and one-half times the debt service requirements, including those for principal, interest, and sinking fund, on all such special obligations existing at the time; and (3) such special taxes for each of said five fiscal years shall have equaled at least the amount of all such debt service requirements on such special obligations; and

(d) In the case of bonds or other evidences of indebtedness of any such public corporation of any state other than California, or of such commonwealth:

(1) Such public corporation has had a corporate existence or been otherwise established and functioning for at least 10 years prior to the time of such investment;

(2) Such public corporation has a population of at least 50,000 inhabitants according to the last federal or state census;

(3) Such public corporation for a period of at least 10 years prior to such investment has not defaulted in the payment of any part of the principal or interest of any of its debts for a period of more than 90 days; and

(4) The net direct debt together with the net overlapping debt of such public corporation does not exceed 10 percent of the assessed valuation of the property subject to taxation by such public corporation according to the last official equalized assessment roll or list upon the basis of which taxes for debt service are based.

CHAPTER 576

An act to amend Sections 72702, 72702.5, 72703, 72704, 72704.5, 72712, 72750 5, 72751, 72751.1, 72751 5, 72752, 72753, 72754 of, and to add Sections 72708 and 72708 5 to, the Government Code, relating to municipal courts.

[Approved by Governor August 13, 1971 Filed with
Secretary of State August 13, 1971.]

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

SECTION 1. Section 72702 of the Government Code is amended to read:

72702. There shall be one clerk who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 81 of the salary schedule.

SEC. 2. Section 72702.5 of the Government Code is amended to read:

72702.5. The clerk may appoint one chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 71 of the salary schedule.

SEC. 3. Section 72703 of the Government Code is amended to read:

72703. The clerk may appoint:

(a) One deputy clerk who shall be chief, traffic division, and who shall receive a monthly salary at a rate specified in Schedule 64.

(b) One deputy clerk who shall be chief, civil division, and who shall receive a monthly salary at a rate specified in Schedule 64.

(c) One deputy clerk who shall be chief, criminal division, and who shall receive a monthly salary at a rate specified in Schedule 64.

(d) One deputy clerk who shall be chief, accounting division, and who shall receive a monthly salary at a rate specified in Schedule 62

(e) Three deputy clerks, assistant division chiefs, each of whom shall receive a monthly salary at a rate specified in Schedule 59

(f) One deputy clerk who shall be chief, administrative services, and who shall receive a monthly salary at a rate specified in Schedule 64.

(g) One deputy clerk who shall be administrative jury commissioner, and who shall receive a monthly salary at a rate specified in Schedule 60

(h) One deputy clerk who shall be assistant secretary and jury commissioner, and who shall receive a monthly salary at a rate specified in Schedule 64.

(i) One deputy clerk, who shall be criminal courts coordinator, and who shall receive a monthly salary at a rate specified in Schedule 57.

(j) Five deputy clerks, principal clerk, each of whom shall receive a monthly salary at a rate specified in Schedule 55

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule.

SEC. 4. Section 72704 of the Government Code is amended to read:

72704. The clerk may also appoint:

(a) Five deputy clerks grade V, each of whom shall receive a monthly salary at a rate specified in Schedule 55.

(b) Seventy-five deputy clerks grade IV, plus one additional such deputy clerk for each judge in excess of 64 and each commissioner or traffic referee in excess of 12 to which the court is or may become entitled by law, each of whom shall receive a monthly salary at a rate specified in Schedule 51.

(c) One deputy clerk, administrative secretary, presiding judge, who shall receive a monthly salary at a rate specified in Schedule 48. Appointments to said position shall be at step 3 of said schedule.

(d) One deputy clerk, administrative secretary, clerk, who shall receive a monthly salary at a rate specified in Schedule 47. Appointments to said position shall be at step 3 of said schedule.

(e) One deputy clerk, jury interviewer, who shall receive a monthly salary at a rate specified in Schedule 46

(f) Fifteen deputy clerks, judicial secretary, each of whom shall receive a monthly salary at a rate specified in Schedule 41. Appointments to said positions shall be at step 3 of said schedule.

(g) Seventy-five deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 34.

(h) Five deputy clerks, supervising clerk, each of whom shall receive a monthly salary at a rate specified in Schedule 41.

(i) One hundred thirty deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 30.

(j) One hundred sixty deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 26. Appointments to such positions shall be at step 3 of the schedule.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule.

SEC. 5. Section 72704.5 of the Government Code is amended to read:

72704.5. The clerk may also appoint the following deputy clerks as needed.

(a) One computer operations supervisor, who shall receive a monthly salary at a rate specified in Schedule 61.

(b) One head keypunch operator, who shall receive a monthly salary at a rate specified in Schedule 42.

(c) Three supervising keypunch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 38.

(d) Three senior keypunch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 34.

(e) Eighty-five keypunch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 30.

(f) One EDP senior programmer analyst, who shall receive a monthly salary at a rate specified in Schedule 61.

(g) One EDP data systems analyst who shall receive a monthly salary at a rate specified in Schedule 56.

(h) One head computer operator, who shall receive a monthly salary at a rate specified in Schedule 53.

(i) One EDP staff aide who shall receive a monthly salary at a rate specified in Schedule 40.

(j) Six supervising computer operators, each of whom shall receive a monthly salary at a rate specified in Schedule 51.

(k) Six computer systems operators, each of whom shall receive a monthly salary at a rate specified in Schedule 45.

(l) Six computer equipment operators, each of whom shall receive a monthly salary at a rate specified in Schedule 39.

(m) Six programmer analyst trainees, each of whom shall receive a monthly salary at the rate specified in Schedule 39.

On the effective date of any amendment to the Salary Ordinance of Los Angeles County adjusting the salary of any position having the same classification as a court position listed in this section, the salary of such listed court position shall be adjusted an equivalent number of schedules in the salary schedule to which it is attached. If the level of compensation established by any such salary adjustment is not reflected in the salary schedule number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary schedule number. Such salary adjustments shall be effective until 90 days after adjournment of the next succeeding regular session of the Legislature.

Persons occupying positions listed in this section shall be entitled to all employee benefits that are provided for or made applicable to a Los Angeles County employee having an equal period of service.

SEC. 6. Section 72708 is added to the Government Code, to read:

72708. Notwithstanding the provisions of Section 72400 of the Government Code, the Judges of the Municipal Court, Los Angeles Judicial District, may appoint such number of traffic referees, not exceeding four, as the business of the court requires who shall possess the powers and perform the duties specified in Article 9 (commencing with Section 72400) of Chapter 8 of Title 8 of the Government Code. Each of said traffic referees shall hold office at the pleasure of the judges of the court and shall receive a salary equal to sixty-five percent (65%) of the salary of a judge of said court. They shall

be members of any retirement system which includes attachés of the court

SEC. 7. Section 72712 of the Government Code is amended to read:

72712. There shall be set aside from the revenue of the court a revolving fund in the amount of one hundred twenty-five thousand dollars (\$125,000). The fund shall be known as the reporters' salary fund.

At the time of each monthly distribution of the revenue of the court to the cities within the judicial district and to the county within which the court is established, the clerk of the court shall deduct proportionately from their respective total shares such sum as will, when added to the sum then remaining in the fund, equal one hundred twenty-five thousand dollars (\$125,000) and deposit it in the fund

Deductions from the county's share of the revenue shall be made from that portion of it distributable to the salary fund of the county, and deductions from each city's share shall be made from that portion of it distributable to the general fund of each city.

For the purposes of this section the "revenue" of the court includes all fines, forfeitures, and fees accruing to the cities or the county, except law library fees.

SEC. 8. Section 72708.5 is added to the Government Code, to read:

72708.5. The judges of the court may appoint as many interpreters, not exceeding four, and as many law clerks, not exceeding three, as the business of the court may require. Employees appointed pursuant to this section shall hold office at the pleasure of the judges and shall receive the same compensation as is paid to the respective class of employees in the Superior Court of Los Angeles County. They shall be members of any retirement system which includes attachés of the court.

SEC. 9. Section 72750.5 of the Government Code is amended to read:

72750.5. In each municipal court district having seven judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 69.

The clerk may appoint:

(a) Eleven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 26. Appointment to said positions shall be at step 3 of said schedule.

(b) Thirteen deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 30.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 36.

(d) Nine deputy clerks grade IV, plus one additional such deputy clerk for each commissioner or traffic referee appointed pursuant to Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 51.

(e) One deputy clerk, judicial secretary, who shall receive a monthly salary at a rate specified in Schedule 41.

(f) One chief clerk—administrative services, who shall receive a monthly salary at a rate specified in Schedule 56.

(g) One jury secretary who shall receive a monthly salary at a rate specified in Schedule 56.

(h) One chief clerk—civil, who shall receive a monthly salary at a rate specified in Schedule 56.

(i) One chief clerk—criminal, who shall receive a monthly salary at a rate specified in Schedule 56.

(j) One chief clerk—traffic, who shall receive a monthly salary at a rate specified in Schedule 56.

(k) One occupant of chief clerk position as set forth in this section shall be designated by the clerk as assistant clerk and shall receive a one-step increase in compensation.

SEC. 10. Section 72751 of the Government Code is amended to read:

72751. In each municipal court district having six judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 67.

The clerk may appoint:

(a) Ten deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 26. Appointment to said positions shall be at step 3 of said schedule.

(b) Twelve deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 30.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 36.

(d) Eight deputy clerks grade IV, plus one additional such deputy clerk for each commissioner or traffic referee appointed pursuant to Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 51.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 58.

SEC. 11. Section 72751.1 of the Government Code is amended to read:

72751.1. In each municipal court district having five judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 66.

The clerk may appoint:

(a) Nine deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 26. Appointments to said positions shall be at step 3 of said schedule.

(b) Eleven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 30.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 36.

(d) Seven deputy clerks grade IV, plus one additional such deputy clerk for each commissioner or traffic referee appointed pursuant to Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 51.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 57.

SEC. 12. Section 72751.5 of the Government Code is amended to read:

72751.5. In each municipal court district having four judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 66.

The clerk may appoint:

(a) Nine deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 26. Appointments to said positions shall be at step 3 of said schedule.

(b) Eleven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 30.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 36.

(d) Six deputy clerks grade IV, plus one additional such deputy clerk for each commissioner or traffic referee appointed pursuant to Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 51.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 57.

SEC. 13. Section 72752 of the Government Code is amended to read:

72752. In each municipal court district having three judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 65.

The clerk may appoint:

(a) Nine deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 26. Appointments to said positions shall be at step 3 of said schedule.

(b) Eleven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 30.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 36.

(d) Five deputy clerks grade IV, plus one additional such

deputy clerk for each commissioner or traffic referee appointed pursuant to Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 51.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 57.

SEC. 14. Section 72753 of the Government Code is amended to read:

72753. In each municipal court district having two judges authorized by law the officers and attachés shall be appointed and compensated as follows

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 65.

The clerk may appoint:

(a) Six deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 26. Appointments to said positions shall be at step 3 of said schedule.

(b) Eight deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 30.

(c) Six deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 36.

(d) Three deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 51.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 57.

SEC. 15. Section 72754 of the Government Code is amended to read:

72754. In each municipal court district having one judge authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judge of the court, who shall receive a monthly salary at a rate specified in Schedule 63.

The clerk may appoint:

(a) Two deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 26. Appointments to said positions shall be at step 3 of said schedule.

(b) Three deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 30.

(c) Two deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 36.

(d) Two deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 51; provided, however, that one of such deputy clerks grade IV whose regular duties shall include the supervision of clerical personnel shall, for the duration of such assignment, receive compensation at the rate of the next higher numbered salary schedule which will increase his basic compensation by one step.

CHAPTER 577

An act to amend Sections 14000, 14000.1, 14005, 14006, 14008, 14008.5, 14016, 14017, 14018, 14019, 14019.5, 14022, 14051, 14053, 14053.5, 14054, 14055, 14057, 14058, 14103.4, 14103 6, 14104, 14105, 14105.5, 14106, 14106 5, 14110, 14111, 14114, 14115, 14115.5, 14120, 14122, and 14159 of, to amend and renumber Sections 14005.1, and 14005 3 of, to add Sections 14005.1, 14005 12, 14005.2, 14005.3, 14005.4, 14005 6, 14005.7, 14023, 14024, 14052, 14063, 14104.3, 14105 3, 14106.2, 14110.1, 14150, 14151, 14152 and 14161 to, and to add Article 4 (commencing with Section 14125), Article 4.2 (commencing with Section 14131) and Article 4.4 (commencing with Section 14140) to Chapter 7 of Part 3 of Division 9 of, and to repeal Sections 14005.2, 14005.5, 14102, 14103, 14108.5, 14120.2, 14150, 14150.1, 14150 2, 14150.3, 14150.4, 14151, 14153, 14154, 14155, 14156, and Article 4 (commencing with Section 14125) of Chapter 7 of Division 9 of, the Welfare and Institutions Code, relating to health care services, making an appropriation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1971 Filed with
Secretary of State August 13, 1971]

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

SECTION 1. Section 14000 of the Welfare and Institutions Code is amended to read:

14000. The purpose of this chapter is to afford health care and related remedial or preventive services to recipients of public assistance and to medically indigent aged and other persons, including related social services which are necessary for those receiving health care under this chapter.

The intent of the Legislature is to provide, to the extent practicable, through the provisions of this chapter, for health care for those aged and other persons, including family persons who lack sufficient annual income to meet the costs of health care, and whose other assets are so limited that their application toward the costs of such care would jeopardize the person or family's future minimum self-maintenance and security. It is intended that whenever possible and feasible:

(a) Such care shall, to the extent feasible, be provided through a system of prepaid health plans through contracts with carriers.

(b) The means employed shall be such as to allow, to the extent practicable, eligible persons to secure health care in the same manner employed by the public generally, and without discrimination or segregation based purely on their economic disability.

(c) The benefits available under this chapter shall not duplicate those provided under other federal or state laws or under

other contractual or legal entitlements of the person or persons receiving them.

(d) In the administration of this chapter and in establishing the means to be used, the department shall give due consideration both to the appropriate organization and to the ready accessibility and availability of the facilities and resources for health care to persons eligible under this chapter, and to new and innovative approaches to the delivery of health care services.

(e) In providing benefits under this chapter through pre-paid health plans the department may contract with one or more carriers whereby the carrier provides a program underwriting the risk involved.

(f) In providing benefits under this chapter the department may contract with carriers or other organizations to establish pilot programs to provide health care services in the most efficient manner possible. Such programs shall demonstrate different methods of providing health care services and shall emphasize methods of utilization, review and preventive care, and shall provide incentives for using the most economical level of care. Such programs may provide benefits on the basis of class of recipient, class of benefit, geographical area, or any other reasonable classification. In entering into contracts under this subdivision the department may provide that the extent of benefit coverage may be limited to a fixed number of days, or amount, or duration of services. The contract may provide that the carrier or other organization shall continue to administer benefits provided beyond the applicable limitation. Any contracts entered into under Section 14104 shall not interfere or conflict with pilot programs established pursuant to this subdivision.

The director shall submit to the Legislature a written progress report regarding any action taken under the above provisions of this subdivision no later than the fifth legislative day of each general session.

In addition the director shall establish a pilot program to compare patient treatment profiles and prior authorization as controls of overutilization. It is the intent of the Legislature that the most cost effective system shall be established on a statewide basis. The director shall report to the Legislature the results of this project within six months of its initiation.

SEC. 2. Section 14000.1 of the Welfare and Institutions Code is amended to read:

14000.1. It is the intent of the Legislature that health care services available under this chapter shall be at least equivalent to the level provided in 1970-71.

SEC. 3. Section 14005 of the Welfare and Institutions Code is amended to read:

14005. The health care benefits and services specified in this chapter, to the extent that such services are neither provided under any other federal or state law nor provided nor available under other contractual or legal entitlements of the

person, shall be provided under this chapter to any person who is a resident of this state and is made eligible by the provisions of this article.

SEC. 4. Section 14005.1 of the Welfare and Institutions Code is amended and renumbered to read:

14005.10. For purposes of facilitating arrangements for health care through prepaid health plans, the department may set standards for determining monthly income, for purposes of eligibility, on the person's average pattern of income and earnings, subject to subsequent adjustment if actual experience deviates substantially from the amount determined by such method.

SEC. 5. Section 14005.1 is added to the Welfare and Institutions Code, to read:

14005.1. Persons receiving public assistance or found eligible therefor under the provisions of Chapters 2 (commencing with Section 11200), 3 (commencing with Section 12000), 4 (commencing with Section 12500), 5 (commencing with Section 13000), or 6 (commencing with Section 13500) of Part 3, of Division 9 of this code, are eligible for health care services under Section 14005.

SEC. 6. Section 14005.12 is added to the Welfare and Institutions Code, to read:

14005.12. For the purposes of Section 14005.7 the amount considered as required for maintenance per month, exclusive of special need, shall be the minimum basic standards of adequate care determined pursuant to Section 11452 of this code, except that the standard for a single person shall be 85 percent of the standard for an average two-person family under Section 11452; provided that the amount required for maintenance per month, exclusive of special need, shall be no less than the standards determined pursuant to Section 11452 in effect on June 30, 1971 and except that the standard for a single person shall be one hundred seventy dollars (\$170); provided, further, the director, to meet the requirements of the Federal Social Security Act and insure the highest possible percentage of federal financial participation in the program provided by this chapter, may decrease or increase the amounts set forth herein but in no event shall such amounts exceed the most liberal amount considered as required for maintenance under any public assistance program pursuant to this part.

SEC. 6.5. Section 14005.2 of the Welfare and Institutions Code is repealed.

SEC. 7. Section 14005.2 is added to the Welfare and Institutions Code, to read:

14005.2. Persons who have not applied for assistance under one of the chapters specified in Section 14005.1 but, except for such application, meet all the conditions, including the financial conditions, of eligibility for aid under one of those chapters, are eligible for health care services under Section 14005.

SEC. 8. Section 14005.3 of the Welfare and Institutions Code is amended and renumbered to read:

14005.13. If a person is an inpatient for more than the month of admission the amount considered as required for maintenance per month shall be computed pursuant to regulations which provide for the following purposes:

(a) Personal and incidental needs while a patient;
(b) The upkeep and maintenance of the home;
(c) The support and care of his spouse, minor dependents and any disabled relative for whose support he has contributed regularly.

(d) If federal requirements permit such a person to own an automobile of greater value than is permitted in the case of recipients of aid under Chapter 3 of this part, the department shall adopt the more liberal allowance in its rules and regulations.

SEC. 9. Section 14005.3 is added to the Welfare and Institutions Code, to read:

14005.3. A person in a medical facility, including a skilled nursing home, hospital, institution for tuberculosis, or for mental disease and who, if he left the facility, would be eligible for a cash grant under a chapter specified in Section 14005.1, is eligible for health care services under Section 14005, to the extent for which there is matching federal financial participation.

SEC 10. Section 14005.4 is added to the Welfare and Institutions Code, to read:

14005.4. A person under 21 years of age, who would qualify on the basis of financial eligibility but who does not qualify as a dependent child, under the provisions of Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of this code, is eligible for health care services under Section 14005; provided, however, if such person is voluntarily living apart from a parent or parents, he is not eligible under Section 14005, unless his living apart is temporary and is for purposes of education and training, such as school attendance, but only to and including the 12th grade.

Included under this section are children in foster care for whom public agencies are assuming financial responsibility in whole or in part and persons receiving aid under Chapter 2.1 (commencing with Section 16115) of Part 4 of Division 9 of this code.

The director may, to meet the requirements of the Federal Social Security Act, decrease or increase the eligibility standards for persons under this section.

SEC. 11. Section 14005.5 of the Welfare and Institutions Code is repealed.

SEC. 12. Section 14005.6 is added to the Welfare and Institutions Code, to read:

14005.6. (a) When a person is not eligible for aid under any of the chapters set forth in Section 14005.1, but meets all of the following conditions, he is eligible for health care benefits or services under Section 14005:

(1) He or his family meet the income and resource requirements for aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of this code;

(2) He resides within the state;

(3) He is a citizen of the United States, or has been legally present in the United States for a period of five years immediately preceding the date of application for Medi-Cal coverage, or who has applied for citizenship;

(4) He is 21 years of age or older, or has entered into a ceremonial marriage; and

(5) He is not receiving adequate financial contributions toward his support and cost of health care from a husband or wife or parent or adult child able to and responsible for support under the laws of this state.

(b) The director shall establish regulations by which medical care costs are considered in the determinations of eligibility under this section and under Section 14005.4.

(c) Any person who has a legal obligation under pertinent sections of the Civil Code to support a person who is eligible under this section to receive health care services, shall complete a statement containing such financial information as may be deemed reasonably necessary by the department for the county to determine his ability to support the applicant. Any such person who fails or refuses to complete such statement, or who furnishes or reports false or misleading financial information, is guilty of a misdemeanor.

A responsible relative shall be required to pay towards the cost of health care services of a beneficiary under this chapter, the amount for which he would be liable under pertinent sections of the Civil Code.

The duty to support under this section shall be enforced by the county which determined the eligibility of the person to whom support is owed.

The failure of a responsible relative to comply with this section shall in no way affect the eligibility for health care services of the person for whom he is responsible.

SEC. 13. Section 14005.7 is added to the Welfare and Institutions Code, to read:

14005.7. The following medically indigent adult and family persons are eligible for health care service under Section 14005:

(a) A medically indigent adult person whose monthly income in excess of the amount required for maintenance established pursuant to Section 14005.12 (exclusive of any amounts considered exempt as income under other provisions of this code pertaining to public assistance recipients) is not sufficient to provide for the cost of health care or coverage less any amount by which the value of his other resources, owned by him alone, or in combination with his spouse, exceeds the value established in accordance with Section 14006, or a reasonable portion of such value thereof as may be determined in accordance with standards established by the director; or

(b) A medically indigent family person in a family whose monthly family income in excess of the amount required for maintenance established pursuant to Section 14005.12, by family size (exclusive of any amounts considered exempt as income under other provisions of this code pertaining to public assistance recipients) is not sufficient to provide for the cost of health care or coverage less any amount by which the value of the family's other resources exceeds the value established in accordance with Section 14006, or a reasonable portion of such value thereof as may be determined in accordance with standards established by the director.

SEC. 14. Section 14006 of the Welfare and Institutions Code is amended to read:

14006. For the purposes of Section 14005.7, the term "other resources" means the value of other property holdings, including real property other than that stipulated in Sections 11152 and 11153 and the value of personal property as stipulated in Sections 11154 and 11155; provided, the director, to meet the requirements of the federal Social Security Act and to insure the highest percentage of federal financial participation in the program provided by this chapter, may decrease or increase the amounts set forth therein. If the holdings are in the form of real property, the value shall be computed on the basis of four (4) times the assessed value less the unpaid amount of any encumbrance of record. If the holdings consist of money on deposit, the value shall be the actual amount thereof. If the holdings are in any other form of personal property or investment, except life insurance, the value shall be the conversion value as of the date of application or the anniversary date of such application. If the holdings are in the form of life insurance, the value shall be the cash value as of the policy anniversary nearest the date of such application.

The value of property holdings shall be determined as of the date of application and, if the person is found eligible, this determination shall establish the amount of such holdings to be considered during the ensuing 12 months except as provided in the following paragraph:

A new determination to govern during the succeeding 12 months shall be made on the first anniversary date of the application or such alternate date as may be established following the acquisition of additional holdings as provided in the following paragraph and on each succeeding anniversary date thereafter.

If any person shall by gift, inheritance, or other manner, acquire additional holdings during any such interval, other than from his own earnings, he shall immediately report such acquisition; and the anniversary date shall become the date of such acquisition.

In establishing standards for the determination of the reasonable portion of property valuation applicable to the costs of health care, the director shall provide for application of

not less than 1 percent and, increasing larger percentages, as the amounts of such holdings increase.

SEC. 15 Section 14008 of the Welfare and Institutions Code is amended to read:

14008 No relative, other than the spouse, shall be held to be financially responsible for the cost of health care received by an adult eligible under this chapter.

No relative, other than the parent or parents of a child under 21, shall be held to be financially responsible for the cost of health care or related services received by such child, otherwise eligible under this chapter.

This section shall apply only to relatives of persons described in Sections 14005.4 and 14005.7.

SEC. 16. Section 14008.5 of the Welfare and Institutions Code is amended to read:

14008.5 The degree of liability of relatives to support recipients of public assistance shall not be increased as a result of the services provided such recipients under this chapter. Liability for such support shall be determined in accordance with the laws and regulations of the respective public assistance programs under which eligibility is determined.

No relative shall be held legally liable under this chapter to support or contribute to the support of any applicant for or recipient of old age assistance or medically indigent aged person covered under Section 14005.7.

The degree of liability under this chapter of relatives to support recipients of aid to the blind and aid to the disabled, and medically indigent persons in comparable circumstances, shall be determined in accordance with the laws and regulations applicable to the aid to the blind and aid to the disabled programs.

SEC. 17 Section 14016 of the Welfare and Institutions Code is amended to read:

14016. The county in which the person resides shall determine the eligibility of each person pursuant to Sections 14005.2, 14005.3, 14005.4, 14005.6, and 14005.7, and each recipient of public assistance and, upon termination of such assistance, whether the person remains eligible for Medi-Cal coverage under one of said sections. It shall be the responsibility of the department to certify for Medi-Cal coverage those persons determined by the county to be eligible under Section 14005.7.

SEC. 18. Section 14017 of the Welfare and Institutions Code is amended to read:

14017. Each public assistance recipient, each eligible person under Section 14005.2, 14005.3, 14005.4, or 14005.6 and each person eligible under Section 14005.7 who is certified shall be provided, by the department, with a Medi-Cal card certifying his status, identification number, expiration date, and his entitlements, insofar as these do not require specific prior authorization. The department shall determine the form of the Medi-Cal card. Such cards shall be for a term as de-

terminated by the department and, unless canceled for cause, shall entitle individuals to care and service as indicated. Cause for cancellation shall exist when the person dies, loses state residence, is found to be ineligible, or the person has been issued a new Medi-Cal card.

SEC. 19. Section 14018 of the Welfare and Institutions Code is amended to read:

14018. The Medi-Cal card shall be authorization for payment for health care services rendered during and subsequent to the month of application of a public assistance recipient, person eligible under Section 14005.2, 14005.3, 14005.4, or 14005.6, or a person eligible under Section 14005.7 who is certified by the department.

SEC. 20. Section 14019 of the Welfare and Institutions Code is amended to read:

14019. Notwithstanding the provisions of Section 14018, a Medi-Cal card shall be authorization for payment for services rendered on an emergency basis, under conditions prescribed by the director, during the month immediately prior to the month in which application was made, and for which such person would have otherwise been eligible.

SEC. 21. Section 14019.5 of the Welfare and Institutions Code is amended to read:

14019.5. Nothing in this chapter shall be construed as imposing any control over the management of any medical or health care facility, except that each such facility shall be required to comply with reasonable standards for certification to participate in the program provided by this chapter.

SEC. 21.5. Section 14022 of the Welfare and Institutions Code is amended to read:

14022. (a) This section shall be known as the "Medi-Cal Conflict of Interest Law."

It is the intent of the Legislature that provisions be made for disclosure of the interests of providers of service in the services, facilities and organizations to which they refer Medi-Cal recipients so that it is possible to determine the extent to which conflicts of interests may exist because of such referrals.

(b) As used in this section, the term "referral" means (1) the referral of a recipient by a provider of service to any other provider of service; (2) the placement of a recipient by a provider of service in any facility; or (3) the obtaining, requesting, ordering or prescribing of services or supplies by a provider of service on behalf of a recipient from any other provider of service.

As used in this section, the term "immediate family" includes the spouse and children of the provider of service, the parents of the provider of service and his spouse, and the spouses of the children of the provider of service.

(c) No payment under this chapter shall be made to a provider of service or to any facility or organization in which he or his immediate family have a significant beneficial interest, for services rendered in connection with any referral of a

recipient, unless there is on file with the director and the Health Care Commission a statement of the nature and extent of such interest.

SEC 22. Section 14023 is added to the Welfare and Institutions Code, to read:

14023. (a) Any applicant for public assistance or for coverage under this chapter who at the time of application has any other contractual or legal entitlement to any health care service defined in Section 14053, and who willfully fails at that time to disclose the fact of such other entitlement, or falsely represents that he does not have such other entitlement, is guilty of a misdemeanor.

(b) Any public assistance recipient or person eligible under this chapter who, subsequent to the date of application for such assistance or coverage under this chapter, acquires any other contractual or legal entitlement to any health care service defined in Section 14053, and willfully fails or refuses to give notice thereof to his county welfare department within 10 days of such acquisition, is guilty of a misdemeanor.

(c) Any public assistance recipient or person eligible under this chapter who has any other contractual or legal entitlement to any health care service defined in Section 14053, and who knowing that he must use such entitlement first, obtains any such service under Medi-Cal without first having utilized and exhausted his other contractual or legal entitlement thereto or therefor, is guilty of a misdemeanor.

SEC. 22.3. Section 14024 is added to the Welfare and Institutions Code, to read:

14024. When health care services are provided to a person under this chapter who at the time the service is provided has any other contractual or legal entitlement to such services, the director shall have the right to recover from the person, corporation, or partnership who owes such entitlement, the amount which would have been paid to the person entitled thereto, or to a third party in his behalf, or the value of the service actually provided, if the person entitled thereto was entitled to services. The Attorney General may, to recover under this section, institute and prosecute legal proceedings against the person, corporation, or partnership owing such entitlement in the appropriate court in the name of the director.

SEC. 22.5. Section 14051 of the Welfare and Institutions Code is amended to read:

14051. "Medically indigent person" means an aged or other person under Section 14005.7 who could qualify as a public assistance recipient as defined in Section 14005.1 except for income and resources.

SEC. 23. Section 14052 is added to the Welfare and Institutions Code, to read:

14052. "Noncategorically related needy person" means a person who is eligible for Medi-Cal benefits by meeting the requirements set forth in Section 14005.6.

SEC. 24. Section 14053 of the Welfare and Institutions Code is amended to read:

14053. "Health care services" means:

1. Inpatient hospital services (other than services in a medical institution for tuberculosis or mental diseases except to the extent permitted by federal law) in and by a medical institution or facility operated by, or licensed by, the United States, one of the several states, a political subdivision of a state, the State Department of Public Health, or exempt from such licensure pursuant to subdivision (c) of Section 1415 of the Health and Safety Code.

2. Outpatient hospital services.

3. Laboratory and X-ray services.

4. Skilled nursing home services (other than services in a medical institution for tuberculosis or mental diseases except to the extent permitted by federal law), as defined for the purpose of securing federal approval of a plan under Title XIX of the Federal Social Security Act, to persons 21 years of age or older, or to persons under 21 years of age to the extent permitted by federal law.

5. Physicians' services, whether furnished in the office, the patient's home, a hospital, or a skilled nursing home, or elsewhere.

6. Medical care, or any other type of remedial care recognized under the laws of this state, furnished by licensed practitioners within the scope of their practice as defined by the laws of this state. Other remedial care shall include, without being limited to, treatment by prayer or healing by spiritual means in the practice of any church or religious denomination insofar as these can be encompassed by federal participation under an approved plan.

7. Home health care services.

8. Private duty nursing services.

9. Outpatient clinic services.

10. Dental services.

11. Physical therapy and related services.

12. Prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select.

13. Other diagnostic, screening, preventive, or rehabilitative services.

14. Inpatient hospital services and skilled nursing home services for any individual 65 years of age or over in an institution for tuberculosis or mental diseases.

Such term shall not include, except to the extent permitted by federal law,

a. Any care or services for any individual who is an inmate of a public institution (except as a patient in a medical institution); or

b. Any care or services for any individual who has not attained 65 years of age and who is a patient in an institution for tuberculosis or mental diseases.

SEC. 25. Section 14053.5 of the Welfare and Institutions Code is amended to read:

14053.5. For the purposes of the Medi-Cal Act, the terms "prescribed drug" and "prescription drug" shall not include any drug which, because of differing prices charged by the manufacturer on a discriminatory basis or discriminatory refusal to sell by the manufacturer, or both, is not available on the same terms and conditions to all providers of prescription services, or any drug which is found to be overpriced in comparison to another drug which has an equivalent therapeutic effect, unless the director determines that the drug is vital to the program and no acceptable substitute is available.

Before the director determines that any drug has an equivalent therapeutic effect in comparison to another drug, or is vital to the program and no acceptable substitute is available, he must have received a report to that effect from the Medical Therapeutics and Drug Advisory Committee.

Nothing in this section shall be construed to apply to quantity or other nondiscriminatory discounts available on the same terms and conditions to all providers of prescription services, to sales by competitive bidding to federal, state or local governmental agencies, or to sales to wholesalers so long as the manufacturer does not require or induce the wholesalers to make the drug available other than on the same terms and conditions to all providers of prescription services.

This section shall not be construed to deny reimbursement to hospitals for prescribed drugs furnished to inpatients or, unless the regulations provide to the contrary, to registered outpatients.

SEC. 25.3. Section 14054 of the Welfare and Institutions Code is amended to read:

14054. For purpose of Section 14005.7 "family person" means an eligible member of a family group consisting of one or more children under the age of 21, the parent, parents, or other adult relative with whom such children are living in the absence of a responsible parent or parents, or a child in foster care.

SEC. 25.4. Section 14055 of the Welfare and Institutions Code is amended to read:

14055. For purpose of Section 14005.7 "adult person" means an eligible person other than a family person.

SEC. 25.5. Section 14057 of the Welfare and Institutions Code is amended to read:

14057. "Carrier" means a private insurance company holding a valid outstanding certificate of authority from the Insurance Commissioner of the state, a medical society or other medical group, an association of insurers organized under Article 6 7 (commencing with Section 795) of Chapter 1, Part 2, of Division 1 of the Insurance Code, a nonprofit hospital service plan qualifying under Chapter 11A (commencing with Section 11491) of Part 2 of Division 2 of the Insurance Code, or nonprofit membership corporation, or health benefits plan

administered by or through such corporation, lawfully operating under Section 9200 or Section 9201 of the Corporations Code, or a county health system, which is lawfully engaged in providing, arranging, paying for, or reimbursing the cost of personal health services under insurance policies or contracts, medical and hospital service agreements, membership contracts, county hospital system or the state fund, in consideration of premiums or other periodic charges payable to it, or a person or organization registered under the Knox-Mills Health Plan Act.

SEC. 25.6. Section 14058 of the Welfare and Institutions Code is amended to read:

14058. "Prepaid health plans" means any form of organization or any arrangement provided by a carrier for the purpose of providing, arranging, paying for, or reimbursing the cost of health care services as set forth in Article 4.4 (commencing with Section 14140) of this chapter.

SEC. 26. Section 14063 is added to the Welfare and Institutions Code, to read:

14063. As used in this chapter, "Medi-Cal" means the California Medical Assistance Program.

SEC. 27. Section 14102 of the Welfare and Institutions Code is repealed.

SEC. 27.5. Section 14103 of the Welfare and Institutions Code is repealed.

SEC. 27.6. Section 14103.4 of the Welfare and Institutions Code is amended to read:

14103.4. The director, with the advice of the Health Care Commission, shall determine which of the health care and related remedial or preventive services are elective. The director and the Health Care Commission shall consult with representatives of providers of such services before making a determination.

SEC. 28. Section 14103.6 of the Welfare and Institutions Code is amended to read:

14103.6. Prior authorization by consultants retained for that purpose may be required for those services determined by the director. The director, or a carrier acting under regulations adopted by the director, may require that any individual provider must receive prior authorization before providing services when the director or carrier determines that the provider has been rendering unnecessary services.

At any time the director determines that it is necessary to postpone elective services pursuant to Section 14120, he shall require prior authorization for those services determined to be generally elective under the provisions of Section 14103.4, except a service which costs less than one hundred dollars (\$100) or a lower amount determined by the director. Such lower amount may be applied generally or for specific services. The director may terminate the requirement for prior authorization when he determines that it is no longer necessary to postpone elective services.

Prior authorization for services provided by persons licensed under the provisions of Chapter 4 (commencing with Section 1600) and Chapter 7 (commencing with Section 3000) of Division 2 of the Business and Professions Code shall be determined by consultants licensed under Chapter 4 or Chapter 7 respectively. Prior authorization for all other elective services shall be determined by consultants licensed under the provisions of Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.

In no event shall prior authorization be required when there is a bona fide emergency requiring immediate treatment.

SEC. 29. Section 14104 of the Welfare and Institutions Code is amended to read:

14104. The department shall, to the extent feasible, contract with one or more carriers to provide or arrange services through prepaid health plans. (a) Each prepaid health plan contract shall provide that the carrier:

1. Will insure that the health care services to be provided under the contract are readily available to beneficiaries electing to receive care under the prepaid health plan.

2. Will provide the contracted health care services on the basis of a monthly payment for each beneficiary who elects to receive care under the prepaid health plan. Such payment may be for all beneficiaries or may vary, based upon a reasonable classification of beneficiaries as determined by the director with the advice of the Health Care Commission.

3. Will, if the prepaid health plan limits the availability of any of its services to any geographical area, pay for emergency services received outside such area by a person covered by the contract whether or not the carrier's own facilities or services are available at the place where the illness or injury occurs.

4. Will furnish to the director such timely information and reports as he may find necessary in performing his functions under this chapter.

5. Will maintain such records and afford such access thereto as the director finds necessary to assure the correctness and verification of the information and reports which may be required under paragraph 4 of this subdivision.

6. Will, in determining the reasonable charge for a physician's service, take into consideration the customary charge for similar services generally made by the physician, as well as the prevailing charges in the locality for similar services.

(b) Each contract shall provide the extent to which the carrier will charge any person made eligible for health care services by this chapter.

(c) Each such contract shall provide that the carrier will agree to provide such services as defined by the department without reference to the race, religion, creed, color, national origin or ancestry of any person eligible under the provisions of this chapter.

(d) In the consideration of proposals for contracts with carriers under this chapter, the department shall, for compara-

tive purposes, deduct from the total cost proposed by any carrier the amount of tax which that carrier would be required to pay under Part 7 (commencing with Section 12001) of Division 2 of the Revenue and Taxation Code computed on the basis of the net rate of tax, after deductions, which would have applied to such carrier for the preceding calendar year, had the amount of anticipated premium under the proposed contract been added to its taxable premiums for such year.

(e) In entering into contracts under this section the department may provide that the extent of benefit coverage by the carrier may be limited to exclude care of illness or injury resulting from or contributed to, by a major catastrophe or disaster, including but not limited to an act of war, declared or undeclared. The contract may provide that the carrier shall continue to administer the benefits provided beyond the applicable limitation.

The intent of the Legislature in enacting this subdivision is to authorize a limitation on the liability of a carrier in catastrophic situations.

(f) Consistent with the efficient and economical administration of this chapter, the department shall encourage the development of a variety of prepaid health plans within an area so that beneficiaries may have a wide choice of plans.

(g) The department shall not enter into contracts under this section unless it determines that the costs of such contracts are reasonably consistent with and potentially less than the costs of providing the same services to comparable beneficiaries within the area under the portion of the Medi-Cal program which is not covered by prepaid health plans.

SEC. 30. Section 14104.3 is added to the Welfare and Institutions Code, to read:

14104.3. (a) The department may, to the extent feasible, enter into nonexclusive contracts providing arrangements under which funds available for health care under this chapter shall be administered and disbursed to providers of health care or to their designated agents in consideration for services rendered and supplies furnished by them in accordance with the provisions of the applicable contract and any schedule of charges or formula for determining payments established pursuant to such contract. Such contract shall provide that the carrier:

1. Will take such action as may be necessary to assure that payment for services to hospitals and other facilities and professional services shall be predicated on the basis of reimbursement for reasonable cost based on standards, determined by the director with the advice of the Health Care Commission. The formula for such payments shall be determined in accordance with regulations establishing the methods to be used and the items to be included. In prescribing such regulations, the department shall consider, among other things, the principles generally applied by state organizations representing such hospitals or other facilities or by established prepayment or-

ganizations which have developed such principles, in determining the method or methods to be used in arriving at the payment formula.

2. Will take such action as may be necessary to assure that where payment under this chapter is on a charge basis, such charge will be reasonable and not higher than the charge applicable for a comparable service and under comparable circumstances to the policyholders and subscribers of the carrier.

3. Will make payment under this chapter promptly and in any event within 30 days from receipt by the carrier of proper evidence establishing the validity of the claim for payment

(b) Contracts awarded under this section shall be awarded on a bid basis, and before entering into any such contract, the director shall publish notice soliciting bids.

The director, at least once each year, shall report to the Joint Legislative Budget Committee actions taken by him in the awarding of contracts under this section, including, but not limited to, the number and types of bids submitted, the basis on which contracts were awarded, and, if a contract is awarded to other than the lowest bidder, the reason for such action.

SEC. 31. Section 14105 of the Welfare and Institutions Code is amended to read:

14105. The director shall prescribe the policies to be followed in the administration of this chapter, may limit the rates of payment for health care services, and shall adopt such rules and regulations as are necessary for carrying out, not inconsistent with, the provisions thereof.

Such policies and regulations shall include rates for payment for services not rendered under a contract pursuant to Section 14104. Standards for costs shall be based on payments of the reasonable cost for such services. Cost reports and other data submitted by providers to a state agency for the purpose of determining reasonable costs for services or establishing rates of payment shall be considered true and correct unless audited within eighteen (18) months after July 1, 1969, the close of the period covered by the report, or after the date of submission of the original or amended report by the provider, whichever is later.

Nothing in this section shall be construed to limit the correction of cost reports or rates of payment when inaccuracies are determined to be the result of intent to defraud, or when a delay in the completion of an audit is the result of willful acts by the provider or inability to reach agreement on the terms of final settlement.

Insofar as practical, consistent with the efficient and economical administration of this part, the department shall afford recipients of public assistance free choice of arrangements under which they shall receive health care benefits.

If, in the judgment of the director, the actions taken by the director under Section 14120(c) will not be sufficient to oper-

ate the Medi-Cal program within the limits of appropriated funds, he may limit the scope and kinds of health care services, except for minimum coverage as defined in Section 14056, available to persons who are not eligible under Sections 14005.1, 14005.2 and 14005.3. When and if necessary, such action shall be taken by the director with the advice of the Health Care Commission and in ways consistent with the requirements of the Federal Social Security Act. This paragraph shall not be operative until July 1, 1972.

SEC. 31.2. Section 14105.3 is added to the Welfare and Institutions Code, to read:

14105.3. The department is considered to be the purchaser, but not the dispenser or distributor, of prescribed drugs under the Medi-Cal program for the purpose of enabling the department to obtain from each manufacturer of prescribed drugs the most favorable price for such drugs furnished by that manufacturer, based upon the large quantity of such drugs purchased under the Medi-Cal program, and to enable the department, notwithstanding any other provision of California law, to obtain from such manufacturers discounts, rebates, or refunds based on such quantities purchased under said program, insofar as may be permissible under federal law. Nothing in this section shall interfere with usual and customary distribution practices in the drug industry nor permit the department to obtain the most favorable price, discounts, rebates, or refunds on a bid basis.

SEC. 31.3. Section 14105.5 of the Welfare and Institutions Code is amended to read:

14105.5. The director or prepaid health plans shall make no payment for services to any hospital facility which secures a license under the provisions of Chapter 2 (commencing with Section 1400) of Division 2 of the Health and Safety Code or Chapter 1 (commencing with Section 7000) of Division 7 of this code after July 1, 1970, covering a new facility or additional bed capacity or the conversion of existing bed capacity to a different license category, unless such licensee received a favorable final decision by the voluntary area health planning agency in the area, the consumer members of a voluntary area health planning agency acting as an appeals body or the Health Planning Council pursuant to Sections 437.7 to 438.5, inclusive, of the Health and Safety Code; or unless the licensee had filed an application for a license prior to January 1, 1970, and the application met all then-existing requirements and regulations of the appropriate state agency at the time of application including, at least, preliminary submission of plans, and if such licensee commenced construction of facilities prior to July 1, 1971. The exception provided for in the preceding sentence with respect to applications filed prior to January 1, 1970, shall not apply to transferees of the applications of the original applicants.

SEC. 31.4. Section 14106 of the Welfare and Institutions Code is amended to read:

14106. The director shall, with respect to carriers and with the advice of the Health Care Commission, adopt all necessary rules and regulations to carry out the provisions of this chapter, including, but not limited to fixing reasonable minimum standards for prepaid health plans, regulations fixing the time, manner, methods and procedures for determining whether a contract with any plan shall be undertaken or withdrawn, and regulations pertaining to any other matters made necessary by the provisions of this chapter.

In adopting such rules and regulations, the director shall be guided by the needs of eligible persons as well as prevailing practices in the field of arrangements for health care.

The director shall terminate contracts with any carrier if he finds that the standards prescribed therefor are not being complied with, that claims accrued or to accrue will not be paid, or for other good cause shown. The director shall give reasonable notice of his intention to terminate the contract to any carrier, to eligible persons and others who may be directly interested, including such other persons and organizations as the director may deem necessary and proper. The notice shall state the effective date of, and the reason for, the termination.

Sec. 31.5. Section 14106.2 is added to the Welfare and Institutions Code, to read:

14106.2. Prepaid health plans to which the state is a party under the provisions of this chapter, and contracts and arrangements embodying such plans shall not be subject to the provisions of law prescribing the forms of hospital or medical service or insurance contracts or requiring approval thereof or of the form thereof, by any state officer or agency except the director or the department.

This exemption applies, but is not limited to: (a) Chapter 4 (commencing with Section 10270) of Part 2 of Division 2 of the Insurance Code, (b) Section 11069 of the Insurance Code, (c) Section 11513 of the Insurance Code, and (d) the Knox-Mills Health Plan Act.

Sec. 31.6. Section 14106.5 of the Welfare and Institutions Code is amended to read:

14106.5. The director shall adopt all necessary rules and regulations providing for the payment for services rendered under this program on the basis of a total monthly payment for each enrolled recipient. The director may provide for methods and periods of enrollment.

Sec. 32. Section 14108.5 of the Welfare and Institutions Code is repealed.

Sec. 33. Section 14110 of the Welfare and Institutions Code is amended to read:

14110. No payment for care or services shall be made under Medi-Cal to a medical or health care facility unless it has been certified by the department for participation, and:

(a) It is licensed by the State Department of Public Health;

or

(b) It is licensed by a comparable agency in another state ;
or

(c) It is exempt from licensure ; or

(d) It is operated by the Regents of the University of California.

(e) It meets the utilization review plan criteria for certification or is certified as an institutional provider of services under Title XVIII of the Federal Social Security Act and regulations issued thereunder.

Nothing in this section shall preclude payments for care for aged patients in medical facilities or institutions operated or licensed by the State Department of Mental Hygiene, State Department of Public Health, State Department of Rehabilitation, or by the State Department of Social Welfare.

SEC. 33.5. Section 14110.1 is added to the Welfare and Institutions Code, to read :

14110.1. Medi-Cal reimbursements for long-term care in any hospital shall be at a rate not to exceed the maximum rate paid for long-term care in skilled nursing homes, except for patients whose medical or nursing needs exceed the level of care provided in skilled nursing homes.

SEC. 34. Section 14111 of the Welfare and Institutions Code is amended to read :

14111. The amount of benefit an eligible person is entitled to receive under this chapter shall be determined in accordance with standards established by the director which take into consideration the amount of income in excess of that required for maintenance plus his excess resources or a reasonable portion thereof as determined pursuant to the provisions of Section 14005.7.

SEC. 34.4. Section 14114 of the Welfare and Institutions Code is amended to read :

14114. The director may make available information, in such form as he may deem satisfactory, as will enable the eligible persons to exercise an informed choice among the prepaid health plans which have been contracted for under this chapter. Each eligible person enrolled in a prepaid health plan shall be issued an appropriate document setting forth or authorizing the services or benefits to which that person is entitled thereunder, the procedure for obtaining benefits, and the principal provisions of the plan affecting the eligible person.

The Health Care Commission shall provide for a continuing study of the quality of care and services resulting from the operation of this chapter and for surveys and reports on prepaid health plans. With respect to such plans contracted for under this chapter, the commission may contract with the State Department of Public Health for studies and reports of the experience of such plans as to the standards of care available to eligible persons, gross and net costs, administrative costs, benefits, utilization of benefits, the portion of actual personal expenditures of eligible persons for health care which are being met by prepaid benefits, and the methods of evalu-

ating and improving the quality of, and controlling the costs of, health care provided under such contracts; provided, however, that this section shall not be construed to require any plan to provide accounting data or statistical data not required in the normal operation of the plan.

SEC. 34.5. Section 14115 of the Welfare and Institutions Code is amended to read:

14115. Bills for service under this chapter shall be submitted not more than two months after the month in which the service is rendered, and shall be in the form prescribed by the director, except that in the event the patient does not identify himself to the provider as a Medi-Cal beneficiary, the provider shall be entitled to submit his statement at any time within 60 days after that date certified by the provider as the date said patient was first identified as a Medi-Cal beneficiary, provided, however that such date certified by the provider as the date the patient was first so identified shall not be later than one year after the month in which the service was rendered.

Where the bill involves coverage other than Medi-Cal the period for submission of bills is extended to one year from date of service to permit the provider to obtain proof of payment, partial payment or nonliability of the carrier. Further, the director may, where he finds that delay in the submission of bills was caused by circumstances beyond the control of the provider, extend the period for submission of bills for a period not to exceed one year.

SEC. 34.6. Section 14115.5 of the Welfare and Institutions Code is amended to read:

14115.5. Moneys payable or rights existing under this chapter shall be subject to any claim, lien or offset of the State of California, and any claim of the United States of America made pursuant to federal statute, but shall not otherwise be subject to execution, levy, attachment, garnishment, or other legal process, and no transfer or assignment, at law or in equity, of any right of a provider of health care to any payment shall be enforceable against the state, a fiscal intermediary or carrier.

SEC. 36. Section 14120 of the Welfare and Institutions Code is amended to read:

14120 (a) At the beginning of each fiscal year, for the current fiscal year, the director shall establish a monthly schedule of anticipated total payments and anticipated payments for categories of services, according to the categories established in the Governor's Budget. The schedule will be revised quarterly.

(b) The director shall report actual total payments and payments for categories of services, as set forth in subdivision (a), monthly to the Director of Finance and to the Joint Legislative Budget Committee.

(c) At any time during the fiscal year, if the director has reason to believe that the total cost of the program will exceed

available funds, he may, first modify the method or amount of payment for services provided that no amount shall be reduced more than 10 percent and no modification will conflict with federal law. If such modification is not sufficient to bring the program within available funds, the director may postpone elective services in the basic schedule of benefits. Such postponement of elective services shall be accomplished by changing the standards for approval of requests for prior authorizations. Such changes shall be designed to insure that those recipients most in need of elective services receive them first, within the funds available, but that no particular service is completely eliminated.

(d) At any time during the fiscal year, if the total amounts paid since the beginning of the fiscal year exceed by 10 percent the amounts scheduled, the director shall immediately institute the action set forth in subsection (c) above.

(e) At any time during the fiscal year, if the total amounts paid for any category of service exceeds by 10 percent the amounts scheduled (other than services for which the method or amount of payment is prescribed by the Secretary of Health, Education, and Welfare pursuant to Title XIX of the Federal Social Security Act), the director shall modify the method or amount of payment for such category of service to assure that the total amount paid for such category of service in the fiscal year shall be less than 10 percent in excess of the total amount scheduled provided the total cost of the program to the State General Fund will not exceed appropriated state general funds.

(f) Before any of the above actions are taken by the director, he shall consult with representatives of concerned provider groups.

The provisions of this section shall not be operative until July 1, 1972.

SEC. 37. Section 14120.2 of the Welfare and Institutions Code is repealed.

SEC. 37.5. Section 14122 of the Welfare and Institutions Code is amended to read:

14122. The department may provide, by regulation and consistent with the requirements of the Federal Social Security Act, for the care and treatment, or both, of persons eligible for medical assistance pursuant to Sections 14005.1, 14005.2, 14005.3, 14005.4, 14005.6, and 14005.7 by providers in another state in those cases where out-of-state care or treatment is rendered on an emergency basis or is otherwise in the best interests of the person under the circumstances.

SEC. 37.6. Article 4 (commencing with Section 14125 of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code) is repealed.

SEC. 37.7. Article 4 (commencing with Section 14125) is added to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 4. Health Care Commission

14125. There is in the Department of Health Care Services the California Health Care Commission, hereinafter referred to as the commission.

14125.1. The commission shall consist of 17 members as follows:

(a) One member who has at least five years experience in the field of health insurance or in the administration of a health care service plan.

(b) One member who is experienced in the management of a comprehensive group-practice prepayment health care service plan registered under Article 2.5 (commencing with Section 12530) of Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code.

(c) One member who is a chief executive officer of a hospital or group of hospitals subject to the provisions of Part 1.7 of Division 1 of the Health and Safety Code.

(d) One member who is a physician licensed under the provisions of Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code with at least five years' experience in the practice of medicine in this state and who is currently practicing medicine in this state.

(e) Three members who are representatives of the general public as consumers of health care services, one of whom shall be a representative of a labor organization which provides its membership with a comprehensive health care plan and one of whom shall be a person eligible for health care services under this chapter.

(f) Two representatives of county government, one of whom shall be a county supervisor and one of whom shall be a county administrative officer. Both shall be appointed with the advice of the County Supervisors Association of California.

(g) Two members to be appointed by the Senate Rules Committee to serve at its pleasure.

(h) Two members to be appointed by the Speaker of the Assembly to serve at his pleasure.

(i) The Director of Health Care Services, the Director of Social Welfare, the Director of Public Health, and the Director of Mental Hygiene, or their designees, shall serve as ex officio members of the commission.

14125.4. The members of the commission, except for the ex officio members and those appointed by the Senate Rules Committee and the Speaker of the Assembly, shall be appointed by the Governor and shall hold office at his pleasure. Each appointment made by the Governor pursuant to this section shall be subject to the advice and consent of a majority of the Members elected to the Senate.

14125.5. The chairman of the commission shall be designated by the Governor. The chairman shall preside at meetings of the commission.

14125.6. The members of the commission shall receive their actual and necessary travel and other expenses incurred in the performance of official commission duties.

14126. The commission shall:

(a) Submit its written recommendations on a statewide Medi-Cal program budget, to the director. The date for submission of such budget recommendations shall be set by the director.

(b) Review and make written recommendations to the director regarding Medi-Cal reimbursement rates proposed by the director.

(c) Review and make written recommendations to the director regarding Medi-Cal program regulations proposed by the director.

SEC. 38. Article 4.2 (commencing with Section 14131) is added to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 4.2. The Medi-Cal Benefits Program

14131. The Medi-Cal Benefits Program comprises a department-administered uniform schedule of basic health care benefits, and a uniform schedule of supplemental benefits. For each beneficiary, no supplemental benefit shall be utilized until the corresponding basic benefit has been exhausted. Notwithstanding any other provision of this chapter, "health care services" shall be limited to the benefits set forth in this article.

14132. The following is the basic schedule of benefits under this chapter:

(a) Outpatient services are covered as follows:

Physician, hospital outpatient, optometric, chiropractic, psychology, podiatric, occupational therapy, physical therapy, speech therapy, audiology, and services of persons rendering treatment by prayer or healing by spiritual means in the practice of any church or religious denomination insofar as these can be encompassed by federal participation under an approved plan.

The extent of such coverage is limited to a maximum total of two services from among the above in any month, and not to exceed twenty-four (24) services from among the above during any period of twelve (12) consecutive months; provided however that only as to physician outpatient services, any visits unused during the month immediately preceding the current month may be used in the current month, subject to the limitation that physician and other services from among the above shall not be covered in excess of twenty-four (24) among all such services during any period of twelve (12) consecutive months. As to hospital outpatient services, the above limitation on extent of coverage shall not apply to the services set forth in subdivisions (e), (f), (g), (h), (l), and (m) when rendered as part of a hospital outpatient visit.

(b) Hospital inpatient care, including physician services, is covered to a maximum of sixty-five (65) days in a period of twelve (12) consecutive months, subject to utilization controls.

(c) Nursing home care, including physician services and prescription drugs, subject to the Medi-Cal Drug Formulary, are covered to the extent of a full year of service in any period of twelve (12) consecutive months, subject to utilization controls. Other covered services listed in subdivision (a) of this section shall be subject to outpatient service controls described in subdivision (a) of this section.

(d) Purchase of prescription drugs is covered, but not to exceed two prescriptions purchased during any one month, as prescribed, subject to the Medi-Cal Drug Formulary.

(e) Hospital outpatient dialysis services and home hemodialysis services, including physician services, medical supplies, drugs and equipment required for dialysis, are covered, subject to utilization controls.

(f) Outpatient laboratory and outpatient X-ray services are covered to the extent prescribed.

(g) Blood and blood derivatives are covered.

(h) Emergency and essential diagnostic and restorative dental services, except for orthodontic, fixed bridgework, and partial dentures that are not necessary for balance of a complete artificial denture, are covered subject to utilization controls. Notwithstanding the foregoing, the director may by regulation provide for certain artificial dentures necessary for obtaining employment.

(i) Medical transportation is covered, subject to utilization controls.

(j) Home health care services are covered, subject to utilization controls.

(k) Prosthetic and orthotic devices and eyeglasses are covered, subject to utilization controls.

(l) Hearing aids are covered subject to utilization controls.

(m) Durable medical equipment and medical supplies are covered, subject to utilization controls.

14133. The following is the supplemental schedule of benefits under this chapter:

(a) Outpatient physician services, except for elective services are covered, subject to utilization controls.

(b) Inpatient hospital care, including physician services and except for elective services, is covered to the extent of three hundred (300) days during a period of twelve (12) consecutive months, subject to utilization controls.

(c) Prescription drugs, except for elective services, are covered, as prescribed, subject to utilization controls.

14133 1. The director shall establish procedures under which prior authorization for services under the supplemental schedule of benefits may be requested and granted on the basis of an extended treatment plan where such services are medically necessary and there is a need for continuity of treatment of a chronic or extended condition. Such prior authorization

for supplemental services may be requested by a physician upon the patient's initial visit if the physician believes that an extended treatment plan is needed from the time of the initial visit.

14134. To achieve and assure proper utilization of services and facilities under this chapter, copayment by the person to whom a Medi-Cal card has been issued is required under the basic schedule of benefits for services and articles set forth in this section in all cases where not prohibited by federal law or regulations; provided, however, that copayment is not required of any person determined by the county as having no income, personal resources and real property. For the purposes of this section, property used as a home by the beneficiary or by dependents for whom the beneficiary is legally responsible, furniture and clothing, the cash value of life insurance, and the first two hundred fifty dollars (\$250) of personal property held by the individual or family up to and including seven members shall be exempted as a resource. An additional thirty-six dollars (\$36) of personal property shall be exempt for each additional family member. In addition equity in a motor vehicle with a market value of under one thousand five hundred dollars (\$1,500) shall be exempted as a personal resource for each individual or family having such equity. For purposes of this section, such parts of social security and railroad retirement payments as are exempt from consideration in the determination of public assistance grants by federal law or regulations shall not be considered as income. If a public assistance recipient has net income considered in determining eligibility which is in excess of the maximum grant to which he would be entitled, he shall be required to make copayment; if a person or family eligible under Sections 14005.3, 14005.4, 14005.6 and 14005.7 has net income which would be considered in determining eligibility for aid and is in excess of the maximum grant which, if there was eligibility therefor, would be paid under the provisions of Chapter 2 (commencing with Section 11200), Part 3, Division 9 of this code, such person or family shall be required to make copayment. The director may establish by regulation appropriate classifications of persons required to make copayment. Medi-Cal payment to providers for the following services and articles shall be reduced by an amount equal to the amount of copayment required herein.

(a) For each outpatient visit to or by a provider, one dollar (\$1).

(b) For each prescribed drug, fifty cents (\$.50).

This section shall cease to be operative on June 30, 1973.

Article 4.4. Prepaid Health Plans

14140. The director shall establish requirements for carriers which desire to contract with the state to provide health care services on a prepaid basis.

14141. Prepaid health plans shall as a minimum include:

- (a) Physician's services
- (b) Hospital outpatient services
- (c) Laboratory and X-ray
- (d) Prescription drugs
- (e) Hospital inpatient care

The director may establish the scope and duration of such services and further may require that other services be provided on a risk or nonrisk basis.

14141.5. It is the intent of the Legislature that to the maximum extent feasible, prepaid health plans shall include the full scope of benefits provided under this chapter.

14142. Notwithstanding the provisions of Section 14141 the director may consider applications from carriers prepared to offer a limited range of specialty services on a prepaid basis.

14143 The director may establish copayment levels and the articles or services subject to copayment as specified in Section 14134. Prepaid health plan copayments shall not exceed the levels specified in Section 14134 and shall be limited to the services specified therein.

14144 Contracts entered into pursuant to this article shall be awarded on a nonbid basis.

14145. Prepaid health plans, the services they provide and the persons receiving such services shall not be subject to the limitations on services set forth in Section 14132, or the provisions of Section 14120 (c), (d), (e), and (f) or the fifth paragraph of Section 14105.

SEC. 40. Section 14150 of the Welfare and Institutions Code is repealed.

SEC. 41. Section 14150 is added to the Welfare and Institutions Code, to read:

14150. (a) For the 1971-72 fiscal year, the county share toward the cost of care and administration provided under this chapter shall be the amount specified for the particular county in the following table:

Alameda -----	\$11,832,000
Alpine -----	5,000
Amador -----	156,000
Butte -----	1,120,000
Calaveras -----	215,000
Colusa -----	142,000
Contra Costa -----	6,018,000
Del Norte -----	123,000
El Dorado -----	359,000
Fresno -----	6,873,000
Glenn -----	187,000
Humboldt -----	1,200,000
Imperial -----	430,000
Inyo -----	241,000
Kern -----	5,233,000
Kings -----	740,000

Lake -----	132,000
Lassen -----	124,000
Los Angeles -----	99,975,000
Madera -----	661,000
Marin -----	1,120,000
Mariposa -----	33,000
Mendocino -----	550,000
Merced -----	1,545,000
Modoc -----	120,000
Mono -----	31,000
Monterey -----	2,595,000
Napa -----	550,000
Nevada -----	425,000
Orange -----	10,395,000
Placer -----	913,000
Plumas -----	220,000
Riverside -----	5,160,000
Sacramento -----	8,627,000
San Benito -----	181,000
San Bernardino -----	6,462,000
San Diego -----	8,050,000
San Francisco -----	15,268,000
San Joaquin -----	7,390,000
San Luis Obispo -----	1,443,000
San Mateo -----	5,600,000
Santa Barbara -----	2,470,000
Santa Clara -----	9,400,000
Santa Cruz -----	1,335,000
Shasta -----	660,000
Sierra -----	13,000
Siskiyou -----	390,000
Solano -----	796,000
Sonoma -----	2,250,000
Stanislaus -----	2,630,000
Sutter -----	770,000
Tehama -----	290,000
Trinity -----	107,000
Tulare -----	2,845,000
Tuolumne -----	284,000
Ventura -----	2,776,000
Yolo -----	1,050,000
Yuba -----	750,000

The amount payable by each county in each subsequent year beginning with the 1972-73 fiscal year shall be determined by multiplying the base-year amount by the ratio of the county's modified assessed value in the subsequent year to the county's modified assessed value in the base year. The term "modified assessed value" means the total of (a) the taxable assessed value of state-assessed property and the exempt assessed value of partially or totally exempt state-assessed property on which tax losses are reimbursed by the state and (b) the product of

the factor prescribed in Section 17261 of the Education Code times the sum of (1) the taxable assessed value of county-assessed property and (2) the exempt assessed value of partially or totally exempt county-assessed property on which tax losses are reimbursed by the state.

The State Controller shall determine the amount payable by each particular county in subsequent fiscal years under this section.

(b) As used in this section, the terms "eligible" and "eligibles" mean all persons who are public assistance recipients, and all persons eligible under Sections 14005.2, 14005.3, 14005.4, and 14005.6, and all persons eligible under Section 14005.7 who are certified for Medi-Cal coverage by the department.

(c) The counties' share toward the cost of care and administration provided under this chapter shall be paid to the state monthly.

(d) Notwithstanding the provisions of Sections 5707, 5709.5, 5710, and 5714 of the Welfare and Institutions Code, payment for the costs of health care services provided under Part 2, Division 5, of the Welfare and Institutions Code, the Short-Doyle Act, shall be made in accordance with the provisions of this section.

(e) Notwithstanding the provisions of Section 7511 of the Welfare and Institutions Code, payment for the share of costs of health care services provided under Chapter 4, Division 7, of the Welfare and Institutions Code, shall be made in accordance with the provisions of this section.

SEC. 42 Section 14150.1 of the Welfare and Institutions Code is repealed.

SEC. 43. Section 14150.2 of the Welfare and Institutions Code is repealed.

SEC. 44. Section 14150.3 of the Welfare and Institutions Code is repealed.

SEC. 45. Section 14150.4 of the Welfare and Institutions Code is repealed.

SEC. 46. Section 14151 of the Welfare and Institutions Code is repealed.

SEC. 47. Section 14151 is added to the Welfare and Institutions Code, to read:

14151. Bills for services rendered during the 1970-71 fiscal year to persons other than the beneficiaries under the California Medical Assistance Program submitted to the state by any county which has elected to come within the provisions of Section 14150.1 of the Welfare and Institutions Code are bills against the appropriation for the fiscal year during which the bills are submitted, and shall be submitted not later than 60 days following the start of the 1971-72 fiscal year. The director may, when he finds that delay in the submission of bills was caused by circumstances beyond the control of the county, extend the period of submissions of bills for a period not to extend beyond the end of the 1971-72 fiscal year State general

funds of \$27,661,452 are made available from the 1971-72 appropriation to cover the state cost of such bills received. In the event such bills received are less than \$27,661,452, the balance remaining may be used for the basic or supplemental schedules of benefits.

SEC. 48. Section 14152 is added to the Welfare and Institutions Code, to read:

14152. Bills for services rendered during the 1970-71 fiscal year to beneficiaries under the California Medical Assistance Program are bills against the appropriation for the fiscal year during which the bills are submitted, and shall be submitted not more than two months after the month in which the service is rendered, and shall be in the form prescribed by the director, except that in the event the patient does not identify himself to the provider as a Medi-Cal beneficiary, the provider shall be entitled to submit his statement at any time within 60 days after that date certified by the provider as the date said patient was first identified as a Medi-Cal beneficiary, provided, however, that such date certified by the provider as the date the patient was first so identified shall not be later than one year after the month in which the service was rendered. Further, the director may, where he finds that delay in the submission of bills was caused by circumstances beyond the control of the provider, extend the period for submission of bills for a period not to exceed one year. Funds in the amount of \$106,269,000 are hereby made available from the 1971-72 appropriation to cover the cost of such 1970-71 services billed during the 1971-72 fiscal year. In the event such bills are less than \$106,269,000 the balance remaining may be used for the basic or supplemental schedules of benefits.

SEC. 49. Section 14153 of the Welfare and Institutions Code is repealed.

SEC. 50. Section 14154 of the Welfare and Institutions Code is repealed.

SEC. 51. Section 14155 of the Welfare and Institutions Code is repealed.

SEC. 52. Section 14156 of the Welfare and Institutions Code is repealed.

SEC. 53. Section 14159 of the Welfare and Institutions Code is amended to read:

14159. Expenditures for services and for state and county administration shall be charged against the appropriation for the fiscal year in which the billing is paid. Effective October 1, 1971, all 1970-71 fiscal year accrued obligations of the Health Care Deposit Fund will become obligations of the 1971-72 fiscal year and all moneys available from the 1970-71 fiscal year Health Care Deposit Fund (Item 272, Budget Act of 1970) will be reappropriated to the 1971-72 fiscal year (Item 229, Budget Act of 1971) for that purpose.

SEC. 53.2. Section 14161 is added to the Welfare and Institutions Code, to read:

14161. Carriers and providers of Medi-Cal benefits shall be required to utilize uniform accounting and cost-reporting systems as shall be developed and adopted by the department. If any other provision of law provides for uniform accounting and cost-reporting systems for hospitals, the department shall adopt such systems.

Carriers and providers of Medi-Cal benefits shall provide cost information to the department as is necessary in order to conduct studies to determine payment for services provided under this chapter.

Failure to comply with the provisions of this section shall be cause for suspension from participation under this chapter.

The department shall conduct such studies as necessary to determine payments for services provided under this chapter. The results of or progress reports concerning such studies shall be submitted to the Legislature by January 31 of each year.

The department shall submit an annual report to the Governor and the Legislature by January 31 of each year setting forth a comprehensive description of its activities and the operation and administration of the Medi-Cal program including, but not limited to, a fiscal accounting of its expenditures, an evaluation of the relative cost and effectiveness of the various plans in accomplishing the desired goals, results of demonstration or pilot programs, and its recommendations as to legislation and other action as is necessary for carrying out the purposes of this chapter.

SEC. 53.5. Notwithstanding any other provisions of law, upon certification by the Director of Health Care Services that the total costs of the Medi-Cal program for the 1971-72 fiscal year will exceed available funds, the Director of Finance shall authorize the expenditure of additional funds for the 1971-72 fiscal year for health care services up to, but not to exceed, an amount determined by multiplying the sum of twenty-five dollars (\$25) by the average monthly caseload of Medi-Cal beneficiaries during such fiscal year.

SEC. 53.6. In order that the changes in the law made by this act may be implemented as soon as it becomes operative, the Director of Health Care Services may adopt such regulations as may be necessary to achieve that end. Such regulations shall become immediately operative and need not be submitted to the Health Review and Program Council for its approval; but following the operative date of this act, such regulations shall be reviewed by the Health Care Commission after that body is established, and the commission shall submit to the director its recommendations for such changes in the regulations which it deems advisable.

SEC. 54. The provisions of this act in no way eliminate fiscal obligation incurred prior to July 1, 1971, by any county or the state under Article 5 (commencing with Section 14150) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code. After June 30, 1971, all uncollected county share

amounts under said Article 5 due the state for prior periods remain an obligation of the county to the state.

SEC. 54 1. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 54 5. The sum of seven hundred fifty thousand dollars (\$750,000) is hereby appropriated from the Contingent Fund of the Board of Medical Examiners to the Department of Health Care Services for the purpose of conducting investigations into alleged violations of accepted medical practice and professional conduct by licentiates under Division 2 (commencing with Section 500) of the Business and Professions Code. It is the intent of this section that such violations be discovered and terminated in order that unnecessary medical care costs are not incurred by the Medi-Cal program.

SEC. 55. This act shall become operative on October 1, 1971, except for Section 53.1, which shall be operative immediately.

SEC. 56. This act, except for Section 37.7, is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to reform the Medi-Cal program, to extend health care coverage to approximately 800,000 additional medically needy Californians, to restructure the scope of benefits to provide tax savings and more equitable cost sharing to the counties, to facilitate increased use of prepaid health plans, and to assure an orderly transition from the existing program, it is necessary that this act take effect immediately.

CHAPTER 578

An act to amend Sections 206 and 248 of, and to add Section 5127.5 to, the Civil Code, to amend Section 690 6 of the Code of Civil Procedure, to amend Section 29851 of the Government Code, to amend Section 10125 of the Health and Safety Code, to add Section 19286 5 to the Revenue and Taxation Code, to amend Sections 1094, 1095, and 2714 of, and to add Chapter 3 5 (commencing with Section 5250) to Division 2 of, and Division 4 (commencing with Section 12000) to, the Unemployment Insurance Code, and to amend Sections 10500, 10800, 10804, 10850, 11004, 11008, 11050, 11056, 11100, 11253, 11265, 11353, 11450, 11452, 11454, 11476, 11487, 12050, 12101, 13550, 15201, 15202, 15203, and 15204 of, to add Sections 10053 2, 10053 3, 10602 5, 10811, 10811.5, 10812, 11008.7, 11018, 11020, 11104, 11105, 11157, 11250 6, 11252 5, 11258, 11266, 11267, 11350, 11451.6, 11453,

11153 1, 11453.2, 11489, 12101.1, 12107, 14010, and 15200.1, to, to add Article 3 5 (commencing with Section 11325) to Chapter 2 of Part 3 of Division 9 of, and to repeal Sections 11009, 11103, 11155, 11157, 11252, 11258, 11261, 11262, 11350, 11351, 11453, 12052, 12657, and 17104 of, the Welfare and Institutions Code, relating to public social services and making an appropriation therefor and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1971. Filed with Secretary of State August 13, 1971.]

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

SECTION 1. This act shall be known and cited as the Welfare Reform Act of 1971.

SEC. 3 Section 206 of the Civil Code is amended to read:

206. It is the duty of the father, the mother, and the children of any person in need who is unable to maintain himself by work, to maintain such person to the extent of their ability. The promise of an adult child to pay for necessaries previously furnished to such parent is binding. A person who is receiving aid to the aged shall be deemed to be a person in need who is unable to maintain himself by work.

SEC. 3.3 Section 248 of the Civil Code is amended to read:

248. The obligee may enforce his right of support against the obligor and the county may proceed on behalf of the obligee to enforce his right of support against the obligor. Whenever the county furnishes support to an obligee, it has the same right as the obligee to whom the support was furnished, for the purpose of securing reimbursement and of obtaining continuing support. The right of the county to reimbursement shall be subject to any limitation otherwise imposed by the law of this state. The court may order the obligor to pay the county reasonable attorney fees and court costs in any proceeding brought by the county pursuant to this section.

SEC. 8.6. Section 5127 5 is added to the Civil Code, to read:

5127 5. Notwithstanding the provisions of Section 5125 or 5127 granting the husband the management and control of the community property, to the extent necessary to fulfill a duty of a wife to support her children, the wife is entitled to the management and control of her share of the community property.

The wife's interest in the community property, including the earnings of her husband, is liable for the support of her children to whom the duty to support is owed provided that for the purposes of this section, prior support liability of her husband plus three hundred dollars (\$300) gross monthly income shall first be excluded in determining the wife's interest in the community property earnings of her husband.

The wife may bring an action in the superior court to enforce such right provided that such action is not brought

under influence of fraud or duress by any individual, corporation or governmental agency.

A natural father is not relieved of any legal obligation to support his children by the liability for their support imposed by this section and such contribution shall reduce the liability to which the interest of the wife in the community property is subject.

SEC. 8.8. Section 690.6 of the Code of Civil Procedure is amended to read:

690.6. (a) Except as provided in Welfare and Institutions Code Section 11489, all of the earnings of the debtor due or owing for his personal services shall be exempt from levy of attachment without filing a claim for exemption as provided in Section 690.50

(b) One-half or such greater portion as is allowed by statute of the United States, of the earnings of the debtor due or owing for his personal services rendered at any time within 30 days next preceding the levy of execution shall be exempt from execution without filing a claim for exemption as provided in Section 690.50.

(c) All of such earnings, if necessary for the use of the debtor's family residing in this state and supported in whole or in part by the debtor, unless the debts are:

(1) Incurred by the debtor, his wife, or his family for the common necessities of life.

(2) Incurred for personal services rendered by any employee or former employee of the debtor.

(d) The court shall determine the priority and division of payment among all of the creditors of a debtor who have levied an execution upon nonexempt earnings upon such basis as is just and equitable.

(e) Any creditor, upon motion, shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining the priority and division of payment among all the creditors of the debtor who have levied an execution upon nonexempt earnings pursuant to this section

SEC. 9.5. Section 29851 of the Government Code is amended to read:

29851. Upon the filing of the affidavit, the auditor shall issue and deliver to the legal owner or custodian a duplicate warrant bearing the same date as the original warrant for the full amount of the original warrant, or for any lesser amount still due if any portion of the amount for which the warrant was drawn has been paid, and the treasurer shall pay the duplicate in lieu of the original warrant. If a warrant is lost or destroyed after it has been received by a bank with whom the treasurer has entered into a written agreement pursuant to Article 2 (commencing with Section 53630) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code for the deposit in said bank of moneys belonging to or in the custody of the treasurer, the treasurer may pay on a

photocopy of the lost or destroyed warrant in lieu of the original warrant; provided the bank agrees to indemnify and hold the county harmless from any loss incurred by reason of such payment.

SEC. 10. Section 10125 of the Health and Safety Code is amended to read:

10125 The certificate of live birth shall be divided into two sections; the first section shall contain those items necessary to establish the fact of the birth and the second section shall contain those items relating to medical and health data. The first section shall contain the following and such other items as the State Registrar may designate if known:

- (a) Full name and sex of child;
- (b) Date of birth, including month, day and year;
- (c) Place of birth;
- (d) Full name of father, birthplace of father, social security number of father and color or race of father;
- (e) Full maiden name of mother, birthplace of mother, social security number of mother, color or race of mother;
- (f) Multiple births and birth order of multiple births;
- (g) Signature and certification of attendant; and
- (h) Date accepted for registration and signature of local registrar.

The second section shall contain such medical and health items as the State Registrar may designate.

SEC. 11.5. Section 19286.5 is added to the Revenue and Taxation Code, to read:

19286.5. (a) Subject to the limitations of subdivision (b) of this section and federal law, the Franchise Tax Board may permit the Director of Social Welfare or deputy directors, to inspect the income tax returns of applicants for aid, recipients of aid, or responsible relatives, or in lieu of such inspection, the State Franchise Tax Board may provide the director or deputy directors an abstract of the income tax return requested, or supply information concerning any item of income contained in the return or disclosed by the report of any investigation of the income or return of the applicant for aid, recipient of aid or responsible relative.

(b) The right of the director or deputy directors to inspect income tax records or obtain such other information as provided in this section shall be limited to the records for the current year and the year preceding inspection of applicants or recipients of assistance under Division 9 of the Welfare and Institutions Code, and the responsible relatives of such applicants or recipients. The information obtained pursuant to this section shall be used or disclosed only for the purpose of enabling the Director of Social Welfare or his deputy directors to verify or determine the eligibility or entitlement of an applicant for, or recipient of, public social services or the obligation of a responsible relative

(c) The counties are authorized to request such information as provided in this section from the Director of Social Welfare

or deputy directors. The director may release such information to the director of a county from which the applicant or recipient receives aid and such information shall be used or disclosed by the director of said county only for the purpose specified in subdivision (b).

(d) The applicant or recipient or responsible relative whose income tax records have been requested of the Franchise Tax Board shall be notified by mail that such request has been made at the time of said request.

SEC. 12. Section 1094 of the Unemployment Insurance Code is amended to read:

1094. Except as otherwise specifically provided in this division the information furnished to the director by an employing unit, pursuant to this division, shall be for the exclusive use and information of the director in discharge of his duties and shall not be open to the public, nor admissible in evidence in any action or special proceeding, other than one arising out of the provisions of this division or one arising out of the provisions of Division 9 (commencing with Section 10000) of the Welfare and Institutions Code to determine entitlement to, and directly connected with and limited to the administration of, public social services. Such information may be tabulated and published in statistical form for the use and information of state departments and the public, except that the name of the employing unit or of any worker shall never be divulged in the course of such tabulation or publication.

SEC. 13. Section 1095 of the Unemployment Insurance Code is amended to read:

1095. The director shall permit the use of any information in his possession to the extent necessary for any of the following purposes:

(a) To properly present a claim for benefits.

(b) To acquaint a worker or his authorized agent with his existing or prospective right to benefits.

(c) To furnish an employer or his authorized agent with information to enable him to fully discharge his obligations or safeguard his rights under this division.

(d) To enable an employer to receive a reduction in contribution rate.

(e) To enable the Director of Social Welfare or his representatives subject to federal law to verify or determine the eligibility or entitlement of an applicant for, or a recipient of, public social services provided pursuant to the Welfare and Institutions Code, and directly connected with and limited to the administration of public social services.

SEC. 14. Section 2714 of the Unemployment Insurance Code is amended to read:

2714. All medical records of the department, except to the extent necessary for the proper administration of this part or as provided herein, or to the extent necessary for the proper administration of public social services pursuant to the Wel-

fare and Institutions Code, shall be confidential and shall not be published or be open to public inspection in any manner revealing the identity of the claimant, or the nature or cause of his disability. Such records are not admissible in evidence in any action or special proceeding other than one arising under this division or one arising under Division 9 (commencing with Section 10000) of the Welfare and Institutions Code to determine entitlement to, and directly connected with and limited to the administration of, public social services. The department may reveal its records to the Director of Social Welfare or his representatives and reveal the identity only of the claimant to the Department of Rehabilitation, but such information shall remain confidential and shall not be disclosed except as provided herein.

SEC. 15. Chapter 3.5 (commencing with Section 5250) is added to Division 2 of the Unemployment Insurance Code, to read:

CHAPTER 3.5. JOBS FOR WELFARE RECIPIENTS

5250. The State Personnel Board shall, in conjunction with the Career Opportunities Development Program established pursuant to Division 4, develop jobs providing or leading to permanent employment for welfare recipients, to be contracted for by the department in accordance with its responsibilities under the Work Incentive Program (Part C of Title IV of the Social Security Act).

5251. In order to carry out the purposes of this chapter the board may pay to the department the amount necessary to provide the employer with up to 100 percent of the wages to be paid to individuals employed in special work projects. This amount shall augment any funds available to the department to reimburse the said employer pursuant to Section 402(a)(19)(E) of the Social Security Act.

5252. The costs of the board for carrying out this division shall be considered, to the maximum extent possible, administrative costs pursuant to Section 435 of the Social Security Act.

5253. The board shall, beginning 90 days after the effective date of this division, report to the Legislature by the 10th day of the month and bimonthly thereafter on the number of jobs which have been created pursuant to this division, the number of employed, the cost to the state, and the number of persons who enter permanent employment not supported pursuant to this division.

5254. All jobs developed under the provisions of this chapter shall pay the prevailing rates paid to persons employed in similar public occupations by the same employer, but in no case shall wages be paid which are less than the amount required by Section 433(e)(4) of the Social Security Act

5255. Any supplemental payments made to persons in special work projects shall be considered aid and the nonfederal share shall be paid in its entirety from the General Fund

5256. For the purposes of determining "net income," the Department of Social Welfare shall reduce an individual's gross wages received from participation in a special work project by an amount equal to such individual's involuntary deductions plus work-related expenses, except that, for the purposes of this section "involuntary deductions" shall not include contributions to any state or local public retirement system.

5259. For the purposes of this program, and notwithstanding any other provision of the law, involuntary deductions plus work-related expenses shall not be more than allowed under Section 11451.6 of the Welfare and Institutions Code.

SEC. 15.1. Division 4 (commencing with Section 12000) is added to the Unemployment Insurance Code, to read:

DIVISION 4. CAREER OPPORTUNITIES DEVELOPMENT

CHAPTER 1. GENERAL PROVISIONS

12000. It is the intent of the Legislature to help reduce public dependency and prevent future dependency by creating career employment opportunities in public service for former, current and potential welfare recipients and other disadvantaged persons. Drawing upon its knowledge and expertise in developing permanent civil service employment opportunities for welfare recipients and other disadvantaged persons, as demonstrated in the Career Opportunities Development Program and Public Service Careers Program, the State Personnel Board shall continue and accelerate its activities to remove artificial, institutional barriers and to develop affirmative approaches to the employment of the disadvantaged.

12001. The State Personnel Board shall, within funds appropriated, carry out a Career Opportunities Development Program in state employment and provide technical assistance and direct grants to cities and counties and other units of state and local government.

12002. As used in this division a "Career Opportunities Development Program" includes but is not limited to:

(a) Analysis and reevaluation of job descriptions and skill requirements, and wherever necessary restructuring of jobs in order to insure that maximum entry level positions are available requiring minimum qualifications and that jobs at all levels of the agency employment provide the greatest possible opportunities for promotion based upon demonstrated performance capability;

(b) Development of career ladders extending wherever possible from minimum qualification entry level positions to high-level professional and managerial positions to give new and existing agency staff the greatest possible opportunities for vertical and horizontal career mobility;

(c) Reexamination of civil service testing and selection requirements and practices to insure that such requirements and practices are in conformance with the standards for testing and selection adopted by the California Fair Employment Practices Commission;

(d) Reexamination of recruiting policies and practices to insure that positive opportunities are provided to groups suffering present or prior employment discrimination to seek and obtain available employment opportunities; and,

(e) Development and operation of career education and training programs providing academic and job skills to facilitate permanent employment and upward job mobility.

12003. As used in this division "board" means the State Personnel Board.

12004. It is the intent of the Legislature that the board in carrying out career opportunities development programs pursuant to this division shall provide for:

(a) Close coordination between career opportunities development programs and related activities under the Federal Inter-governmental Personnel Act (Public Law 91-648); and,

(b) Clear, direct and systematic involvement by representatives of cities, counties, educational agencies, including but not limited to the California Community Colleges, the California State Colleges and the University of California, and lay representatives, especially those which represent low-income and minority persons.

SEC. 16. Section 10053.2 is added to the Welfare and Institutions Code, to read:

10053.2. Family planning services shall be offered to all former, current or potential recipients of childbearing age, age 15 to 44, inclusive, and provided to those former, current or potential recipients wishing such services. Such services shall be offered and provided without regard to marital status, age, or parenthood. Notwithstanding any other provisions of law, the furnishing of these family planning services shall not require the consent of anyone other than the person who is to receive them. Within the meaning of this section, the term "potential recipients" shall mean all persons in a family where current social, economic and health conditions of the family indicate that the family would likely become a recipient of financial assistance within the next five years.

Family planning services shall include, but not be limited to:

(a) Medical contraceptive services such as diagnosis, treatment, supplies, and followup.

(b) Informational and educational services.

(c) Facilitating services such as transportation and child care services needed to attend clinic or other appointments.

Services under this section shall be provided by contracts between the county welfare department and the State Department of Public Health, subject to the approval of the department. Such contracts shall include to the maximum extent possible, cooperative funding and other financial arrange-

ments which permit maximum use of available federal funds. Information and referral services only shall be available to all other families and children.

SEC. 17. Section 10053.3 is added to the Welfare and Institutions Code, to read:

10053.3. The county welfare department shall submit a quarterly statistical report on the operation of Section 10053.2 to document the effectiveness of this program. Such report shall include, but not be limited to:

(a) A description of the procedures used to inform former, current, and potential recipients of childbearing age of their eligibility for and the availability of family planning services.

(b) The number of current recipients of childbearing age offered family planning services during the quarter.

(c) The number of referrals to family planning clinics by the county welfare department.

(d) The number of visits to family planning clinics and the medical contraceptive and other services provided at those visits, categorized according to former, current, or potential recipients.

(e) The number of live births per 1,000 current female recipients of childbearing age during the quarter.

(f) The number of live births per 1,000 females of childbearing age resident in the county during the quarter.

The department shall prepare a report setting forth such information by counties and submit its report to the Legislature no later than 60 days after the end of each quarter.

SEC. 17.5. Section 10500 of the Welfare and Institutions Code is amended to read:

10500. Every person administering aid under any public assistance program shall conduct himself with courtesy, consideration, and respect toward applicants for and recipients of aid under that program, and shall endeavor at all times to perform his duties in such manner as to secure for every person the amount of aid to which he is entitled, without attempting to elicit any information not necessary to carry out the provisions of law applicable to the program, and without comment or criticism of any fact concerning applicants or recipients not directly related to the administration of the program

SEC. 18. Section 10602.5 is added to the Welfare and Institutions Code, to read:

10602.5. An auditor appointed by the grand jury shall annually review the child support collection program of the county and comment in writing upon the performance of the duties involved therein by any county agency so concerned. It shall cause a copy of such report to be transmitted to the board of supervisors and the department.

SEC. 18.1. Section 10800 of the Welfare and Institutions Code is amended to read:

10800. Subject to the provisions of Section 11050, the administration of public social services in each of the several

counties of the state is hereby declared to be a county function and responsibility and therefore rests upon the boards of supervisors in the respective counties pursuant to the applicable laws, and in the case of public social services for which federal or state funds are provided, subject to the regulations of the department.

For the purpose of providing for and carrying out this function and responsibility, the board of supervisors of each county, or other agency as may be otherwise provided by county charter, shall establish a county department, unless otherwise provided by the county charter. Except as provided herein, the county department shall be the county agency for the administration of public social services and for the promotion of public understanding of the public social services provided under this code and the problems with which they deal.

SEC 18.2. Section 10804 of the Welfare and Institutions Code is amended to read:

10804. The board of supervisors in any county may contract with any other county or counties or with the department for the operation and maintenance of such public social services as are provided in one or more of the contracting counties, or for the establishment and maintenance of such public social services as the board of supervisors shall deem to be desirable to discharge the duties of the county to provide for public social services for those eligible therefor or the health and care of the sick. Except as provided in Section 11050, the cost of contracted services shall be borne by the contracting county or counties and shall, insofar as state or federal funds are involved, conform to department standards and regulations generally applicable to such services.

SEC 18.3. Section 10811 is added to the Welfare and Institutions Code, to read:

10811. Each county shall provide child care services for former, current, and potential recipients of public assistance who certify that if provided such services they will accept or maintain employment or training and who further certify that without such services they would be unable to accept or maintain employment or training. The county is authorized to charge a fee for child care services pursuant to a schedule established by the department based on the ability of the person to pay using a sliding scale, ranging from a lesser amount for parents with low-income levels to a higher amount for parents with higher income levels. In no event shall the fee exceed the fee in comparable arrangements established pursuant to Section 16614 of the Education Code. The county may contract with other public or private entities to provide child care services.

The state shall pay as its share from the funds appropriated therefor the percentage provided in subdivision (a) of Section 15200 of the nonfederal costs of the services provided pursuant to this section.

The county expenditure for services under this section shall be in addition to the amount spent during the 1970-1971 fiscal year for child care services.

SEC. 18.4. Section 10811.5 is added to the Welfare and Institutions Code, to read:

10811.5. Each county in cooperation with the department, the Department of Human Resources Development, and the Department of Education shall, provided state funds are available, establish a child care training program which gives priority to the training and employment of public assistance recipients in child care services.

The state shall pay as its share from the funds appropriated therefor 67½ percent of the nonfederal costs of the program established pursuant to this section, and the county shall pay 32½ percent of such costs.

SEC. 18.5. Section 10812 is added to the Welfare and Institutions Code, to read:

10812. In addition to services, as defined in Section 10053, that may be required under this division a county may provide any service permitted by federal law and for which federal participation is available.

SEC. 19. Section 10850 of the Welfare and Institutions Code is amended to read:

10850 Except as otherwise provided in this section, all applications and records concerning any individual made or kept by any public officer or agency in connection with the administration of any provision of this code relating to any form of public social services for which grants-in-aid are received by this state from the United States government shall be confidential, and shall not be open to examination for any purpose not directly connected with the administration of such public social service; provided, however, that any agency having custody of such records may make the disbursement records available to the district attorney upon his request. The information thus obtained shall be made available to the district attorney for the official conduct of his office and shall not be used for any other purpose.

Except as otherwise provided in this section, no person shall publish or disclose or permit or cause to be published or disclosed any list of persons receiving public social services. Any county welfare department in this state may release lists of applicants for, or recipients of, public social services, to any other county welfare department or the Department of Social Welfare, and such lists or any other records shall be released when requested by any county welfare department or the Department of Social Welfare. Such lists or other records shall only be used for purposes directly connected with the administration of public social services. Except for such purposes, no person shall publish, disclose, or use or permit or cause to be published, disclosed, or used any confidential information pertaining to an applicant or recipient. However, this section shall not prohibit the furnishing of such informa-

tion to other public agencies to the extent required for verifying eligibility or for other purposes directly connected with the administration of public social services. Any person knowingly and intentionally violating the provisions of this paragraph is guilty of a misdemeanor.

The Department of Social Welfare shall inform the Department of Motor Vehicles of the names, birth dates, and addresses of all applicants or recipients of aid to the blind. The Department of Motor Vehicles, upon receipt of such information, shall inform the Department of Social Welfare of any such applicant or recipient of aid to the blind who holds a valid California driver's license.

The department may make rules and regulations governing the custody, use and preservation of all records, papers, files and communications pertaining to the administration of the laws relating to public social services. The rules and regulations shall be binding on all departments, officials and employees of the state, or of any political subdivision of the state and may provide for giving information to or exchanging information with agencies, public or private, which are engaged in planning, providing or securing social services for or in behalf of recipients or applicants; and for making case records available for research purposes, provided, that such research will not result in the disclosure of the identity of applicants for or recipients of public social services.

Any person, including every public officer and employee, who knowingly secures or possesses, other than in the course of official duty, an official list or a list compiled from official sources, published or disclosed in violation of this section, of persons who have applied for or who have been granted any form of public social services for which state or federal funds are made available to the counties is guilty of a misdemeanor.

SEC. 20.3. Section 11004 of the Welfare and Institutions Code is amended to read:

11004. The provisions of this code relative to public social services for which state grant-in-aid are made to the counties shall be administered fairly to the end that all persons who are eligible and apply for such public social services shall receive the assistance to which they are entitled promptly, with due consideration for the needs of applicants and the safeguarding of public funds.

(a) Any applicant for, or recipient or payee of, such public social services shall be informed as to the provisions of eligibility and his responsibility for reporting facts material to a correct determination of eligibility and grant.

(b) Any applicant for, or recipient or payee of, such public social services shall be responsible for reporting accurately and completely within his competence those facts required of him pursuant to subdivision (a) and to report promptly any changes in those facts.

(c) Any person who makes full and complete disclosure of those facts as explained to him pursuant to subdivision (a) is

entitled to rely upon the award of aid as being accurate, and that the warrant he receives correctly reflects the award made, except that the county paying the aid shall be allowed a period of six months following the month of payment, or six months following the hearing provided in subdivision (e), within which to adjust any errors or changes in amount of grant resulting from changes in income or need which occur too late to be reflected in the grant for the current month. Whenever possible, adjustments or overpayments shall be prorated evenly over the adjustment period.

(d) If any overpayment which results because of the willful failure to report facts in accordance with subdivision (b) or because of any willfully fraudulent device, the county paying the aid shall be allowed a period of one year following the month of the discovery of the overpayment, or one year following the hearing provided in subdivision (e), to adjust current grants to recover the overpayment. Such adjustment shall be permitted concurrently with any suit for restitution, and recovery of overpayment by adjustment shall reduce by the amount of such recovery the extent of liability for restitution.

(e) Current grants may be reduced because of prior overpayments only if the recipient has income or resources available in the amount by which the county proposes to reduce payment; except that where there is evidence which clearly establishes that a recipient willfully withheld information about his income or resources, such income or resources may be considered in the determination of need to reduce the amount of the grant in current or future periods. Prior to effecting any reduction of current grants to recover prior overpayments, the recipient shall be advised of the proposed reduction and of his entitlement to a hearing on the propriety of the reduction. In no event shall the grant to a needy child be reduced unless the parents or other responsible persons have sufficient available resources or income to meet the current needs of the needy child according to the department standard during the period of reduction.

(f) If it is found that a recipient or a family was possessed of property in excess of the amount permitted by law, and it cannot be established that the recipient or family received such aid in bad faith, without honestly believing eligibility was properly established, the amount collectible shall be limited to an amount equal to the market value of the excess property or the amount of aid granted during the period the excess property was held, whichever is the lesser.

(g) When an underpayment or denial of aid occurs because of an administrative error or inadvertence on the part of a county, and as a result the applicant or recipient does not receive the amount to which he is entitled, the county shall pay aid equal to the full amount of the underpayment which occurred during the period of one year immediately preceding the date the error or inadvertence is discovered.

SEC. 20.5 Section 11008 of the Welfare and Institutions Code is amended to read:

11008. In order that recipients of public assistance may become self-supporting and productive members of their communities, it is essential that they be permitted to earn money without a proportionate deduction in their aid grants. It is the intention of the Legislature to promote this objective and the department, in implementing public assistance laws, is directed to do so in the light of this objective.

To the extent required by federal law, earned income of a recipient of aid under any public assistance program for which federal funds are available shall not be considered income or resources of the recipient, and shall not be deducted from the amount of aid to which the recipient would otherwise be entitled, provided that any exemption which was permitted by federal law on August 1, 1971 and was authorized and applied in California shall continue to be required as long as permitted by federal law. In computing the amount of income determined to be available to support a recipient, the value of currently used resources shall be included, except as provided in Section 11018.

Nothing in the amendments to this section made by the Legislature at its 1971 Regular Session shall be construed to give any person benefits based on a claim filed subsequent to August 1, 1971, relating to benefits not authorized and applied on August 1, 1971.

SEC. 21. Section 11008.7 is added to the Welfare and Institutions Code, to read:

11008.7. To the extent permitted by federal law the value of any loan or grant to any undergraduate student made or insured under any program administered by the State Scholarship and Loan Commission or a college accredited by the Western Association of Schools and Colleges shall not be considered in determining eligibility or the amount of the grant.

SEC. 21.5. Section 11009 of the Welfare and Institutions Code is repealed.

SEC. 22. Section 11018 is added to the Welfare and Institutions Code, to read:

11018. Notwithstanding Section 11008, in computing the amount of income available to support a recipient, the first sixty dollars (\$60) per quarter of any casual income or income from inconsequential resources which is received infrequently or irregularly shall be exempt.

SEC. 22.5. Section 11020 is added to the Welfare and Institutions Code, to read:

11020. Where a recipient under a categorical aid program has received aid in good faith but in fact owned excess property, he shall be considered to have been ineligible for aid during the period for which any excess property would have supported him at the rate of the aid granted to him. In such case the recipient or his estate shall repay the aid he received during such period of ineligibility.

SEC 23. Section 11050 of the Welfare and Institutions Code is amended to read:

11050. Except as provided in Section 11403 of this code, applications for public social services or public assistance by any person, or in behalf of any person, shall be made to the county department in the county in which the applicant is living. The application may be made in writing or reduced to writing upon the standard form prescribed in regulations of the department and a copy shall be furnished to each applicant at the time of the application.

The state is responsible for maintaining uniformity in the public social service programs provided for in Part 3 (commencing with Section 11000) of this division, and in order to promote and insure such uniformity, the department shall be responsible for the control of administering the payment of grants for all aid programs.

The department may contract with any county for the performance of eligibility and grant determinations for applicants or recipients within the jurisdiction of the contracting county, or for applicants or recipients within the jurisdiction of another county which has not contracted with the department to perform such functions or whose contract with the department has been terminated or in the absence of such contract the department may act in the place of the county and assume direct responsibility for the administration of such eligibility and grant determinations.

The department shall have the right to terminate any such contract immediately if the contracting county fails to carry out its contractual obligations.

SEC. 23.2. Section 11056 of the Welfare and Institutions Code is amended to read:

11056. If the applicant is determined to be eligible, aid shall be granted from the first day of the month following the date of application, or from the first day of the month following the date on which he becomes eligible if found to be later than the date of application, or upon an earlier date if determined by and in connection with a petition for a fair hearing; provided, however, that nothing contained herein shall be construed to prevent a county department from making aid to families with dependent children effective as soon as eligibility is determined, if such date is earlier than that specified herein.

The county at the time of receiving an application for public assistance shall determine and verify whether the applicant needs immediate assistance. If it is determined that the applicant is eligible for public assistance, and a signed affirmation is on file to this effect, aid shall be granted immediately. If subsequent investigation establishes ineligibility, the cost of such assistance shall be shared by the state and county in accordance with the applicable sharing ratio after federal contributions are deducted.

SEC. 23.5. Section 11100 of the Welfare and Institutions Code is amended to read:

11100 For the purposes of the provisions of this code relating to public assistance, the continued absence of a recipient of public assistance from this state for a period of 60 days or longer shall be prima facie evidence of the intent of the recipient to have changed his residence to a place outside this state. The county granting the public assistance shall make inquiry from all recipients who have been continuously absent from this state for a period of 30 days, with the next assistance payment, so as to determine their intent to remain residents of California or to become residents of another state, and shall redetermine the residence of such persons. In any case where the inquiry made under this section establishes that the recipient is no longer a resident of this state, his aid shall be terminated immediately.

If a recipient is prevented by illness or other good cause from returning to this state at the end of 60 days, and has not by act or intent established residence elsewhere, he shall not be deemed to have lost his residence in this state.

If a recipient is disqualified for aid on the ground that he has left the state, and returns to the state within 60 days after leaving, he shall be considered to have resided in the state for a sufficient time to qualify for aid, and, if otherwise eligible, aid shall be granted to him as of the first day of the month following his application.

SEC. 23.6 Section 11103 of the Welfare and Institutions Code is repealed.

SEC. 24. Section 11104 is added to the Welfare and Institutions Code, to read:

11104. Any alien who is otherwise qualified for aid shall be eligible to receive public assistance if he certifies under penalty of perjury that to the best of his knowledge he is in the country legally and is entitled to remain indefinitely, or if he certifies that he is not under order for deportation, or if he certifies that he is married to an individual not under order for deportation.

Such certification by the alien shall, upon receipt, be forwarded to the United States Immigration and Naturalization Service for verification. Aid shall continue pending such verification.

If an alien has been residing in the United States continuously for five years or more at the time the county department requests certification of his legal right to reside, the affidavits of two U.S. citizens attesting to such continuous residence by the alien shall constitute a rebuttable presumption that the alien is entitled to be in the country for purposes of determining eligibility.

If an alien subject to the provisions of this section is not fluent in English, it shall be the duty of the county department to provide an understandable explanation of the requirements of this section in a language in which the alien is fluent.

SEC. 24 01. Section 11105 is added to the Welfare and Institutions Code, to read:

11105. No person shall be granted aid under this part unless he is a resident of this state.

SEC. 24 1 Section 11155 of the Welfare and Institutions Code is repealed.

SEC 24 2 Section 11155 is added to the Welfare and Institutions Code, to read:

11155. In addition to the personal property permitted by other provisions of this part, an applicant or recipient, including an applicant for or recipient of aid to families with dependent children, may retain items of personal property, other than cash, securities, instruments or other evidences of indebtedness, of a market value not to exceed one thousand dollars (\$1,000), and in addition property falling within the following categories:

1. The entire value of wedding and engagement rings, heirlooms and clothing.

2. The reasonable value of household furnishings and, in addition, other property used to provide, equip and maintain a household for the applicant or recipient up to a market value of three hundred dollars (\$300) for each item.

3. Equipment and material of reasonable value, including motor vehicles, which are necessary to implement an employment, rehabilitation or self-care plan necessary for employment of the applicant or recipient.

4. Any property right which is essential to land use or which is not available for the use of or expenditure by or in behalf of the applicant or recipient to meet a current or future need of the applicant or recipient.

In addition to all of the foregoing the director may at his discretion exempt other items of personal property not exempted under this section.

SEC. 24 3. Section 11157 of the Welfare and Institutions Code is repealed.

SEC. 24.4. Section 11157 is added to the Welfare and Institutions Code, to read:

11157 Notwithstanding Section 11008, all lump sum income received by an applicant or recipient, including an applicant for or recipient of aid to families with dependent children, shall be regarded as income in the month received except non-recurring lump sum social insurance payments, which social insurance payments shall include but are not limited to social security income, railroad retirement benefits, veteran's benefits, workman's compensation, and disability insurance.

SEC 24 5 Section 11250 6 is added to the Welfare and Institutions Code, to read

11250.6 The income of any person under a contract of employment on an annual basis but who works and receives income from such contract in fewer than 12 months, but more than eight months, shall be prorated over the period of the contract for the purposes of this chapter.

SEC 24.6. Section 11252 of the Welfare and Institutions Code is repealed.

SEC. 24.65. Section 11252.5 is added to the Welfare and Institutions Code, to read:

11252.5. The Legislature hereby finds that the high rate of unemployment, which has been aggravated in California's most populous regions by layoffs in the aerospace industries, has led to a high level of public assistance grants and that despite the unemployment rate, both the unemployment rolls and the welfare rolls are swollen by the influx of persons from other states, many of which allow smaller assistance grants.

The Legislature further notes that increasing state taxes will have a depressing effect upon those individuals, firms, and industries now operating at a marginal level and will tend to further aggravate the unemployment rate and increase the welfare rolls.

The Legislature finds, therefore, that the most compelling state interest requires that the relationship between welfare and unemployment be recognized and that an emergency residency requirement be enforced in those areas of the state suffering from unusually high rates of unemployment.

(a) At any time the director shall determine from information received from the Department of Human Resources Development that any county has an unemployment rate of 6.0 percent or more, the director shall declare a state of emergency to exist, and shall immediately direct such county to enforce an emergency residency requirement as provided in subdivision (b) until its unemployment rate falls below 6.0 percent. During this period and in any county in which such emergency exists, no person described in subdivision (b) shall be eligible for aid after the effective date of this section who does not meet the residency requirements of subdivision (b) of this section.

(b) No needy relative under Section 11203 shall be eligible for aid unless such needy relative has been physically present in the county for one year immediately preceding the date of application.

The provisions of this section shall not operate to render ineligible for aid any needy relative receiving such aid on the effective date of this section.

SEC. 24.7. Section 11253 of the Welfare and Institutions Code is amended to read:

11253. Aid may not be granted under the provisions of this chapter to or in behalf of any child over the age of 16 unless:

(a) He is less than 21 years of age and is regularly attending school or a training program, or if enrolled in an institution of higher education, attending regularly, achieving a passing grade and making progress according to standards set by the department, or

(b) He is physically or mentally disabled, or

(c) He is employed and contributing to the family, or applying his earnings to a plan approved by the county depart-

ment for his further education or preparation for future employment, provided that his earnings set aside for education or training are placed in an irrevocable trust for such purposes, with the county and the parents designated as joint trustees.

SEC. 24.12. Section 11258 of the Welfare and Institutions Code is repealed.

SEC. 24.13. Section 11261 of the Welfare and Institutions Code is repealed.

SEC. 24.14. Section 11262 of the Welfare and Institutions Code is repealed.

SEC. 25. Section 11265 of the Welfare and Institutions Code is amended to read:

11265. The county shall redetermine eligibility annually. The county shall at the time of such redetermination, and may monthly or at such other intervals as may be deemed necessary, require the family to complete a certificate of eligibility containing a written declaration of such information as may be required to establish the continuing eligibility and amount of grant pursuant to Section 11004 of this code.

The certificate shall include blanks wherein shall be stated the names of all children receiving aid, their present place of residence, the names and status of any other adults living in the home, the name, and if known, the social security number and present whereabouts of a parent who is not living in the home, and any outside income that may have been received through employment, gifts, or the sale of real or personal property.

If the certificate is mailed to the family, it shall be accompanied by a stamped envelope for its return. In the event the certificate is not completed and returned within 10 days after it is mailed or personally delivered to the family, a home visit or other personal meeting shall be made to or with the family, and the certificate shall then be completed with the assistance of the social worker, if needed. If there is a refusal to complete such certificate, the warrant for the succeeding month may be withheld pending clarification of eligibility.

Each adult member of the family shall provide, under penalty of perjury, the information necessary to complete such certificate.

SEC. 25.1. Section 11266 is added to the Welfare and Institutions Code, to read:

11266. Notwithstanding the provisions of Section 11056, if at the time of application the county determines that the applicant needs immediate assistance because he does not have sufficient resources to meet the immediate needs of his family, the county shall pay such applicant one hundred dollars (\$100) or the maximum amount to which such applicant is eligible, whichever is less. The county shall verify such applicant's eligibility within five working days, and advance payments made under this section shall be offset against the first grant payment made to the recipient. If eligibility is not veri-

fied within five working days, pursuant to this section, the county shall bear the entire cost of the advance payment made to the applicant.

SEC. 25.2. Section 11267 is added to the Welfare and Institutions Code, to read:

11267. To the extent permitted by federal law and regulations, no child or family is eligible to receive aid under this chapter if the total gross income, exclusive of grant payment, prior to any deductions available to such child or family exceeds 150 percent of the minimum basic standard of adequate care applicable to such child or family.

SEC. 25.3. Article 3.5 (commencing with Section 11325) is added to Chapter 2, Part 3, Division 9 of the Welfare and Institutions Code, to read:

Article 3.5. Community Work Experience Programs

11325. Assisting recipients of aid to become self-supporting through implementation of the work incentive programs established in accordance with subdivision (19)(A) of Section 402(a) of the Social Security Act, as amended, as well as through such additional or supplemental work programs permitted by federal law is a matter of public concern.

To the extent permitted by federal law, it is the intention of the Legislature that this article operate as a demonstration program. The Director of the Department of Human Resources Development shall develop a plan for the phased implementation of community work experience programs. As this plan is implemented, he shall designate specific geographic areas within which community work experience programs shall be established. Such geographic areas shall consist of a county or portion of a county, as the director may designate.

The Director of the Department of Human Resources Development shall develop community work experience programs through contracts with any public entity or nonprofit agency or organization, subject to the conditions and standards set forth below.

All public entities shall cooperate in the development and implementation of community work experience programs for welfare applicants and recipients in accordance with criteria and standards established by the Department of Social Welfare and Department of Human Resources Development, provided that any program undertaken by a public agency shall be done with the consent of that agency.

For the purpose of this article, a "community work experience program" is a program to provide work experience and training for individuals who are not otherwise able to obtain employment or who are not actively participating in training or education programs, in order that such participants may move into regular employment.

Community work experience programs shall provide for development of employability through actual work experience

and training; and shall be designed to enable individuals employed under community work experience programs to move promptly into regular public or private employment or into training or public service employment programs to improve their employability in regular public or private employment. The facilities of the Department of Human Resources Development shall be utilized to find employment opportunities for recipients under this program.

Community work experience programs under this article shall be confined to projects which serve a useful public purpose such as in the fields of health, social service, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facilities, and public safety. To the extent possible, the prior training, experience and skills of a recipient shall be utilized in making appropriate work experience assignments.

The Director of the Department of Human Resources Development shall designate the procedures for inclusion of recipients of public assistance within community work experience programs, to include the geographic area within which such programs shall be established. To the extent permitted by federal law, recipients of public assistance referred by the Department of Human Resources Development to a community work experience program shall, as a condition of receiving public assistance, participate in such program, except where good cause exists for failure to accept and continue to participate in such program.

No person, who is a recipient of aid under this chapter under the age of seventeen (17) years, or is the mother of a child the age of six (6) years or under in the home, or who is otherwise employed or actively participating in training programs, education programs, or public service employment programs, or is incapacitated, shall be required to participate in community work experience programs. No mother of a child over the age of six (6) years in the home shall be required to participate in such community work experience programs unless suitable child care is available.

A community work experience program established under this section shall provide:

(1) Appropriate standards for health, safety, and other conditions applicable to the performance of work, including workmen's compensation insurance.

(2) That the program does not result in displacement of persons currently employed, or the filling of established unfilled position vacancies.

(3) That the program does not apply to jobs covered by a collective bargaining agreement.

(4) Reasonable conditions of work, taking into account the geographic region, the residence of the participants, and the proficiency of the participants.

(5) That participants will not be required, without their consent, to travel an unreasonable distance from their homes or remain away from their homes overnight.

(6) That participants will not be required to work in excess of 80 hours in any calendar month, nor in excess of eight hours during any calendar day in order to provide time to seek regular employment, provided, however, that in no case will any participant be required to participate in work experience programs for a period of time which would result in a total number of hours per month, which, if compared to the amount of the grant, in relation to the state or federal minimum wage, whichever is higher, would result in a ratio that would be less than such minimum wage. Nothing in this section shall be construed as requiring or permitting the payment of aid in exchange, or as compensation, for work performed.

(7) That participation shall not result in any cost to a participant, provision shall be made for transportation and all other costs reasonably necessary to and directly related to participation in the program. Nothing contained herein shall entitle any participant to a salary or to any other work or training expense provided under any other provision of law by reason of his or her participation.

(8) A recipient shall not be placed in a community work experience program under this section unless all available positions within the geographic area served by a community work experience program have been filled under work incentive programs established pursuant to Chapter 3 (commencing with Section 5200) of Division 2 of the Unemployment Insurance Code or under any other job development program established pursuant to state law. To the extent feasible, work incentive program positions shall be administered to maximize utilization of that program prior to placement of recipients in community work experience programs.

No individual shall be required to participate in a community work experience program if:

(1) The position offered is vacant due directly to a strike, lockout, or other labor dispute.

(2) As a condition of accepting the work or continuing in the work, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization

(3) Acceptance would be an unreasonable act because of hardship imposed on the person or his family due to illness or remoteness.

11326. To the extent permitted by federal law, aid shall be terminated with respect to a recipient of public assistance covered by this demonstration program, who without good cause refuses to participate in a community work experience program; provided, however, that aid for the support of the child or children of such recipient of public assistance shall not be reduced or terminated as a result of such refusal to participate. Any recipient of public assistance who refuses

without good cause to participate, shall not be considered a needy relative or caretaker of a recipient child and shall not be entitled to receive or use any part of an aid grant paid pursuant to this chapter.

11327. The Director of the Department of Human Resources Development shall report annually to the Legislature concerning the community work experience programs, including the number of persons placed in a community work experience program, the number of persons placed from this program into regular employment, and the costs to state and local agencies for implementing this demonstration program.

SEC. 25.4. Section 11350 of the Welfare and Institutions Code is repealed.

SEC. 25.5. Section 11350 is added to the Welfare and Institutions Code, to read:

11350. In any case of separation or desertion of a parent or parents from their spouse and child or children which results in aid being granted under this chapter to such spouse and child or children, such parent or parents shall be obligated to the county for an amount equal to: (a) the value of the aid received by such family during such period of separation or desertion with respect to such spouse and child or children, reduced by (b) any amount actually paid by such parent or parents for the support and maintenance of such spouse and child or children during such period, if and to the extent that such amount reduces the aid received; except that in any case where an order for the support and maintenance of such spouse and child or children has been issued by a court of competent jurisdiction, the obligation under this section shall not exceed the amount specified in such order less any amount actually paid by such parent or parents during such period. In the absence of such an order, the district attorney shall bring suit for enforcement of support pursuant to this section. Any payments required pursuant to this section shall be reasonably based on ability to pay.

The court may order the defendant to pay the county reasonable attorney fees and court costs in any proceeding brought by the county pursuant to this section.

SEC 26.1 Section 11351 of the Welfare and Institutions Code is repealed.

SEC 27. Section 11353 of the Welfare and Institutions Code is amended to read:

11353. Any parent whose absence is the basis upon which an application is filed for aid in behalf of a child shall complete and return to the county within 15 days after service pursuant to Section 11476 a written statement of his current monthly income, his total income over the past 12 months, a description of all real and personal property owned by him, together with an estimate of its value, the number of dependents for whom he is providing support, the amount he is contributing regularly, toward the support of all children for whom application for aid is made under this chapter, his social

security number, his current monthly living expenses and such other information as is pertinent to determining his ability to support his children.

A violation of this section constitutes a misdemeanor.

SEC. 28. Section 11450 of the Welfare and Institutions Code is amended to read:

11450. (a) For each needy family which includes one or more needy children qualified for aid under this chapter, except as provided in Section 11403, there shall be paid, notwithstanding minimum basic standards of adequate care established by the department under Section 11452, an amount of aid each month which when added to his income, exclusive of any amounts considered exempt as income or paid pursuant to subdivision (d) of this section or Section 11453.1, is equal to the sums specified in the following table, as adjusted for cost-of-living increases or decreases pursuant to Section 11453:

Number of eligible needy persons in the same home	Maximum aid
1 -----	\$115
2 -----	190
3 -----	235
4 -----	280
5 -----	320
6 -----	360
7 -----	395
8 -----	430
9 -----	465
10 or more -----	500

If, when and during such times as the United States government increases or decreases its contributions in assistance of needy children in this state above or below the amount paid on July 1, 1972, the amounts specified in the above table shall be increased or decreased by an amount equal to such increase or decrease by the United States government, provided that no such increase or decrease shall be subject to subsequent adjustment pursuant to Section 11453.

(b) For children receiving foster care who are qualified for aid under the provisions of this chapter, except as provided in Section 11403, there shall be paid the sum necessary for the adequate care of each child, but not to exceed in any month the product of eighty dollars (\$80) multiplied by the number of children in each county receiving foster care. The state shall pay 67.5 percent and the county shall pay 32.5 percent of the aid furnished for the adequate care of such children.

The maximum amount of aid payable under the previous paragraph shall be increased up to one hundred dollars (\$100) per month in assistance in those cases and during such times as the United States government contributes.

(c) As used in this chapter, "foster care" means care in a boarding home or institution.

(d) (1) In addition to the amounts payable under subdivision (a) of this section and Section 11453.1, a family shall be entitled to receive an allowance for recurring special needs not common to a majority of recipients. The county shall pay the full cost of the additional aid furnished needy families pursuant to this subdivision after first deducting therefrom any funds received from the federal government. Such recurring special needs shall include but not be limited to special diets upon the recommendation of a physician, and unusual costs of transportation, laundry, housekeeping service, telephone, and utilities not to exceed the minimum basic standards of adequate care.

(2) A family shall also be entitled to receive an allowance, at county expense after first deducting therefrom any funds received from the federal government, for nonrecurring special needs caused by sudden and unusual circumstances beyond the control of the needy family; provided, however, that such needs shall not be taken into consideration in determining the eligibility of the family for aid.

(3) The department shall establish rules and regulations assuring the uniform application statewide of the provisions of this subdivision.

(e) Except for the purposes of Section 15200, the amounts payable to recipients pursuant to Section 11453.1 shall not constitute part of the payment schedule set forth in subdivision (a) of this section.

The amounts payable to recipients pursuant to Section 11453.1 shall not constitute income to recipients of aid under this section.

SEC. 28.1. Section 11451.6 is added to the Welfare and Institutions Code, to read:

11451.6. Notwithstanding Section 11008, any exemptions from earned income for work-related expenses authorized under other provisions of this chapter shall be limited to a standard allowance of fifty dollars (\$50) per month plus reasonable and necessary costs of child care. For purposes of this section, reasonable costs of child care are defined as actual costs, not to exceed the costs of securing child care available in the community which meets the minimum standards of the Federal Inter-agency Day Care Agreement of Section 107 of Public Law 90-222 (Economic Opportunity Act amendments of 1967).

SEC. 28.5. Section 11452 of the Welfare and Institutions Code is amended to read:

11452. Minimum basic standards of adequate care shall be distributed to the counties and shall be binding upon them. Such standards are hereby determined on the basis of the schedule set forth in this section, as adjusted for cost-of-living increases or decreases pursuant to Section 11453, which schedule is designed to insure:

- (1) Safe, healthful housing.
- (2) Minimum clothing for health and decency.
- (3) Low-cost adequate food budget meeting recommended dietary allowances of the National Research Council.
- (4) Utilities
- (5) Other items including household operation, education and incidentals, recreation, personal needs, and insurance.
- (6) Allowance for essential medical, dental, or other remedial care to the extent not otherwise provided at public expense.
- (7) Other recurring special needs.

The schedule of minimum basic standards of adequate care is as follows:

Number of needy persons in the same family	Minimum basic standards of adequate care
1 -----	\$125
2 -----	210
3 -----	255
4 -----	314
5 -----	362
6 -----	408
7 -----	449
8 -----	496
9 -----	543
10 -----	590

plus five dollars (\$5) for each additional needy person.

The department shall establish rules and regulations assuring the uniform application statewide of the provisions of this section.

SEC. 29. Section 11453 of the Welfare and Institutions Code is repealed.

SEC. 29.1. Section 11453 is added to the Welfare and Institution Code, to read:

11453. The amounts set forth in Section 11452 and subdivision (a) of Section 11450 shall be adjusted annually by the department to reflect any increases or decreases in the cost of living occurring after April 1, 1972, so that the first such adjustment becomes effective July 1, 1973. The average of the separate indices of the cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics, shall be used as the basis for determining the changes in the cost of living.

In giving effect to the cost-of-living provisions of this section, the department shall select a comparison month for computation of the percentage change in the cost of living after April 1, 1972. The same month shall be used annually thereafter. The determination of whether an adjustment is to be made, and the amount of such adjustment, shall be made by comparing the average index for the comparison month with the average index for April 1, 1972. The product of any

percentage increase or decrease in the average index and the amounts to which each needy family is entitled shall be adjusted by the dollar amount of any cost-of-living change currently in effect pursuant to the provisions of this section. If the resultant amount, when adjusted to the nearer dollar, is one dollar (\$1) or more, it shall be added to or subtracted from the schedule set forth in subdivision (a) of Section 11450 and the schedule set forth in Section 11452, the resultant sum shall constitute the new schedules under subdivision (a) of Section 11450 and Section 11452 and shall be filed with the Secretary of State.

SEC. 29.2. Section 11453.1 is added to the Welfare and Institutions Code, to read:

11453.1. (a) It is the intent of this section to assure that the food purchasing power provided by benefits available from food stamps under the Federal Food Stamp Act of 1964, as amended, shall continue to be available to recipients of aid under this chapter, if, when and during such times as federal law is amended to preclude food stamp benefits to such recipients, but does expressly permit the equivalent of such benefits to be provided as cash benefits to such recipients.

(b) It is the further intent of this section to protect the financial interest of the state and counties by accomplishing the conversion of food stamp benefits in such a manner that the conversion does not result in state and county costs of aid exceeding the costs in the base year, as hereinafter defined in this section.

(c) If federal law is amended to preclude the provision of food stamp benefits pursuant to the Federal Food Stamp Act of 1964, as amended, to applicants or recipients of aid under this chapter, when such federal law becomes operative, such of the following provisions for converting food stamp benefits to cash benefits as is consistent with the intent of this section shall become operative immediately:

(1) The bonus value of food stamps shall be paid in addition to the amounts payable pursuant to subdivision (a) of Section 11450, provided that aggregate state and county expenditures pursuant to that section and this section do not thereby exceed the base-year costs.

(2) If aggregate state and county expenditures pursuant to subdivision (a) of Section 11450 and this section in any fiscal year would, by virtue of the operation of subsection (1) of subdivision (c) of this section, result in an increase over the aggregate of such expenditures in the base year, the bonus value of food stamps paid pursuant to this section shall be reduced, on a pro rata basis, by such amount as will reduce aggregate state and county expenditures under that section and this section to an amount equal to the aggregate state and county expenditures in the base year.

(d) For the purposes of this section, "base year" means that year designated by federal law as the year fixing the limit on nonfederal expenditures for programs established to imple-

ment programs under Part A of Title 4 of the Social Security Act.

(e) For purposes of this section, "bonus value of food stamps" means the dollar amount that federal law permits to be paid to a child or a family of given size as a cash benefit in lieu of benefits under the Federal Food Stamp Act of 1964, as amended.

(f) For purposes of this section, "aggregate state and county expenditure" is defined as expenditure made under subdivision (a) of Section 11450 and this section, after deducting any federal reimbursements or credits, and excluding any cost-of-living increment paid pursuant to Section 11453.

SEC. 29.3. Section 11453.2 is added to the Welfare and Institutions Code, to read:

11453.2. To the extent permitted by federal law, counties may allow vendor payments for nonrecurring special needs as provided in subsection (2) of subdivision (d) of Section 11450.

SEC. 29.5 Section 11454 of the Welfare and Institutions Code is amended to read:

11454. Aid under this chapter shall be paid in kind or by vendor payments, wholly or in part, in any case where it is determined by the county director of the county in which the case is pending that there is mismanagement of aid payments in cash by the person in receipt thereof. The department shall make rules and regulations for the payment of aid under this section so that such aid will be paid only in cases wherein it is shown to be necessary. Aid under this section shall be paid in accordance with minimum basic standards of adequate care as prescribed by Section 11452 of this code. The cost of aid shall be borne by the state and county in the same proportion and up to the same maximums as are specified for state-county participation in aid in Sections 11450 and 11207 of this code. Nothing in this section shall be construed as requiring a county to provide aid in an amount in excess of that which it is required to provide under Section 11450 of this code. Aid granted under provisions of this section shall be paid without federal participation in the cost thereof whenever such federal participation is not provided by the laws of the United States or rules and regulations promulgated thereunder.

SEC 30. Section 11476 of the Welfare and Institutions Code is amended to read:

11476. In all cases in which the whereabouts of the parent is unknown, the county department shall refer the applicant to the district attorney at the time the application for assistance is signed.

In all cases in which the whereabouts of the absent parent is known, the county department, immediately upon receipt of the application for assistance, shall notify the absent parent of the filing of the application and of his responsibility to complete and return the written statement required by Section 11353. Such notification shall be by registered mail, return re-

ceipt requested, and an appropriate form and a stamped envelope shall be provided for its return. If the notice is not delivered within seven days, the county department shall cause prompt personal service to be made. If the written statement is not completed and returned within 15 days after service, the county department shall refer the matter to the district attorney for prosecution for violation of Section 11353.

When the county department has obtained sufficient information concerning the absent parent it shall immediately determine his ability to support his children, make contractual arrangements for his complying with his obligation to support, discuss his parental responsibilities, and explore the possibility of a reconciliation and the resumption of a parental relationship with his children. If the county department has not obtained a satisfactory support agreement with the absent parent within 30 days after the application for assistance is signed, the county department shall refer the case to the district attorney unless it has definitely determined that the parent is financially incapable of supporting the child. The department shall develop and furnish to the counties guidelines and forms for support agreements; such agreements shall provide every safeguard available under the law for effective enforcement of support and collection through enforcement of a legal judgment, including the imposition of liens upon real and personal property where appropriate. If the absent parent is residing out of the county and his whereabouts is known, the county department may arrange for the personal contacts and interviews with the absent parent to be conducted by the county department of the county where the parent is located. The department shall provide by regulation for a plan of cooperation between the respective counties, and it shall be the duty of each county upon receiving a request from another county to cooperate and assist promptly in contacting, interviewing, and obtaining support agreements where appropriate from absent parents located within its boundaries.

Anything in this section to the contrary notwithstanding, it shall be the duty of the county department to refer to the district attorney immediately any case in which one or more of the following factors appear:

1. The absent parent refuses to be interviewed, to provide necessary information, or to discuss his parental responsibilities.
2. The absent parent refuses to make a contribution in accordance with his financial ability.
3. There is reason to believe that the parent may flee or hide if contacted by the county department.
4. The absent parent's previous history indicates that although he is capable of a support contribution, efforts by the county department to obtain support would be fruitless.
5. Legal action is necessary to establish paternity.

6. The absent parent has entered into an agreement with the county department to support his child and has defaulted upon that agreement without showing good cause for such default.

7. The district attorney has requested that all cases involving parents absent from the home be referred to him immediately upon receipt of the application for assistance.

The county department shall cooperate with the district attorney and shall report to him all information contained in the case record which concerns the question of nonsupport and the suitability of prosecution as a method of obtaining support for the child in each case.

Upon referral, the district attorney shall immediately investigate the question of nonsupport and shall take all steps necessary to obtain support for the needy child. However, upon the advice of the county department that a child is being considered for adoption, the district attorney shall delay his investigation and other actions with respect to the case until advised that the adoption is no longer under consideration.

The granting of aid to the applicant shall not be delayed or contingent upon investigation by the district attorney.

In every case which has not been referred to the district attorney, it shall be the duty of the county department to contact the absent parent and to carry out the provisions of this section at the earliest possible date, and to refer the case to the district attorney at once in the event of a refusal to cooperate or an unexplained default as provided above. Upon referral, it shall be the duty of the district attorney to take all appropriate action, civil and criminal, to promptly and effectively enforce the obligation of parents to support their children.

SEC. 31. Section 11487 of the Welfare and Institutions Code is amended to read:

11487. Except as provided in Section 11457, whenever any aid under this chapter is repaid to a county or recovered by a county pursuant to Section 11350, the state shall be entitled to a share of the amount received or recovered, proportionate to the amount of state funds paid, and, if funds advanced by the federal government were paid, the federal government shall be entitled to a share of the amount received or recovered, proportionate to the amount of federal funds paid.

Repayments to the state and to the federal government made pursuant to this section shall be computed after deducting the costs reasonably and necessarily incurred by the district attorney's office in locating and recovering from the parents of the children receiving aid under this chapter. The county shall establish a recordkeeping system, in accordance with standards prescribed by the department, to support the deductions provided for in this section.

The second paragraph of this section shall take effect if and when amendments to the federal statutes or rules and regulations of the United States Department of Health, Education,

and Welfare take effect permitting the use of federal funds to reimburse local law enforcement agencies for the costs incurred by them in enforcing the support liability of parents of children receiving aid under this chapter.

SEC. 31.5. Section 11489 is added to the Welfare and Institutions Code, to read:

11489. After judgment in any court action brought to enforce the support obligation of an absent parent pursuant to the provisions of this chapter, a writ of execution may be issued against one-half of the earnings of the absent parent due or owing for his personal services and no claim for exemption shall be effective against the enforcement of such writ of execution.

SEC. 32.5. Section 12050 of the Welfare and Institutions Code is amended to read:

12050. Aid shall be granted under this chapter to any person who comes within all of the following descriptions:

(a) Who has attained the age of 65 years; provided, that if, when and during such time as the federal government shall provide or make available to this state grants-in-aid to persons who have attained the age of 60 years, the age contained in this subdivision shall be reduced to 60 years and persons who have attained the age of 60 years and who come within all of the descriptions hereinafter contained shall be eligible for aid under this chapter;

(b) Who is not cared for under a contract for a period of time exceeding one month; provided, however, that during such times as the federal statutes or rules and regulations provide for federal sharing, all persons cared for under such a contract may be granted assistance for their personal and incidental expenses not to exceed ten dollars (\$10) per month if the contract does not specifically provide for this need; provided further, that during such time as the additional federal funds made available for that purpose by federal legislation enacted in 1952 remain available, all persons cared for under a contract mentioned in the last preceding clause of this subdivision may be granted assistance for their personal and incidental expenses not to exceed fifteen dollars (\$15) per month in lieu of the ten-dollar (\$10) grant authorized by the last preceding clause, if the contract does not specifically provide for this need.

(c) Who is not receiving adequate support from a husband or wife, or child able and responsible under the laws of this state to furnish such support; free board and lodging supplied to an applicant, because of his necessity, by a friend or relative who is not responsible for his support, shall not be grounds for refusing aid;

(d) Who has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid.

(e) Who is not a patient in a public institution for tuberculosis or mental disease, except to the extent permitted by federal law.

(f) Who is not a patient in a public medical institution as the result of a diagnosis as having tuberculosis or psychosis, except to the extent permitted by federal law.

(g) Who is not an inmate of a public institution of a custodial (nonmedical), penal or correctional character.

(h) Who is not an inmate in a federal medical institution.

SEC. 32 9. Section 12052 of the Welfare and Institutions Code is repealed.

SEC. 33. Section 12101 of the Welfare and Institutions Code is amended to read:

12101 The ability of an adult child to contribute to the support of a parent shall be determined in accordance with this section.

The director may establish a relatives' contribution scale setting forth the amount an adult child shall be required to contribute toward the support of a parent in receipt of aid under this chapter provided that the schedule established shall not exceed the amounts in the schedule specified in this section. Regulations of the department shall prescribe the criteria, methods of investigation and test check procedures relating to the determination of the maximum amount any adult child may be held liable to contribute toward the support of a parent to the end that the required contribution does not impose an undue hardship upon the adult child and administrative time and effort are not expended on nonproductive investigative activities.

For purposes of this chapter, income of an adult child is defined as the sum of the income constituting the separate property of the adult child, the income (excluding earnings) which is community property subject to the direction and control of the adult child, and the earnings of the adult child but not of his or her spouse.

In computing net income, a flat 25-percent allowance shall be permitted for the cost of personal income taxes, disability insurance taxes and social security taxes, expenses necessary to produce the income, including the cost of transportation to and from work, meals eaten at work, and union dues, and the cost of tools, equipment and uniforms.

A responsible relative who is self-employed shall also be allowed to deduct the expenses necessary for obtaining the income.

The department, in establishing criteria and regulations for the administration of this section, shall provide for consideration of contributions made in kind.

Relatives' Contribution Scale

A. Net monthly income	B. Number of persons dependent upon income					
	1	2	3	4	5	6 or more
C. Maximum required monthly contributions						
\$350 or under --	\$0	\$0	\$0	\$0	\$0	\$0
351- 375 -----	20	0	0	0	0	0
376- 400 -----	25	0	0	0	0	0
401- 425 -----	30	20	0	0	0	0
426- 450 -----	35	25	0	0	0	0
451- 475 -----	40	30	20	0	0	0
476- 500 -----	45	35	25	0	0	0
501- 525 -----	50	40	30	20	0	0
526- 550 -----	55	45	35	25	0	0
551- 575 -----	60	50	40	30	20	0
576- 600 -----	65	55	45	35	25	0
601- 625 -----	70	60	50	40	30	20
626- 650 -----	75	65	55	45	35	25
651- 675 -----	80	70	60	50	40	30
676- 700 -----	85	75	65	55	45	35
701- 725 -----	90	80	70	60	50	40
726- 750 -----	95	85	75	65	55	45
751- 775 -----	100	90	80	70	60	50
776- 800 -----	105	95	85	75	65	55
801- 825 -----	110	100	90	80	70	60
826- 850 -----	115	105	95	85	75	65
851- 875 -----	120	110	100	90	80	70
876- 900 -----	125	115	105	95	85	75
901- 925 -----	130	120	110	100	90	80
926- 950 -----	135	125	115	105	95	85
951- 975 -----	140	130	120	110	100	90
976-1,000 -----	145	135	125	115	105	95
1,001-1,025 -----	150	140	130	120	110	100
1,026-1,050 -----	155	145	135	125	115	105
1,051-1,075 -----	160	150	140	130	120	110
1,076-1,100 -----	165	155	145	135	125	115
1,101-1,125 -----	170	160	150	140	130	120
1,126-1,150 -----	175	165	155	145	135	125

The maximum required monthly contribution of responsible relatives in one family where the net monthly income is over one thousand one hundred fifty dollars (\$1,150) shall be the amount computed by entering the column of maximum required monthly contribution appropriate to number of persons dependent upon income as shown in the relatives' contribution scale for a net monthly income of one thousand one hundred twenty-six dollars (\$1,126) to one thousand one hundred fifty dollars (\$1,150) and then adding to the required monthly contribution thus ascertained an additional sum of five dollars (\$5) contribution for each and every bracket of twenty-five

dollars (\$25) net income over and above one thousand one hundred fifty dollars (\$1,150), the same as if the relatives' contribution scale were extended by brackets of twenty-five dollars (\$25) net income in column A with corresponding step-by-step increases of five dollars (\$5) monthly contribution in each column under B and C.

Notwithstanding any other provision of this code to the contrary, the provisions of this section and the regulations of the department adopted pursuant thereto shall be the basis for determining the extent of liability of an adult child to contribute to the support of, or defray the cost of any medical care or hospital care and other services rendered to a recipient pursuant to any provision of this code if he is a recipient of aid under this chapter at the time such medical care or hospital care or other services are rendered.

SEC. 34. Section 12101.1 is added to the Welfare and Institutions Code, to read:

12101.1. Relatives' contributions under Section 12101 shall be paid to the county department and be treated by the county as recoveries on aid granted.

SEC. 34.1. Section 12107 is added to the Welfare and Institutions Code, to read:

12107. This article shall be operative at the discretion of the director.

SEC. 34.2. Section 12657 of the Welfare and Institutions Code is repealed.

SEC. 38. Section 13550 of the Welfare and Institutions Code is amended to read:

13550. Aid shall be granted under this chapter to any newly disabled person who comes within all of the following descriptions:

- (a) Who has attained the age of 18 years.
- (b) Who has not made any voluntary assignment or transfer of property for the purpose of qualifying for aid.
- (c) Who is not at the time of receiving such aid, a patient in an institution for tuberculosis or mental disease, or a patient in a medical institution as the result of a diagnosis of tuberculosis or psychosis except to the extent permitted by federal law, an inmate of a public institution of a custodial (non-medical), penal, or correctional character, or an inmate in a federal medical institution. Any such inmate or patient, however, may make an application for aid under this chapter and have his application investigated and acted upon without delay, in the same manner as applications of other persons are acted upon, while he is such an inmate or patient, and, if he is otherwise qualified under the terms of this chapter, such application shall be approved. The aid shall be granted to him from the first day of the month in which the determination is made that he is eligible, but in no event shall the aid commence prior to the date of the application. The applicant may remain an inmate or patient until he receives his first monthly

payment, whereupon he shall cease to be such inmate or patient.

(d) Who is not receiving adequate support from a husband or wife, or parent, or child.

SEC. 39.01. Section 14010 is added to the Welfare and Institutions Code, to read:

14010. Notwithstanding any other provision of law, the parent or parents of a child under 21 years of age shall not be held financially responsible, nor shall financial contribution be requested or required of such parent or parents for health care or related services to which the child may consent without the need for parental consent under any express provision of law.

SEC. 39.02. Section 15200.1 is added to the Welfare and Institutions Code, to read:

15200.1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to a fund to be known as the Support Enforcement Incentive Fund, from which the department shall make payments to each county to be deposited in the county general fund to offset county welfare costs which shall be equivalent to 21.25 percent of that portion of the amounts received from or collected from absent parents which is applied to support for the calendar month following receipt by the county department as provided in Section 11457. The sum to be paid to a county pursuant to this section shall not exceed 21.25 percent of the public funds which would have been paid for support for the calendar month following receipt by the county department but for the receipt or collection from absent parents. The provisions of this section shall in no way affect reimbursement for past support due the county as otherwise provided in Section 11457.

SEC. 39.1. Section 15201 of the Welfare and Institutions Code is amended to read:

15201. There is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, to every county within this state for maintaining or supporting aged persons who come within the provisions of Chapter 3 of this part, aid in an amount equal to the amount of any grant made by the county pursuant to that chapter to every such aged person, after deducting therefrom the amount of any sum received from the United States government as old age assistance in respect to such aged persons, each month for each such aged person maintained or supported by such county.

Payments of aid shall be made in the manner provided in Article 4 of this chapter.

SEC. 39.2. Section 15202 of the Welfare and Institutions Code is amended to read:

15202. There is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, to every county in the state for maintaining, supporting, or caring for blind persons who come within the provisions of Chapter 4 of this part, aid in an amount equal to the amount of any

grant made by the county pursuant to that chapter to every such blind person, after deducting therefrom the amount of any sum received from the United States government for aid to the blind in respect to such blind person, each month for each such blind person maintained, supported and cared for by such county.

Payments of aid shall be made in the manner provided in Article 4 of this chapter.

SEC. 39.3. Section 15203 of the Welfare and Institutions Code is amended to read:

15203. There is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, to every county in the state for maintaining, supporting, or caring for blind persons who come within the provisions of Chapter 5 of this part, aid in an amount equal to the amount of any grant made by the county pursuant to that chapter to every such blind person, each month for each such blind person so maintained, supported and cared for, by such county.

SEC. 39.4. Section 15204 of the Welfare and Institutions Code is amended to read:

15204. There is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, to every county within this state for maintaining or supporting needy disabled persons who come within the provisions of Chapter 6 of this part, aid in an amount equal to 50 percent of the amount of any grant made by the county pursuant to Section 13700 to every such needy disabled person, after deducting therefrom the amount of any sum received from the United States government as aid to the permanently and totally disabled in respect to such needy disabled person, each month for each such needy disabled person maintained or supported by such county.

SEC. 39.5. Section 17104 of the Welfare and Institutions Code is repealed.

SEC. 39.7. In order to achieve meaningful welfare reform, there is hereby appropriated without regard to fiscal years a sum not to exceed in the aggregate the total of the following schedule:

(a) The sum of one million dollars (\$1,000,000) to be made available by the Director of Finance to the Department of Public Health for the purposes of Sections 10053.2 and 10053.3 of the Welfare and Institutions Code.

(b) The sum of three million dollars (\$3,000,000) to the Department of Social Welfare, to be used for the purposes of Sections 10811 and 10811.5 of the Welfare and Institutions Code.

(c) The sum of two million dollars (\$2,000,000) to the Department of Human Resources Development and the Department of Social Welfare for expenditure for the work incentive program as specified in Division 2 (commencing with Section 5000) of the Unemployment Insurance Code and Article 3 (commencing with Section 11300) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code,

provided that the Director of Finance shall designate the amount to be expended by each department.

(1) Education and training supported by this appropriation for welfare recipients shall only be provided in courses which the Director of Human Resources Development certifies as being preparatory for occupations for which there is a strong present demand or for which there is expected to be a strong demand.

(2) Education and training shall be provided to only such welfare recipients as the Director of Human Resources Development certifies as being appropriate to receive such education and training in terms of their prior education, experience, aptitude, and employment interests.

(3) Notwithstanding the provisions of Item 231 of the Budget Act of 1971, funds from this appropriation augmentation may be used to provide education and training without benefit of federal cost sharing if and when education and training appropriate to an individual welfare recipient which will prepare him to compete for employment in an occupation of strong present or expected future demand cannot be provided within the constraints imposed by federal law or policy.

(4) Notwithstanding any other provision of law, the amounts appropriated to the Department of Human Resources Development pursuant to Item 231 of the Budget Act of 1971 shall not be reduced by any amount appropriated under this section.

(d) The sum of seven million dollars (\$7,000,000) to the State Personnel Board to implement the provisions of Division 4 (commencing with Section 12000) of the Unemployment Insurance Code; provided that not more than one million five hundred thousand dollars (\$1,500,000) may be expended for administration and developmental costs of the Career Opportunities Development Program and the provision of technical assistance and support to local jurisdictions.

(e) In order to avoid any resultant and inequitable increase in local property taxes, the Director of Finance shall approve expenditures for the state share of aid payments in those amounts made necessary by changes in either caseload or payments, or both, which are in excess of the amount contained in Item 255 of the Budget Act of 1971, and funds necessary to make such expenditures are hereby appropriated.

The Director of Finance may reallocate funds between subdivisions (c) and (d) of this section in order to maximize job creation and training in permanent jobs.

The Director of Human Resources Development shall once each quarter report on the experience using the amount allocated in subdivision (c) of this section to the Chairman of the Assembly Select Committee on Manpower Development and a committee of the Senate designated by the Senate Committee on Rules to provide legislative oversight of the education and training program carried out under subdivision (e).

(f) The sum of six hundred thousand dollars (\$600,000) is appropriated to the Office of Administrative Procedure for fair hearings under the provisions of the Welfare and Institutions Code.

SEC. 41. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 42. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to reform the welfare program, to meet the minimum needs of truly needy individuals on an equitable basis, and to assure an orderly transition from the existing program it is necessary that this act take effect immediately.

SEC 42.5 Effective July 1, 1972, the state shall pay 50 percent of the nonfederal administrative costs of administering the payment of aid grants under Part 3 (commencing with Section 11000) of Division 9 of the Welfare and Institutions Code.

SEC. 43 This act shall become operative on October 1, 1971, except for Sections 39.1, 39.2, 39.3, 39.4, and 42.5 which shall become operative on July 1, 1972, unless on or prior to the date the federal government assumes any additional responsibility for the administrative costs of public assistance aid programs enumerated in Part 3 of this division, in which case Sections 39.1, 39.2, 39.3, 39.4, and 42.5 are repealed.

CHAPTER 579

An act to add Section 3363.5 to the Labor Code, relating to workmen's compensation.

[Approved by Governor August 13, 1971 Filed with
Secretary of State August 13, 1971]

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

SECTION 1. Section 3363.5 is added to the Labor Code, to read:

3363.5. Notwithstanding Sections 3351 and 3352, a person who performs voluntary service without pay for a county, as designated and authorized by the county board of supervisors, shall be deemed to be an employee of the county for purposes of this division while performing such service.

This section shall not be operative in any county until such time as the board of supervisors, by resolution or ordinance, adopts the provisions hereof.

CHAPTER 580

An act to amend Sections 1902 and 1905 of, and to add Section 1902.1 to, the Education Code, relating to bonded indebtedness of school districts, and declaring the urgency thereof, to take effect immediately

[Approved by Governor August 13, 1971 Filed with
Secretary of State August 13, 1971]

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

SECTION 1 Section 1902 of the Education Code is amended to read:

1902. When any school district is formed from any combination of whole districts or portions of districts, the district so formed shall be liable for the outstanding bonded indebtedness of the districts or portions of districts included in the new district. When a portion of a district is included in a new district, the amount of the outstanding bonded indebtedness to be transferred to the new district shall be in the ratio which the total assessed valuation of the portion of the district bears to the total assessed valuation of the whole district during the year immediately preceding the date of formation for all purposes.

In preparing a plan for the formation of a new district, the county committee may prescribe a different method of dividing bonded indebtedness for the purpose of providing greater equity in the division. The county committee may give consideration to assessed valuation, numbers of pupils, property values, and other matters which the county committee deems pertinent.

SEC. 2. Section 1902.1 is added to the Education Code, to read:

1902.1. When any high school district or unified school district, or a portion of either district, which is not in any community college district, is made a part of a community college district by any procedure authorized by this code and a bonded debt is created pursuant to Section 2099, the combined outstanding bonded indebtedness of the community college district and the bonded indebtedness of the included territory shall be an obligation of the reorganized community college district.

SEC. 3. Section 1905 of the Education Code is amended to read:

1905. When territory is taken from one district and annexed to or included in another district or a new district by any procedure and the area transferred contains public school buildings or property, the district to which the territory is annexed shall take possession of the building and equipment on the day when the annexation becomes effective for all purposes. The territory transferred shall cease to be liable for the bonded indebtedness of the district of which it was for-

merly a part and shall automatically assume its proportionate share of the outstanding bonded indebtedness of any district of which it becomes a part.

The acquiring district shall pay the original district the greater of the amounts determined under provisions of subdivision (a) or (b).

(a) The proportionate share of the outstanding bonded indebtedness of the original district, which proportionate share shall be in the ratio which the total assessed valuation of the transferring territory bears to the total assessed valuation of the original district in the year immediately preceding the date on which the annexation is effective for all purposes. This ratio shall be used each year until the bonded indebtedness for which the acquiring district is liable has been repaid.

(b) That portion of the outstanding bonded indebtedness of the original district which was incurred for acquisition or improvement of school lots or buildings or fixtures located therein and situated in the territory transferred.

The county board of supervisors shall compute for the reorganized district an annual tax rate for bond interest and redemption which will include the bond interest and redemption on the outstanding bonded indebtedness specified in subdivision (a) or (b). The county board of supervisors shall also compute tax rates for the annual charge and use charge prescribed by Sections 1822.2 and 1825 as they read on July 1, 1970, when such charges were established prior to November 23, 1970.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the tax rates prescribed by this act may be levied in the 1971-1972 fiscal year, and so facilitate the orderly administration of this act, it is necessary that this act take effect immediately.

CHAPTER 581

An act to amend Section 25997.8 of, to add Sections 25997, 25997.3, and 25997.4, to, and to repeal Sections 25997, 25997.2, and 25997.4 of, the Health and Safety Code, and to repeal Section 6321 of the Labor Code, relating to safety glazing material.

[Approved by Governor August 13, 1971. Filed with Secretary of State August 13, 1971.]

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

SECTION 1. Section 25997 of the Health and Safety Code is repealed.

SEC. 2. Section 25997 is added to the Health and Safety Code, to read:

25997. As used in this chapter:

(a) "Safety glazing material" means fully tempered glass, laminated glass, wire glass, rigid plastic or any other safety glazing material, provided such safety glazing material shall meet test requirements of the American National Standards Institute Z-97.1-1966 as now established or as it may be amended from time to time, except for labeling requirements included therein.

(b) "Hazardous locations" means, subject to subdivision (c), those installations, glazed or to be glazed, in residential, commercial, and public buildings known as sliding glass door units, including the fixed glass panels which are part of such units, framed or unframed glass doors, including fixed glazed panels immediately adjacent to such doors, storm doors, shower doors, and tub enclosures, whether or not the glazing in such doors, panels or enclosures is transparent

(c) "Immediately adjacent to" means the first glass panels on either side of the door itself which are not more than 48 inches or less than 18 inches in width and shall not include any glass panel more than 18 inches above the floor level.

SEC. 3. Section 25997.2 of the Health and Safety Code is repealed

SEC. 4. Section 25997.3 is added to the Health and Safety Code, to read:

25997.3. (a) Each light of safety glazing material installed in a hazardous location within the state, shall have attached a transparent label which shall identify the labeler, whether the manufacturer or installer, and state that "safety glazing material" has been utilized in such installation. The label shall be legible and visible from the inside of the building after installation and shall specify that the label shall not be removed.

(b) Such safety glazing labeling shall not be used on other than safety glazing materials.

SEC. 5. Section 25997.4 of the Health and Safety Code is repealed.

SEC. 6. Section 25997.4 is added to the Health and Safety Code, to read:

25997.4. It shall be unlawful within the state to knowingly install, consent, or cause to be installed, glazing materials other than safety glazing materials in any hazardous location.

SEC. 7. Section 25997.8 of the Health and Safety Code is amended to read:

25997.8 Any person who knowingly violates any provision of this chapter shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment for not more than six months, or both.

SEC. 8. Section 6321 of the Labor Code is repealed.

CHAPTER 582

An act to amend and renumber Section 23.8 of the Business and Professions Code, as added by Chapter 1690 of the Statutes of 1967, relating to state licensing of occupations and professions.

[Approved by Governor August 13, 1971 Filed with
Secretary of State August 13, 1971]

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

SECTION 1. Section 23.8 of the Business and Professions Code, as added by Chapter 1690 of the Statutes of 1967, is amended and renumbered to read:

23.9. Notwithstanding any other provision of this code, any individual who, while imprisoned in a state prison or other correctional institution, is trained, in the course of a rehabilitation program approved by the particular licensing agency concerned and provided by the prison or other correctional institution, in a particular skill, occupation, or profession for which a state license, certificate, or other evidence of proficiency is required by this code shall not, when released from the prison or institution, be denied the right to take the next regularly scheduled state examination or any examination thereafter required to obtain the license, certificate, or other evidence of proficiency and shall not be denied such license, certificate, or other evidence of proficiency, because of his imprisonment or the conviction from which the imprisonment resulted, or because he obtained his training in prison or in the correctional institution, if the licensing agency, upon recommendation of the Adult Authority or the Department of the Youth Authority, as the case may be, finds that he is a fit person to be licensed.

CHAPTER 583

An act to amend Section 1251 of the Education Code, relating to school district liability insurance.

[Approved by Governor August 13, 1971. Filed with
Secretary of State August 13, 1971]

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

SECTION 1. Section 1251 of the Education Code is amended to read:

1251. The board of governors of a school district with 50,000 or more average daily attendance may provide protection from its own funds for the purpose of covering the liability of the district, its officers, agents, and employees, in lieu of carrying insurance in insurance companies as provided in

Section 1017. Nothing contained herein shall be construed as prohibiting the board of education of the district from providing protection against such liability partly by means of its own funds and partly by means of insurance written by insurance companies as provided in Section 1017.

CHAPTER 584

An act to amend Section 73101 of the Government Code, relating to courts.

[Approved by Governor August 13, 1971. Filed with Secretary of State August 13, 1971.]

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

SECTION 1. Section 73101 of the Government Code is amended to read:

73101. The San Bernardino County Municipal Court District shall consist of divisions embracing that territory which is within the following judicial districts in the County of San Bernardino on November 8, 1967:

(a) East Division—that territory within the Redlands Judicial District.

(b) Central Division—that territory within the San Bernardino Judicial District.

(c) Valley Division—that territory within the Fontana and Rialto Judicial Districts.

(d) West Valley Division—that territory within the West Valley Municipal Court District.

(e) Victorville Division—that territory within the Victor Judicial District.

Any reference in this or any other code to the Desert Division of the San Bernardino County Municipal Court District shall be deemed to refer to the Victorville Division of such district.

CHAPTER 585

An act to amend Section 1032b of the Code of Civil Procedure, relating to service of subpoena.

[Approved by Governor August 13, 1971. Filed with Secretary of State August 13, 1971.]

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

SECTION 1. Section 1032b of the Code of Civil Procedure is amended to read:

1032b. When a summons or a subpoena is served by a person other than a public officer or employee, the court in which

the action is pending shall allow as a recoverable cost such sum as it deems proper for such service, but not exceeding the amount allowed to a public officer or employee in this state for such service

CHAPTER 586

An act to add Section 20527.9 to the Water Code, relating to water districts.

[Approved by Governor August 13, 1971 Filed with
Secretary of State August 13, 1971.]

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

SECTION 1. Section 20527.9 is added to the Water Code, to read:

20527.9. Notwithstanding Section 20527, or any other provision of law, in the Provident Irrigation District in Glenn and Colusa Counties every owner of real property within the district, but no others, may vote at elections for directors or otherwise. Such owners need not be residents of the district in order to qualify as voters. The last equalized county assessment role is conclusive evidence of ownership of the real property so owned. Where land is owned in joint tenancy, tenancy in common, or any other multiple ownership, the owners of such land shall designate in writing which one of the owners shall be deemed the owner of such land for purposes of qualifying as a voter.

The legal representative of a corporation or estate owning real property may vote on behalf of such corporation or estate. As used in this section, legal representative means an official of a corporation owning real property or a guardian, executor, or administrator of the estate of the holder of title to real property who:

- (a) Is appointed under the laws of this state.
- (b) Is entitled to the possession of the estate's real property.
- (c) Is authorized by the appointing court to exercise the particular right, privilege, or immunity which he seeks to exercise. Before a legal representative votes at a district election, he shall present to the precinct board a certified copy of his authority which shall be kept and filed with the returns of the election.

Every voter, or his legal representative, may vote at any district election either in person or by a person duly appointed as his proxy, but shall be entitled to cast only one vote. The appointment of a proxy shall be as provided in Section 35005.

Notwithstanding Section 21100 or any other provision of law, any voter as defined in this section is eligible to be a member of the Board of Directors of the Provident Irrigation District.

SEC. 2. The provisions of this act are necessary because a substantial portion of the land in the Provident Irrigation District is owned by persons not resident within the district and the owners, and not the resident nonowners, are primarily concerned with the affairs and support of the district. This problem is not common to all districts formed under the Irrigation District Law. It is therefore hereby declared that a general law cannot be made applicable and that the enactment of this section as a special law is necessary for the solution of problems existing in the Provident Irrigation District.

CHAPTER 587

An act to amend Section 54957 of the Government Code, relating to meetings of local agencies.

[Approved by Governor August 13, 1971. Filed with Secretary of State August 13, 1971.]

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

SECTION 1. Section 54957 of the Government Code is amended to read:

54957. Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding executive sessions with the Attorney General, district attorney, sheriff, or chief of police, or their respective deputies, on matters posing a threat to the security of public buildings or a threat to the public's right of access to public services or public facilities, or from holding executive sessions during a regular or special meeting to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person or employee unless such officer or employee requests a public hearing. The legislative body also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

Nothing in this chapter shall be construed to prevent any board, commission, committee, or other body organized and operated by any private organization as defined in Section 54952 from holding executive sessions to consider (a) matters affecting the national security, or (b) the appointment, employment or dismissal of an officer or employee or to hear complaints or charges brought against such officer or employee by another officer, person, or employee unless such officer or employee requests a public hearing. Said body also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

CHAPTER 588

An act to amend Sections 73105, 73107, 73110, 73113, 73113.5 and 73115 of, and to repeal Sections 73112 and 73114 of, the Government Code, relating to courts.

[Approved by Governor August 13, 1971 Filed with
Secretary of State August 13, 1971.]

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

SECTION 1. Section 73105 of the Government Code is amended to read:

73105. Upon formation of the San Bernardino County Municipal Court District, the presiding judges of the divisions thereof shall meet, upon the call of the presiding judge of the central division, as a council of presiding judges. The council of presiding judges shall, by majority vote, elect one of their number to serve as presiding judge of the district and shall formulate rules and regulations not inconsistent with law or rules and regulations adopted and prescribed by the Judicial Council for transfer of cases, assignment of judges, scheduling of vacations of judges, and other administrative matters such as will promote uniformity of procedures and efficiency and economy in the business of the district. Such rules and regulations shall be administered by the municipal court coordinator under the supervision and control of the presiding judge of the district. Any rules and regulations adopted pursuant to Section 72002.1 shall be adopted by a majority vote of the council of presiding judges.

SEC. 2. Section 73107 of the Government Code is amended to read:

73107. There shall be one clerk of the San Bernardino County Municipal Court District to be known as the Municipal Court Coordinator who shall be appointed by a majority vote of the council of presiding judges from among the top three applicants certified to such council by the Civil Service Commission of the County of San Bernardino on the basis of a competitive examination. He shall receive a salary at a rate specified in range 76 of Section 73113.5. He shall be the appointing power for those positions listed in Section 73113.

SEC. 3. Section 73110 of the Government Code is amended to read:

73110. There shall be one marshal of the San Bernardino County Municipal Court District who shall be appointed by, and serve at the pleasure of, a majority of the council of presiding judges and who shall receive a salary at a rate specified in range 71 of Section 73113.5. The marshal shall be the appointing power for those positions listed in Section 73113 as being appointed by the marshal.

SEC. 4. Section 73112 of the Government Code is repealed.

SEC. 5. Section 73113 of the Government Code is amended to read:

73113. The number of positions within each job classification which may be filled by appointment by the municipal court coordinator and the marshal and the salary range set forth in Section 73113.5 which constitutes the compensation for each job classification are as follows:

Appointed by the Municipal Court Coordinator

Number	Salary range	Job classification
2	66	Clerk of the municipal court II
3	62	Clerk of the municipal court I
2	59	Assistant clerk of the municipal court II
3	51	Assistant clerk of the municipal court I
2	52	Municipal court chief clerk
1	52	Municipal court calendar clerk
12	50	Municipal court clerk
2	44	Municipal court clerk assistant
1	44	Senior fiscal assistant
1	42	Principal clerk
19	39	Senior clerk
29	33	Intermediate clerk
2	41	Senior stenographer-clerk
1	35	Stenographer-clerk

Appointed by the Marshal

Number	Salary range	Job classification
1	65	Marshal's captain
1	61	Marshal's lieutenant
5	58	Marshal's sergeant
19	54	Deputy marshal
2	47	Bailiff
1	49	Marshal's clerical coordinator
4	39	Senior clerk
6	33	Intermediate clerk
1	29	Clerk

SEC. 6. Section 73113.5 of the Government Code is amended to read:

73113.5. The schedule of salary ranges referred to in this chapter is set forth in the following table. Stated salaries are approximate monthly salaries which are to be paid biweekly in accordance with the same provisions which govern payment of classified employees of the County of San Bernardino.

Basic Salary Schedule
Biweekly salary steps by range number

Biweekly rate	A	1	B	2	C	3	D	4	E	Approx. monthly salary
\$115.20 -----	8									\$250-303
118.40 -----	9	8								256-311
120.80 -----	10	9	8							262-319
124.00 -----	11	10	9	8						269-327
127.20 -----	12	11	10	9	8					275-335
130.40 -----	13	12	11	10	9	8				282-343
133.60 -----	14	13	12	11	10	9	8			289-351
136.80 -----	15	14	13	12	11	10	9	8		296-360
140.00 -----	16	15	14	13	12	11	10	9	8	303-369
143.20 -----	17	16	15	14	13	12	11	10	9	311-378
147.20 -----	18	17	16	15	14	13	12	11	10	319-387
151.20 -----	19	18	17	16	15	14	13	12	11	327-397
154.40 -----	20	19	18	17	16	15	14	13	12	335-407
158.40 -----	21	20	19	18	17	16	15	14	13	343-417
162.40 -----	22	21	20	19	18	17	16	15	14	351-427
166.40 -----	23	22	21	20	19	18	17	16	15	360-438
170.40 -----	24	23	22	21	20	19	18	17	16	369-449
174.40 -----	25	24	23	22	21	20	19	18	17	378-460
178.40 -----	26	25	24	23	22	21	20	19	18	387-471
183.20 -----	27	26	25	24	23	22	21	20	19	397-483
188.00 -----	28	27	26	25	24	23	22	21	20	407-495
192.80 -----	29	28	27	26	25	24	23	22	21	417-507
196.80 -----	30	29	28	27	26	25	24	23	22	427-519

Basic Salary Schedule										Approx. monthly salary
Biweekly salary steps by range number										
Biweekly rate	A	1	B	2	C	3	D	4	E	
202.40	31	30	29	28	27	26	25	24	23	438-532
207.20	32	31	30	29	28	27	26	25	24	449-545
212.00	33	32	31	30	29	28	27	26	25	460-559
217.60	34	33	32	31	30	29	28	27	26	471-573
223.20	35	34	33	32	31	30	29	28	27	483-587
228.80	36	35	34	33	32	31	30	29	28	495-601
234.40	37	36	35	34	33	32	31	30	29	507-616
239.20	38	37	36	35	34	33	32	31	30	519-631
245.60	39	38	37	36	35	34	33	32	31	532-647
251.20	40	39	38	37	36	35	34	33	32	545-663
258.40	41	40	39	38	37	36	35	34	33	559-679
264.80	42	41	40	39	38	37	36	35	34	573-696
271.20	43	42	41	40	39	38	37	36	35	587-713
277.60	44	43	42	41	40	39	38	37	36	601-731
284.00	45	44	43	42	41	40	39	38	37	616-749
291.20	46	45	44	43	42	41	40	39	38	631-767
298.40	47	46	45	44	43	42	41	40	39	647-786
306.40	48	47	46	45	44	43	42	41	40	663-805
313.60	49	48	47	46	45	44	43	42	41	679-825
321.60	50	49	48	47	46	45	44	43	42	696-845
328.80	51	50	49	48	47	46	45	44	43	713-866
337.60	52	51	50	49	48	47	46	45	44	731-887
345.60	53	52	51	50	49	48	47	46	45	749-909

354.40	54	53	52	51	50	49	48	47	46	767-931
363.20	55	54	53	52	51	50	49	48	47	786-954
371.20	56	55	54	53	52	51	50	49	48	805-978
380.80	57	56	55	54	53	52	51	50	49	825-1,002
390.40	58	57	56	55	54	53	52	51	50	845-1,027
400.00	59	58	57	56	55	54	53	52	51	866-1,052
409.60	60	59	58	57	56	55	54	53	52	887-1,078
419.20	61	60	59	58	57	56	55	54	53	909-1,105
429.60	62	61	60	59	58	57	56	55	54	931-1,132
440.00	63	62	61	60	59	58	57	56	55	954-1,160
451.20	64	63	62	61	60	59	58	57	56	978-1,189
462.40	65	64	63	62	61	60	59	58	57	1,002-1,218
474.40	66	65	64	63	62	61	60	59	58	1,027-1,248
485.60	67	66	65	64	63	62	61	60	59	1,052-1,279
497.60	68	67	66	65	64	63	62	61	60	1,078-1,311
510.40	69	68	67	66	65	64	63	62	61	1,105-1,343
522.40	70	69	68	67	66	65	64	63	62	1,132-1,376
535.20	71	70	69	68	67	66	65	64	63	1,160-1,410
548.80	72	71	70	69	68	67	66	65	64	1,189-1,445
562.40	73	72	71	70	69	68	67	66	65	1,218-1,481
576.00	74	73	72	71	70	69	68	67	66	1,248-1,518
590.40	75	74	73	72	71	70	69	68	67	1,279-1,555
604.80	76	75	74	73	72	71	70	69	68	1,311-1,594
620.00	77	76	75	74	73	72	71	70	69	1,343-1,633
635.20	78	77	76	75	74	73	72	71	70	1,376-1,674
652.00	79	78	77	76	75	74	73	72	71	1,410-1,715
667.20	80	79	78	77	76	75	74	73	72	1,445-1,758

Basic Salary Schedule
Biweekly salary steps by range number

Biweekly rate	A	1	B	2	C	3	D	4	E	Approx. monthly salary
683.20	81	80	79	78	77	76	75	74	73	1,481-1,801
700.80	82	81	80	79	78	77	76	75	74	1,518-1,846
717.60	83	82	81	80	79	78	77	76	75	1,555-1,891
736.00	84	83	82	81	80	79	78	77	76	1,594-1,938
753.60	85	84	83	82	81	80	79	78	77	1,633-1,986
772.80	86	85	84	83	82	81	80	79	78	1,674-2,035
791.20	87	86	85	84	83	82	81	80	79	1,715-2,085
811.20	88	87	86	85	84	83	82	81	80	1,758-2,137
831.20	89	88	87	86	85	84	83	82	81	1,801-2,189
852.00	90	89	88	87	86	85	84	83	82	1,846-2,243
872.80	91	90	89	88	87	86	85	84	83	1,891-2,298
894.40	92	91	90	89	88	87	86	85	84	1,938-2,355
916.80	93	92	91	90	89	88	87	86	85	1,986-2,413
939.20	94	93	92	91	90	89	88	87	86	2,035-2,473
962.40	95	94	93	92	91	90	89	88	87	2,085-2,534
986.40	96	95	94	93	92	91	90	89	88	2,137-2,597
1,010.40	97	96	95	94	93	92	91	90	89	2,189-2,661
1,035.20	98	97	96	95	94	93	92	91	90	2,243-2,727
1,060.80	99	98	97	96	95	94	93	92	91	2,298-2,794
1,087.20	100	99	98	97	96	95	94	93	92	2,355-2,863
1,113.60	101	100	99	98	97	96	95	94	93	2,413-2,934
1,141.60	102	101	100	99	98	97	96	95	94	2,472-3,007
1,169.60	103	102	101	100	99	98	97	96	95	2,534-3,082

1,198.40	-----104	103	102	101	100	99	98	97	96	2,597-3,159
1,228.00	-----105	104	103	102	101	100	99	98	97	2,661-3,237
1,258.40	-----106	105	104	103	102	101	100	99	98	2,727-3,317
1,280.60	-----107	106	105	104	103	102	101	100	99	2,794-3,399
1,321.60	-----108	107	106	105	104	103	102	101	100	2,863-3,483
1,354.40	-----109	108	107	106	105	104	103	102	101	2,934-3,570
1,388.00	-----110	109	108	107	106	105	104	103	102	3,007-3,659

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The hiring salary for each position set forth shall be the salary in column A. A service period of 13 pay periods shall be required for a salary increase from column A to column B. An additional service period of 26 pay periods shall be required for a salary increase from column B to column C; 26 additional pay periods shall be required for a salary increase from column C to column D; and 26 additional pay periods shall be required for a salary increase from column D to column E.

Administration of the salary plan provided by this chapter, including the hiring date; increases within range; salary on promotion, transfer, or demotion; salary on position reclassification, and all other relevant matters, shall be in accordance with the current personnel rules and ordinances of the County of San Bernardino.

Notwithstanding any other provisions of law, the salary and classifications of municipal court employees provided by Sections 73107, 73110, 73113, and this section may be increased or decreased within the range limits set forth in this section in order to provide classification and compensation that is comparable to county employees of similar qualifications and experience in the classified service of San Bernardino County as such comparability is determined by the board of supervisors. Any salary increases granted or reclassifications made pursuant to this paragraph shall be effective only until the effective date of general legislation enacted by the Legislature at its next regular session following the date such salary increases are granted or reclassifications made.

SEC. 7. Section 73114 of the Government Code is repealed.

SEC. 8. Section 73115 of the Government Code is amended to read:

73115. The officers and attachés provided for in this chapter shall be subject to the same or similar obligations and be granted the same or similar employee benefits as are now required or granted to employees of the County of San Bernardino.

In the event the board of supervisors creates any new divisions or modifies any divisions established hereby pursuant to the provisions of Section 73102, the number, classification, and compensation of additional municipal court personnel necessitated thereby shall be governed by the provisions of Article 3 (commencing with Section 71080) of Chapter 6 and Article 4 (commencing with Section 72150) of Chapter 8 of Title 8 of this code.

CHAPTER 589

An act to amend Section 39068.2 of the Health and Safety Code, relating to air pollution.

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

SECTION 1. Section 39068.2 of the Health and Safety Code is amended to read:

39068.2. (a) Except as provided in subdivision (b), any person who installs or maintains any stationary gasoline tank with a capacity of 250 gallons or more which is not equipped for loading through a permanent submerged fill pipe, unless such tank is a pressure tank as described in Section 39068.3, or is equipped with a vapor recovery system as described in Section 39068.4 or with a floating roof as described in Section 39068.5, or unless such tank is equipped with other apparatus of equal efficiency which has been approved by the air pollution control officer in whose district the equipment is located, or, where no such district exists, by the State Air Resources Board, is guilty of a misdemeanor.

(b) Subdivision (a) shall not apply to any stationary tanks installed prior to December 31, 1970.

(c) For the purpose of this section, "gasoline" means any petroleum distillate having a Reid vapor pressure of four pounds or greater.

(d) For the purpose of this section, "submerged fill pipe" means any fill pipe which has its discharge opening entirely submerged when the liquid level is six inches above the bottom of the tank. "Submerged fill pipe," when applied to a tank which is loaded from the side, means any fill pipe which has its discharge opening entirely submerged when the liquid level is 18 inches above the bottom of the tank.

(e) Subdivision (a) shall not apply to any stationary tank which is used primarily for the fueling of implements of husbandry, as such vehicles are defined in Division 16 (commencing with Section 36000) of the Vehicle Code.

CHAPTER 590

An act to amend Section 1018.5 of the Education Code, relating to driver training.

[Approved by Governor August 13, 1971. Filed with Secretary of State August 13, 1971.]

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

SECTION 1. Section 1018.5 of the Education Code is amended to read:

1018.5. The governing board of any school district maintaining a course of automobile driver training shall advise the parents or guardians or persons having custody of pupils of the district participating in automobile driver training courses under the jurisdiction of, or sponsored or controlled by, the district, who have signed the statement required by Section

12650 of the Vehicle Code or an application for a driver's license under Section 17701 of the Vehicle Code, of each of the following:

(a) Any civil liability of the minor which will be imposed on the parent, guardian, or other person by reason of such minor operating a motor vehicle.

(b) The insurance coverage carried by the school district, with respect to the use of motor vehicles in connection with such courses, specifically including any limitations of such coverage which limit such coverage to an amount less than the liability imposed on the parent, guardian, or other person, or which limit the nature of such coverage to exclude any activity or situation included within the liability so imposed.

CHAPTER 591

An act to amend Section 320 of the Santa Cruz County Flood Control and Water Conservation District Act (Chapter 1489 of the Statutes of 1955), relating to the Santa Cruz County Flood Control and Water Conservation District.

[Approved by Governor August 13, 1971. Filed with Secretary of State August 13, 1971.]

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

SECTION 1. Section 320 of the Santa Cruz County Flood Control and Water Conservation District Act (Chapter 1489 of the Statutes of 1955) is amended to read:

Sec. 320. No city or district exercising the power to produce, store, or distribute water shall be included within a zone established to perform a similar purpose without its written consent by resolution adopted by its legislative body, unless its electors have consented at an election called by the legislative body of the city or district at which the proposition therefor is submitted.

CHAPTER 592

An act to amend Sections 24369.3 and 24370.1 of the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1971. Filed with Secretary of State August 13, 1971.]

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

SECTION 1. Section 24369.3 of the Health and Safety Code is amended to read:

24369.3. To secure a civil penalty or forfeiture under the provisions of this article, the district shall have a lien on the

vessel of the defendant used or operated in violation of Section 24369, 39260, or 39261, which may be recovered in an action against the vessel in accordance with the provisions of Article 3 (commencing with Section 490) of Chapter 2 of Division 3 of the Harbors and Navigation Code, except that no undertaking shall be required to be filed by the board as a condition to the issuance of a writ of attachment.

SEC. 2. Section 24370.1 of the Health and Safety Code is amended to read:

24370.1. Before September 1, 1971, for the 1971-1972 fiscal year, and before July 1 for any fiscal year thereafter, the board shall estimate and determine the amount of money required by the district for purposes of the district during the ensuing fiscal year and shall apportion this amount to the counties included within the district, one-half according to the relative assessed value of property on the secured roll of each county within the district as determined by the board and one-half in the proportion that the population of each county bears to the total population of the district. For the purposes of this section, the board shall base its determination of the population of the several counties on the latest official information available to it. The total amount of money required by the district to be apportioned to the counties included within the district for district purposes during the 1971-1972 and 1972-1973 fiscal years shall not exceed two cents (\$.02) on each one hundred dollars (\$100) of the assessed value of all the property included within the district. In each fiscal year thereafter, the total amount of money required by the district to be apportioned to the counties included within the district for district purposes shall not exceed one cent and three mills (\$.013) on each one hundred dollars (\$100) of the assessed value of all the property included within the district.

SEC. 3. Notwithstanding Sections 54902 and 54903 of the Government Code, the Northeast Solano County Air Pollution Control District shall be deemed effective for assessment and taxation purposes for the 1971-1972 fiscal year, if the statement and map or plat required by Section 54900 of the Government Code are filed with the assessor and with the State Board of Equalization on or before August 16, 1971.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the Bay Area Air Pollution Control District and the Northeast Solano County Air Pollution Control District may finance their operations during the 1971-1972 fiscal year to control air pollution in the San Francisco Bay area, it is necessary that this act take effect immediately.

CHAPTER 593

An act to amend Sections 51 and 52 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146 of the Statutes of 1959), relating to the Antelope Valley-East Kern Water Agency.

[Approved by Governor August 13, 1971 Filed with
Secretary of State August 13, 1971]

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

SECTION 1. Section 51 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146 of the Statutes of 1959) is amended to read:

Sec. 51. The board of directors of the Antelope Valley-East Kern Water Agency organized under this act shall consist of seven members, and only one director shall be a resident of a division of the agency. The Governor shall appoint the first board of directors for each of the seven divisions of such agency, which divisions shall be numbered first, second, third, fourth and fifth, sixth and seventh, and shall be established by the Director of the State Department of Water Resources according to and based upon the population as to equalize, as nearly as practicable, the population in the respective divisions, or reestablished as provided in Section 93 of this act.

All successors of the first board shall be elected or chosen at the time and in the manner hereinafter provided. Each director shall hold office for the term of four years from and after the date for his taking of office, as herein provided, and until the election and qualification of his successor, except that the seven members of the first board of directors shall classify themselves by lot so that three of them shall hold office until the qualification of, and taking office by, their successors elected at an election held in the next succeeding even-numbered year, and so that four shall hold office until the qualification of, and taking office by, their successors elected at an election held in the second succeeding even-numbered year.

The elections of directors shall be held at the time of the general election and shall be consolidated therewith. Candidates shall declare their candidacy no less than 88 and no more than 113 days before the general election. Each candidate for director who at such election receives the highest number of votes cast for candidates for the office for which he seeks election shall be elected to such office.

If a tie vote makes it impossible to determine which of two or more candidates has been elected, the governing body shall forthwith notify the candidates who have received the tie votes to appear before it either personally or by a representative at a time and place designated by the governing body. The governing body shall at that time and place determine the tie by lot and the results thereof shall be declared by the governing body. The candidate so chosen shall qualify, take

office and serve as though elected at the preceding general district election. Directors elected hereunder, except for the first board of directors, shall take office at the time provided by the Government Code for county officers. Such election held at the same time of the general election and consolidated therewith shall be known as the general Antelope Valley-East Kern Water Agency election. Each other election held by authority of this act or any other law shall be known as a special Antelope Valley-East Kern Water Agency election.

SEC 2. Section 52 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146 of the Statutes of 1959) is amended to read:

Sec. 52. No later than 113 days before the general election the registrar of voters shall publish a notice designating the name and date of the election and the office or offices for which candidates are to be nominated. No later than 70 days before the general election the registrar of voters shall publish a notice giving the names and addresses of all candidates in the general Antelope Valley-East Kern Water Agency election, the date of the election and the hours that the polls will be open.

If, on the 80th day prior to the day fixed for the agency general election, only one person has been nominated for each office of member of the board of directors to be filled at that election, or if no person has been nominated for any one or more of said offices, said board of directors shall by resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the county in which the division or a greater portion thereof is situated, at a regular or special meeting held prior to the day of election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons who have been nominated, or if no person or persons have been nominated, any qualified person or persons. The person appointed shall qualify, take office, serve, and be subject to recall exactly as if elected at an agency general election.

In such case, the second publication provided for in in this section shall, instead of calling an election, state that no election is to be held but that the board of supervisors will either appoint those nominated for the positions of directors or appoint a qualified person or persons to the office or offices for which no one has been nominated as the circumstances may warrant. All notices required by this section shall be published in a newspaper of general circulation published in the agency or, if no such newspaper is published in the agency, in a newspaper having general circulation in the agency.

CHAPTER 594

An act to amend Section 32203 of the Health and Safety Code, relating to hospital districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1971 Filed with
Secretary of State August 13, 1971]

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

SECTION 1. Section 32203 of the Health and Safety Code is amended to read:

32203. The tax, exclusive of the levy for the payment of the principal and interest of bonds and any special assessment voted hereunder, and exclusive of the levy for the payment of rentals and all other sums due or payable under any agreement for the construction and leasing or purchasing of any hospital buildings or facilities entered into by the district pursuant to Section 32135 prior to January 1, 1959, shall in no case exceed the rate of twenty cents (\$0.20) on each one hundred dollars (\$100) of the assessed valuation of all taxable property within the district, but it may be in addition to all other taxes allowed by law to be levied upon such property.

Notwithstanding any other provision of law, if the board of directors of the district determines that the tax limit specified in this section is insufficient to raise enough revenue to maintain the district, the board may call an election pursuant to Section 32241 for the purpose of determining whether a higher maximum tax rate specified by the board in its resolution calling the election shall be established for a period not to exceed five years. If a majority of the voters voting at such election approve the increased tax limit, the board of supervisors shall thereupon levy upon the taxable property of the district within its own county a tax sufficient to maintain the district as provided in this chapter but not to exceed the maximum tax rate approved at the election for the period approved by the voters.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to raise sufficient revenues to support some hospital districts during the 1971-72 fiscal year, it is necessary that this act take immediate effect.

CHAPTER 595

An act to amend Section 2982 of the Civil Code, relating to motor vehicle conditional sale contracts.

[Approved by Governor August 13, 1971 Filed with
Secretary of State August 13, 1971]

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

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

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

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

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

3. The unpaid balance of cash price, which is the difference between items 1 and 2.

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

5. The amounts, if any, paid or to be paid to any public officer in connection with the transaction and for license, certificate of title, and registration fees imposed by law.

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

7. The amount of the finance charge.

8. The total of payments, which is the sum of items 6 and 7, payable by the buyer to the seller, the number of installments required, the amount of each installment, and the date for payment of the installments.

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

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

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

(c) The amount of the finance charge in any conditional sale contract for the sale of a motor vehicle, with or without accessories, shall not exceed 1 percent of the unpaid balance multiplied by the number of months (computed on the basis of a full month for any fractional month period in excess of 15 days) elapsing between the date of the contract and the due date of the last installment, or twenty-five dollars (\$25), whichever is greater. The contract may provide for a delinquency charge or charges on any installment in default for a period of not less than 10 days in an amount not to exceed in the aggregate 5 percent of the installment, which amount may be collected only once on any installment regardless of the period during which it remains in default. The contract may provide for reasonable collection costs and fees in the event of delinquency.

(d) Any provision in any conditional sale contract for the sale of a motor vehicle to the contrary notwithstanding, the buyer shall have the privilege of paying at any time in full the indebtedness evidenced by the contract. Whenever an indebtedness is liquidated prior to maturity by prepayment or refinancing, or upon surrender or repossession and resale of the motor vehicle, the holder shall thereupon refund to the buyer the unearned portion of the finance charge. The refund

may be made in cash or credited to the amount due on the obligation of the buyer. The amount of the refund shall represent at least as great a proportion of the finance charge as the sum of the periodic time balances payable more than 15 days after the date of prepayment (or other event entitling the buyer to the refund) bears to the sum of all of the periodic time balances under the schedule of installments in the contract. The provisions of this subdivision shall not impair the right of the seller or his assignee to receive delinquency charges on delinquent installments and reasonable costs and fees as provided in subdivision (c) of this section. Where the amount of such refund is less than one dollar (\$1), no refund need be made. Where the finance charge, after computing the refund, amounts to less than twenty-five dollars (\$25), there may be retained an amount equal to twenty-five dollars (\$25).

(e) Notwithstanding any other provision of this chapter to the contrary, in the event any required downpayment on which no finance charge is imposed is to be made by the buyer to the seller on a conditional sale contract after the date of such contract but prior to the date of the second payment otherwise scheduled, the amount of such payment may be shown in such contract as a deferred portion of the cash downpayment or as a deduction from the amount of the unpaid balance, and shall be included in the total of payments.

(f) Notwithstanding any other provision of this chapter to the contrary, in any instance in which vendor's single interest insurance is to be written in connection with a conditional sale contract, a conditional sale contract complying with the applicable disclosure requirements of Regulation Z, as in effect on the date of such contract, shall be deemed to comply with the requirements of paragraphs 1 to 8, inclusive, of subdivision (a), irrespective of any difference between the provisions of that regulation and this chapter with respect to any information to be disclosed, the terminology, form or content of such disclosures, the amounts to be included in or manner of determining the unpaid balance, the finance charge or any other item of information to be disclosed, or otherwise. This subdivision shall have no application to the determination of the amount of the unpaid balance, the finance charge, or any other amount for the purpose of computing the maximum permissible finance charge or the refund of any unearned portion of the finance charge under subdivisions (c) and (d), respectively, or for the purpose of computing any penalty under Section 2983.1.

(g) Notwithstanding any other provision of this chapter to the contrary, any information required to be disclosed in a conditional sale contract under this chapter may be set forth in terminology required or permitted under Regulation Z, as in effect at the time such disclosure is made. Nothing contained in this chapter shall be deemed to prohibit the disclosure in such contract of additional information required or permitted under Regulation Z, as in effect at the time such disclosure is made.

CHAPTER 596

An act to amend Section 13273.5 of the Education Code, relating to bilingual teachers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1971 Filed with
Secretary of State August 13, 1971]

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

SECTION 1. Section 13273.5 of the Education Code is amended to read:

13273.5 The governing board of a school district may, for the purposes of providing bilingual instruction and foreign language instruction in the schools of the district, subject to the rules and regulations of the State Board of Education and notwithstanding anything to the contrary in Article 2 (commencing with Section 1940) of Chapter 2 of Part 7 of Division 2 of the Labor Code, conclude arrangements with the proper authorities of any foreign country, or of any state, territory, or possession of the United States, for the hiring of bilingual teachers employed in public or private schools of any foreign country, state, territory, or possession. To be eligible for employment the teacher must speak English fluently. Any person so employed pursuant to this section shall be known as a "sojourn certificated employee."

No person may be hired as a sojourn certificated employee by a school district unless he holds the necessary valid credential or credentials issued by the Commission for Teacher Preparation and Licensing authorizing him to serve in a position requiring certification qualifications in the school district proposing to employ him. Such person may be employed only for a period not to exceed two years, except that thereafter such period of employment may be extended from year to year for a total period of not more than five years upon verification by the employing district that termination of such employment would adversely affect an existing bilingual or foreign language program and that attempts to secure the employment of a certificated California teacher qualified to fill such position have been unsuccessful. The commission shall establish minimum standards for the credentials for sojourn certificated employees.

SEC 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that school districts having an immediate need to employ bilingual teachers, and which have been unsuccessful in attempts to employ qualified California teachers, may take

appropriate steps to fill such positions for the 1971-1972 school year, it is necessary that this act, authorizing the extension of the employment of bilingual teachers presently employed by the districts, take immediate effect.

CHAPTER 597

An act to amend Section 5558 of the Business and Professions Code, relating to building designers.

[Approved by Governor August 13, 1971 Filed with
Secretary of State August 13, 1971]

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

SECTION 1. Section 5558 of the Business and Professions Code is amended to read:

5558. (a) Any person who has practiced as a building designer in this state for a period of three years or more prior to September 20, 1963 may apply to the Designers' Qualifications Advisory Committee for certification to the board for registration as a building designer as provided in this section.

(b) Such person shall have the following qualifications:

(1) He shall be a resident of this state, at least 24 years of age and shall be of good character.

(2) He shall have been engaged in the actual practice of building design, as defined in this chapter, as a principal activity, for not less than five years immediately prior to September 20, 1963. The following experience and education shall be considered as five years in the actual practice of building design:

(i) Three years as a principal in independent practice in California as a building designer plus two years' employment with an architect or building designer; or

(ii) Five years of independent practice as a building designer, not less than three years of which have been in this state; or

(iii) Three years of independent practice as a building designer in this state plus two years of educational experience acceptable to the committee; or

(iv) Comparable experience which in the opinion of the committee shall be deemed equivalent to five years in the practice of building design.

(c) Such person shall furnish evidence of qualification as required in subdivision (b) of this section, consisting of not less than the following:

(1) Copies of two or more separate agreements, properly executed between the applicant and the owner or owners of two or more buildings, or affidavits from the owner or owners of such buildings, for which buildings the applicant has furnished the services of planning, design, and supervision of construction, and for which building permits have been issued by

local authorities in accord with local building ordinances. Said agreements or affidavits shall show that the applicant has been employed, engaged, or commissioned to perform, and has been compensated for, such building design services.

(2) Photographs of the buildings described in paragraph (1) of subdivision (c) of this section, and prints of drawings and copies of specifications prepared by the applicant in accordance with the terms of agreement or employment.

(d) He shall pay the application fee provided by this chapter.

(e) Any person who satisfies the Designers' Qualifications Advisory Committee by evidence submitted to the committee of his compliance with subdivisions (b) and (c) of this section shall be certified by the committee to the board for registration as a building designer and the board shall register such person as a building designer upon the payment of the registration fee provided by this chapter.

(f) In the event the Designers' Qualifications Advisory Committee refuses to certify to the board any applicant for registration as a building designer, the applicant may appeal to the board within six months for review of the committee's decision.

(g) If the committee finds that an applicant has had eight years or more of practice as a principal in the field of building design and has demonstrated his competence in architecture, the committee may recommend to the board that the applicant is qualified to practice architecture in this state and recommend that portions of the examination for a certificate to practice architecture be waived by the board. Upon such recommendation by the committee, the board may require that further evidence shall be submitted to it as needed to demonstrate a standard of competency similar to that required of any applicant for certification. The board shall determine whether the applicant shall take and satisfactorily pass any portion of the examination for a certificate to practice architecture. All applicants shall be examined in structural design. In the event the committee refuses to issue the recommendation provided by this subdivision, the applicant may appeal to the board within six months for review of the decision of the committee.

(h) All applications for registration as a building designer shall be filed within 180 days of September 20, 1963, provided that the committee and board may act after the expiration of such 180 days on applications filed with the committee on or before such date. No registration to practice building design shall be filed unless the application therefor has been filed with the committee within 180 days after September 20, 1963, except as follows:

The Designers Qualifications Advisory Committee shall consider and act on applications for registration as building designer of persons who comply with all of the following conditions: (i) that there is filed with the board or committee a writ-

ten request for consideration of an applicant for registration as a building designer prior to June 1, 1965; (ii) the failure to file an application for registration as a building designer within 180 days after September 20, 1963 was caused by circumstances beyond the control of the applicant and through no fault of the applicant; and (iii) the applicant appears to meet the qualifications for building designer as provided by this section. Any person who satisfies the Designers Qualifications Advisory Committee by evidence submitted to the committee of his compliance with all of such conditions and of his compliance with subdivisions (b) and (c) of this section shall be certified by the committee to the board for registration as a building designer as provided by subdivision (e) of this section.

(i) Any registrant to practice building design shall apply to the committee at least once on or before December 31, 1971, but in no event after that date, for recommendation to the board that he be issued a certificate to practice architecture. Upon making such application, he shall furnish such evidence as the board by rule and regulation and the committee shall require to indicate that he is qualified to practice architecture in this state. The committee and the board shall act on such application as provided in subdivision (g) of this section. In the event the committee refuses to recommend that such registrant to practice building design be issued a certificate to practice architecture, such holder may appeal to the board for review of the committee's decision within six months of such refusal.

(j) The existence and authority of the Designers' Qualifications Advisory Committee shall terminate on June 30, 1972, but such termination shall not prevent the board from thereafter considering and determining recommendations of the committee submitted to the board prior to such termination date. Such termination date shall not prevent the board from acting on appeals for review of the committee's decision submitted pursuant to this section.

CHAPTER 598

An act to add Division 14.9 (commencing with Section 34700) to the Vehicle Code, relating to motor vehicle damage.

[Approved by Governor August 13, 1971 Filed with
Secretary of State August 13, 1971.]

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

SECTION 1. Division 14.9 (commencing with Section 34700) is added to the Vehicle Code, to read:

DIVISION 14.9. MOTOR VEHICLE DAMAGE CONTROL

CHAPTER 1. SHORT TITLE

34700. This division may be cited as the Greene-Harmer Motor Vehicle Damage Control Act.

CHAPTER 2. GENERAL PROVISIONS AND DEFINITIONS

34710. As used in this division, "passenger vehicle" means any motor vehicle defined in Section 465, except any of the following motor vehicles:

- (a) Motorcycles.
- (b) Housecars.
- (c) Specially constructed vehicles.
- (d) Motor vehicles equipped with four-wheel drive.
- (e) Motor vehicles constructed on a truck chassis.
- (f) Motor vehicles operated for hire, compensation, or profit.
- (g) Makes of motor vehicles of a model year manufactured or sold in California in quantities of less than 2,000 units for each such model year.
- (h) Motor vehicles designed and constructed by the manufacturer of such vehicles, for off-highway use, as determined by the Department of Motor Vehicles.

34715. (a) No new passenger vehicle, except a passenger vehicle certified by its manufacturer as having been manufactured prior to September 1, 1973, shall be sold or registered on and after September 1, 1973, unless it has a manufacturer's warranty that it is equipped with an appropriate energy-absorption system so that it can be driven directly into a standard Society of Automotive Engineers (SAE J-850) test barrier at a speed of five miles per hour without sustaining any property damage to the front of such vehicle and can be driven at a speed of five miles per hour into such barrier without sustaining any property damage to the rear of such vehicle.

(b) Property damage, within the meaning of this section, shall not include abrasions to surfaces at the point or points of contact of the vehicle with the test barrier when undergoing such testing.

CHAPTER 3. DEPARTMENTAL ACTION

34725. Any violation of any provisions of this division may be enjoined in a civil action brought by the Attorney General in the name of the people of the State of California, upon request of the Department of Motor Vehicles, except that it shall not be necessary to show lack of adequate remedy at law or to show irreparable damage or loss.

SEC. 2. It is the intent of the Legislature that the standards specified in Section 1 of this act apply to the capability of the vehicle to withstand property damage when subjected to the test procedures specified in Section 34715 of the Vehicle Code and that they do not apply to any vehicle parts or

surfaces affecting the safe operation of vehicle systems and the frequency of override and underide in higher speed collisions which are regulated by any standard promulgated by the National Highway Safety Bureau of the Federal Department of Transportation pursuant to the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C., Sec. 1381 et seq.).

CHAPTER 599

An act relating to new school districts.

[Approved by Governor August 18, 1971 Filed with
Secretary of State August 18, 1971.]

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

SECTION 1. Whenever, in a county with a population of more than 4,000,000, according to the 1960 federal census, it is proposed to form a unified school district from all or portions of the territory of two or more elementary school districts and one or more high school and unified school districts, the State Board of Education, in determining whether the proposed new district will be adequate in terms of financial ability, may, rather than applying the standards prescribed by subdivision (b) of Section 3100 of the Education Code, approve the formation of the proposed new district by division of the territory of the existing school districts where the assessed valuation per pupil in grades kindergarten to 12, inclusive, in the proposed new district is greater than the statewide average assessed valuation per pupil in grades kindergarten to 12, inclusive, for the fiscal year in which the State Board of Education makes its determination. In all other respects, the criteria and conditions of Section 3100 of the Education Code shall apply to the formation of the proposed new district.

CHAPTER 600

An act to add Section 987.30 to the Military and Veterans Code, relating to Veterans' Farm and Home Purchase Act of 1943.

[Approved by Governor August 18, 1971 Filed with
Secretary of State August 18, 1971]

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

SECTION 1. Section 987.30 is added to the Military and Veterans Code, to read:

987.30. The action of a veteran purchaser for damages against any third party does not affect his right of action for all damages against any party other than the department. If

the department indemnifies, or becomes obligated to indemnify, the veteran purchaser. It may likewise bring an action against any such third party responsible for damage to the contract property. In the latter event, the department may recover in the same suit all payments made on behalf of the veteran purchaser.

If either the veteran purchaser or the department brings an action against such third party, the veteran purchaser or the department, as the case may be, shall forthwith give to the other written notice of the action and of the name of the court in which the action is brought, by personal service or registered mail. Proof of such service shall be filed in such action. If the action is brought by either the veteran purchaser or the department, the other may, at any time before trial on the facts, join as party plaintiff, or shall consolidate the action if brought independently.

The court shall first apply, out of the entire amount of any judgment for any damage recovered by the veteran purchaser, a sufficient amount to reimburse the department for the amount of its expenditures for indemnification. If the department has not joined in the action or has not brought action, or if the action has not been consolidated, the court, on the department's application, shall allow as a first lien against the entire amount of any judgment for any damages recovered by the veteran purchaser, the amount of the department's expenditures for indemnification.

CHAPTER 601

An act to amend Sections 23620, 23805, and 24054 of the Education Code, relating to state colleges.

[Approved by Governor August 18, 1971. Filed with Secretary of State August 18, 1971.]

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

SECTION 1. Section 23620 of the Education Code is amended to read:

23620. The Trustees of the California State Colleges shall establish an internal audit staff which shall include such staff positions as may be presently authorized for internal auditing. The internal auditing staff shall report directly to the trustees and shall be available for consultation with any audit committee of the trustees which may be established by the trustees.

The duties of the internal audit staff shall include, but shall not be limited to, auditing, reviewing, cost and systems analysis, analyzing, and recommending operating procedures for the California State Colleges.

Management audits shall be made to determine the effectiveness and efficiency of the organization, operation, and procedures of each state college, each auxiliary organization, and the office of the Chancellor. Officials and employees of each state

college, each auxiliary organization, and the office of the Chancellor shall furnish all books, papers, contracts, management charts, and related information necessary for such management audits.

SEC. 2. Section 23805 of the Education Code is amended to read:

23805. Upon the favorable vote of two-thirds of the students voting in an election held for the purpose at a state college, in such manner as the trustees shall prescribe, and open to all regular students enrolled in the college, the trustees are authorized to fix, in addition to any other student fee the trustees are authorized to fix, a building and operating fee not to exceed twenty dollars (\$20) per student per academic year which shall be required of all students attending the college. All unexpended funds collected by a state college under this section shall be deposited in a local trust account by the chief fiscal officer of the state college. The chief fiscal officer shall be custodian of such accounts and shall provide the necessary accounting records and controls for such funds. Such funds shall be available for financing, operating and constructing the student body center, and until so used, shall, subject to the approval of the trustees, be deposited or invested in one or more of the following ways:

(a) Deposits in a bank or banks whose accounts are insured by the Federal Deposit Insurance Corporation; provided, that any money so deposited shall be in an account or accounts fully covered by such insurance.

(b) Investment certificates or withdrawable shares in state-chartered savings and loan associations and savings accounts of federal savings and loan associations; provided such associations are doing business in this state and have their accounts insured by the Federal Savings and Loan Insurance Corporation; and provided further that any money so invested or deposited is invested or deposited in certificates, shares, or accounts fully covered by such insurance.

(c) Purchase of any of the securities authorized for investment by Section 16430 of the Government Code

The state college shall be reimbursed from these funds in an amount to cover the cost of the custodial and accounting services provided by the college in connection with these funds.

These funds may be expended by the custodian only upon the submission of an appropriate claim schedule by an elected representative of the student body or his appointee.

SEC. 3. Section 24054 of the Education Code is amended to read:

24054 (a) A certified public accountant shall be selected by each auxiliary organization described in Section 24054.5. Upon being notified of the certified public accountant selected by an auxiliary organization, the office of the Chancellor shall forward the applicable auditing and reporting procedures to the selected certified public accountant. In accordance with

procedures prescribed by the Department of Finance, such certified public accountant shall annually audit any and all state college auxiliary funds. The auxiliary organizations shall contract for and receive such audit annually, and shall submit such audit to the trustees and to the Director of Finance. Auxiliary organizations shall annually publish an audited statement of their financial condition which shall be disseminated as widely as feasible and be available to any person on request. In the case of a state college auxiliary organization primarily serving a single state college, publication in the campus student newspaper shall be deemed compliance with this requirement. In the case of a state college auxiliary organization serving the trustees or the California State Colleges, distribution of the published audited statement of its financial condition at a regularly scheduled meeting of the trustees shall be deemed compliance with this requirement.

(b) In the case of a state college auxiliary organization primarily serving a single state college, the president of that state college shall be responsible for ascertaining that all expenditures are in accordance with policies of the trustees, the propriety of all expenditures, and the integrity of the financial reporting, made by auxiliary organizations.

(c) The operation of state college auxiliary organizations shall be conducted in conformity with regulations established by the trustees, and the accounting procedures of such state college auxiliary organizations shall be approved by the Director of Finance. The regulations shall include provisions requiring the governing board of each auxiliary organization to provide salaries, working conditions and benefits, exclusive of retirement and permanent status benefits, for the full-time employees of each auxiliary organization which are comparable to those provided state college employees performing similar services. For those employees whose duties are not comparable to classes in state college employment the salaries established shall be at least equal to the salaries prevailing in other educational institutions in the area.

CHAPTER 602

An act to amend Sections 567.2 and 9305.5 of, and to add Sections 8551.1 and 8571.1 to, the Education Code, relating to conservation education

[Approved by Governor August 18, 1971 Filed with
Secretary of State August 18, 1971]

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

SECTION 1. Section 567.2 of the Education Code is amended to read:

567.2. The Conservation Education Service shall have the following additional powers and duties:

(1) To assist school districts and county superintendents of schools in preparing teachers to present concepts of conservation, the effects of pollution and major land alterations on ecological systems, and the factors affecting the quality of the environment.

(2) To cooperate with and assist community colleges, state colleges, and the University of California in the development of preservice programs designed to prepare teachers to present concepts and facts relating to conservation, the effects of pollution and major land alterations on ecological systems, and factors affecting the quality of the environment.

(3) To assist school districts and county superintendents of schools in the development or acquisition, or both, of materials relating to wise use of resources and environmental issues.

(4) To assist school districts in the development of educational curriculum and educational opportunities for students, relating to the conservation of resources, factors affecting ecological systems and the quality of man's environment. Such opportunities may include but shall not be limited to, the development of outdoor education programs, nature centers, conservation and wildlife education camps, and participation in field trips.

(5) To establish and maintain a central library and repository for conservation education materials pursuant to Article 4 (commencing with Section 568) of this chapter.

(6) To review and to evaluate each application for a grant to, or a contract with, institutions of higher education, state and local education agencies, regional educational research organizations, and other public and private agencies, organizations and institutions (including libraries and museums) under the terms of the federal Environmental Education Act (Public Law 91-516), to support research, demonstration, and pilot projects designed to educate the public on the problems of environmental quality and ecological balance, except that no grant can be made other than to a nonprofit agency, organization or institution.

SEC. 2. Section 8551.1 is added to the Education Code, to read:

8551.1. Instruction required by subdivision (c) of Section 8551 in the area of study of social sciences shall also provide a foundation for understanding the wise use of natural resources.

SEC. 3. Section 8571.1 is added to the Education Code, to read:

8571.1. Instruction required by subdivision (b) of Section 8571 in the area of study of social sciences shall also provide a foundation for understanding the wise use of natural resources.

SEC. 4. Section 9305.5 of the Education Code is amended to read:

9305.5. The board shall, when adopting textbooks and teachers' manuals for use in elementary schools, include only such textbooks which emphasize, when appropriate, man's place in ecological systems and the necessity for the protection of our environment.

CHAPTER 603

An act to amend Section 13557 of the Education Code, relating to school districts.

[Approved by Governor August 18, 1971 Filed with
Secretary of State August 18, 1971]

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

SECTION 1. Section 13557 of the Education Code is amended to read:

13557. Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, vice principal, principal, or any other certificated employee of a school district, shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning. The provisions of this section are in addition to and do not supersede the provisions of Section 10854 of this code.

CHAPTER 604

An act to amend Sections 68090 and 68091 of the Government Code, and to amend Section 937 of the Penal Code, relating to court interpreters and translators.

[Approved by Governor August 18, 1971 Filed with
Secretary of State August 18, 1971]

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

SECTION 1. Section 68090 of the Government Code is amended to read:

68090. Except as otherwise provided by law, interpreters' and translators' fees, including, but not limited to, the fees of interpreters for the deaf or mute, for each day's actual attendance, when legally required to attend a coroner's inquest or for attendance at court shall not exceed fifty dollars (\$50) a day or thirty-five dollars (\$35) for one-half day.

SEC. 2. Section 68091 of the Government Code is amended to read:

68091. The aggregate amount of fees that may be allowed to any one person pursuant to Section 68090 of this code, or Section 730 of the Evidence Code as it relates to an interpreter or translator, shall not exceed fifty dollars (\$50) a day or thirty-five dollars (\$35) for one-half day.

SEC. 3. Section 937 of the Penal Code is amended to read:
937. The grand jury or district attorney may require by subpoena the attendance of any person before the grand jury as interpreter. While his services are necessary, such interpreter may be present at the examination of witnesses before the grand jury. The compensation for services of such interpreter constitutes a charge against the county, and shall be fixed by the grand jury, in an amount not to exceed fifty dollars (\$50) a day or thirty-five dollars (\$35) for one-half day, and paid out of the county treasury on a warrant of the county auditor upon an order of the judge of the superior court.

CHAPTER 605

An act to amend Section 4463 of the Vehicle Code, relating to vehicle ownership and registration.

[Approved by Governor August 18, 1971 Filed with
Secretary of State August 18, 1971]

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

SECTION 1. Section 4463 of the Vehicle Code is amended to read:

4463. Every person who, with intent to defraud, alters, forges, counterfeits, or falsifies any certificate of ownership, registration card, certificate, license or special plate or permit provided for by this code or any comparable certificate of ownership, registration card, certificate, license or special plate or permit relating to motor vehicles provided for by any foreign jurisdiction or who alters, forges, counterfeits, or falsifies any such document or plate with intent to represent the same as issued by the department or who alters, forges, counterfeits, or falsifies with fraudulent intent any endorsement of transfer on a certificate of ownership, or who with fraudulent intent displays or causes or permits to be displayed or have in his possession any blank, incomplete, canceled, suspended, revoked, altered, forged, counterfeit, or false certificate of ownership, registration card, certificate, license or special plate or permit or who utters, publishes, passes, or attempts to pass, as true and genuine, any of the above-named false, altered, forged, or counterfeited matters knowing the same to be false, altered, forged, or counterfeited with intent to prejudice, damage, or defraud any person is guilty of a felony and

upon conviction thereof shall be punished by imprisonment in the state prison for not less than one year or more than 14 years, or in the county jail for not more than one year.

CHAPTER 606

An act to amend Sections 750, 751, and 752 of the Welfare and Institutions Code, relating to minors.

[Approved by Governor August 18, 1971. Filed with
Secretary of State August 18, 1971.]

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

SECTION 1. Section 750 of the Welfare and Institutions Code is amended to read:

750. Whenever a petition is filed in the juvenile court of a county other than the residence of the person named in the petition, or whenever, subsequent to the filing of a petition in the juvenile court of the county where such minor resides, the residence of the person who would be legally entitled to the custody of such minor were it not for the existence of a court order issued pursuant to this chapter is changed to another county, the entire case may be transferred to the juvenile court of the county wherein such person then resides at any time after the court has made a finding of the facts upon which it has exercised its jurisdiction over such minor, and the juvenile court of the county wherein such person then resides shall take jurisdiction of the case upon the receipt and filing with it of such finding of the facts and an order transferring the case.

SEC. 2. Section 751 of the Welfare and Institutions Code is amended to read:

751. The expense of the transfer and all expenses in connection with the transfer and for the support and maintenance of such person shall be paid from the county treasury of the court ordering the transfer until the receipt and filing of the finding and order of transfer in the juvenile court of the transferee county.

The judge shall inquire into the financial condition of such person and of the parent, parents, guardian, or other person charged with his support and maintenance, and if he finds such person, parent, parents, guardian, or other person able, in whole or in part, to pay the expense of such transfer, he shall make a further order requiring such person, parent, parents, guardian, or other person to repay to the county such part, or all, of such expense of transfer as, in the opinion of the court, is proper. Such repayment shall be made to the probation officer who shall keep suitable accounts of such expenses and repayments and shall deposit all such collections in the county treasury.

SEC. 3. Section 752 of the Welfare and Institutions Code is amended to read:

752. Whenever a case is transferred as provided in Section 750, the order of transfer shall recite each and all of the findings, orders, or modification of orders that have been made in the case, and shall include the name and address of the legal residence of the parent or guardian of the minor. All papers contained in the file shall be transferred to the county where such person resides. A copy of the order of transfer and of the findings of fact as required in Section 750 shall be kept in the file of the transferring county.

CHAPTER 607

An act to add Section 782 to the Welfare and Institutions Code, relating to minors.

[Approved by Governor August 18, 1971. Filed with Secretary of State August 18, 1971.]

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

SECTION 1. Section 782 is added to the Welfare and Institutions Code, to read:

782. A judge of the juvenile court in which a petition was filed, at any time before the minor reaches the age of 21 years, may dismiss the petition or may set aside the findings and dismiss the petition if the court finds that the interests of justice and the welfare of the minor require such dismissal, or if it finds that the minor is not in need of treatment or rehabilitation. The court shall have jurisdiction to order such dismissal or setting aside of the findings and dismissal regardless of whether the minor is, at the time of such order, a ward or dependent child of the court.

CHAPTER 608

An act to add Section 25500.3 to the Education Code, relating to community college name.

[Approved by Governor August 18, 1971. Filed with Secretary of State August 18, 1971.]

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

SECTION 1. Section 25500.3 is added to the Education Code, to read:

25500.3. The name "California Community Colleges" is the property of the state. No person shall, without permission of the Board of Governors of the California Community Col-

leges, use this name, or any abbreviation of it, or any name of which these words are a part in any of the following ways:

(1) To designate any business, social, political, religious, or other organization, including but not limited to, any corporation, firm, partnership, association, group, activity or enterprise; or

(2) To imply, indicate or otherwise suggest that any such organization is connected or affiliated with, or is endorsed, favored or supported by, or is opposed by one or more California community colleges, the Board of Governors of the California Community Colleges, or the office of the Chancellor of the California Community Colleges; or

(3) To display, advertise, or announce these names publicly at or in connection with any meeting, assembly, or demonstration, or any propaganda advertising or promotional activity of any kind which has for its purpose or any part of its purpose the support, endorsement, advancement, opposition or defeat of any strike, lockout, or boycott or of any political, religious, sociological, or economic movement, activity or program.

The provisions of this section shall not preclude the use of the name "California Community Colleges" by any person or organization otherwise subject to this section using the name immediately prior to the effective date of this section.

Nothing in this section shall interfere with or restrict the right of any person to make a true and accurate statement in the course of stating his experience or qualifications for any academic, governmental, business, or professional credit or enrollment, or in connection with any academic, governmental, professional or other employment whatsoever.

Every person violating provisions of this section is guilty of a misdemeanor.

CHAPTER 609

An act to amend Section 13336.5 of the Education Code, relating to school employees.

[Approved by Governor August 18, 1971 Filed with
Secretary of State August 18, 1971]

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

SECTION 1. Section 13336.5 of the Education Code is amended to read:

13336.5. Any employee classified as a substitute employee, who teaches during one school year for at least 75 percent of the number of days the regular schools of the district were maintained in such school year any class or classes which would have been taught by one person absent from service, shall be deemed to have been a probationary employee during the entire school year in which he so teaches, with the rights

and duties of other probationary employees of the district, and shall be deemed to have served a complete school year as a probationary employee. No such employee shall be entitled to the benefits of this section unless he has also met the requirements, if any, including selection for probationary status from the appropriate eligibility list, established as a result of competitive examination, by the governing board; provided that no such requirements shall limit or affect the class teaching services or time periods prescribed by the preceding sentence.

CHAPTER 610

An act to amend Section 312 of the Fish and Game Code, relating to fish and game.

[Approved by Governor August 18, 1971 Filed with
Secretary of State August 18, 1971]

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

SECTION 1. Section 312 of the Fish and Game Code is amended to read:

312. The commission may issue a permit authorizing any member of the armed forces of the United States or any student or faculty member of an elementary or secondary school in the public school system actually assigned to, and participating in, an organized survival training course to take fish, amphibia, birds, or mammals, except rare or endangered species, notwithstanding any other law or regulation, pursuant to the terms and conditions of such permit. A permit involving training by the armed forces of the United States shall be issued to the commanding officer of the unit having jurisdiction over the conduct of the survival training course. A permit involving training by an elementary or secondary school in the public school system shall be issued to the governing board or superintendent of the district having jurisdiction over such school and the conduct of the survival training course. A permit shall be applicable only to the area established for such survival training as designated by the commission in the permit and for the species and numbers designated in the permit.

The commission may revise any conditions of a permit if it finds such revision is necessary to properly protect the fish, amphibia, birds, or mammals in the area.

The term of such a permit shall be for not more than a calendar year.

A report shall be submitted on the expiration of the permit period, or as otherwise required by the commission, of all fish, amphibia, birds, or mammals taken during the period covered by the report in each permit area. No new permit may be issued until such report has been submitted and any existing

permit may be canceled if such a report is not submitted when required by the commission.

No person engaged in such survival training taking fish, amphibia, birds, or mammals pursuant to such a permit may use any firearm, bow and arrow, steel trap, explosive, chemical, poison, drug, net or fish tackle except hooks or handlines or improvised poles and lines for the taking of fish.

CHAPTER 611

An act to amend Section 13443.6 of the Education Code, relating to school employees.

[Approved by Governor August 18, 1971 Filed with
Secretary of State August 18, 1971.]

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

SECTION 1. Section 13443.6 of the Education Code is amended to read:

13443.6. Unless a certificated employee holding a position requiring an administrative or supervisory credential is sent written notice deposited in the United States registered mail with postage prepaid and addressed to his last known address by March 15 that he may be released from his position for the following school year, he shall be continued in such position. The provisions of this section do not apply to a certificated employee who holds a written contract with an expiration date beyond the current school year or to the termination of employment pursuant to Section 13447. A certificated employee serving under Section 946 shall be notified by March 1 if the governing board determines on an individual basis that he may be released for the following school year.

CHAPTER 612

An act to amend Sections 13125 and 13168.1 of the Education Code, relating to teaching credentials.

[Approved by Governor August 18, 1971 Filed with
Secretary of State August 18, 1971]

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

SECTION 1. Section 13125 of the Education Code is amended to read:

13125. No person otherwise qualified shall be denied the right to receive credentials from the State Board of Education, to receive training for the purpose of becoming a teacher, or to engage in practice teaching in any school, on the grounds he is physically handicapped; nor shall any school district re-

fuse to engage a teacher on such grounds, provided, that such physically handicapped teacher is able to carry out the duties of the position for which he applies in the school district. "Physically handicapped" as used in this section includes total or partial visual or hearing impairments, orthopedic impairments, and other physical impairments.

The governing board of a school district may request the commission established pursuant to Section 363 for advice and assistance for purposes of this section, and it shall be the duty of the commission, upon such request, to render advice and assistance.

SEC 2 Section 13168 1 of the Education Code is amended to read:

13168.1. No person otherwise qualified shall be denied the right to receive credentials from the commission, to receive training for the purpose of becoming a teacher, or to engage in practice teaching in any school, on the grounds he is physically handicapped; nor shall any school district refuse to engage a teacher on such grounds, provided, that such physically handicapped teacher is able to carry out the duties of the position for which he applies in the school district. "Physically handicapped" as used in this section includes total or partial visual or hearing impairments, orthopedic impairments, and other physical impairments.

The governing board of a school district may request the commission established pursuant to Section 363 for advice and assistance for purposes of this section, and it shall be the duty of the commission, upon such request, to render advice and assistance.

SEC. 3. Section 1 of this act shall remain operative until January 1, 1973, or until such earlier date as the Commission for Teacher Preparation and Licensing may determine pursuant to Section 93 of Chapter 557 of the Statutes of 1970.

SEC. 4. Section 2 of this act shall become operative on January 1, 1973, or at such earlier date as the Commission for Teacher Preparation and Licensing may determine pursuant to Section 93 of Chapter 557 of the Statutes of 1970.

CHAPTER 613

An act to amend Section 188.8 of the Streets and Highways Code, relating to streets and highways.

[Approved by Governor August 18, 1971 Filed with
Secretary of State August 18, 1971.]

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

SECTION 1. Section 188.8 of the Streets and Highways Code is amended to read:

188.8. Out of the money expended pursuant to Section 188, the commission shall allocate and the department shall

expend or cause to be expended in each state highway district of County Group No. 1 and in each state highway district of County Group No. 2 during the period commencing July 1, 1971, and ending June 30, 1975, and for each period of four years thereafter, not less than an amount computed as follows:

(a) The commission shall compute for each period of four years an amount equal to 70 percent of the moneys to be expended in County Groups No. 1 and No. 2, respectively, as provided in Section 188.

(b) From the amount computed for County Group No. 1 in subdivision (a) for the period ending June 30, 1975, the commission shall determine the minimum expenditure for each highway district in the group by applying the percentages specified on page 299 of the Assembly Daily Journal for January 29, 1969.

(c) From the amount computed for County Group No. 2 in subdivision (a) for the period ending June 30, 1975, the commission shall determine the minimum expenditure for each highway district in the group by applying the percentages specified on page 299 of the Assembly Daily Journal for January 29, 1969.

For purposes of this section, state highway districts shall be those established by the department for administrative purposes as of June 30, 1960.

For each four-year period subsequent to June 30, 1975, a percentage for each state highway district as listed in subdivisions (b) and (c) shall be computed on the basis of an estimate of existing state highway construction needs. The revised percentages shall be used in computing minimum expenditures for each district. The first such estimate of state highway construction needs shall be filed with the Legislature at the 1974 Regular Session and published in the respective Journals of the Senate and the Assembly not later than the 15th calendar day and shall govern minimum expenditure computations for the period commencing July 1, 1975, and ending June 30, 1979. In 1977 and each four years thereafter a new estimate shall be filed and published and shall govern the minimum expenditure computations for the four-year period commencing July 1, 1979, for each succeeding four-year period.

Except as provided in this paragraph, the entire obligation under a contract awarded or a day labor project commenced during any of said periods shall be deemed an expenditure within the period in which such contract was awarded or day labor project commenced. Obligations under contracts which have been awarded or day labor projects which have been commenced but which are to be budgeted over more than one fiscal year pursuant to Section 143.15, shall be deemed expenditures in each of the fiscal years in which the work is to be performed in an amount equal to the final amount budgeted for each such fiscal year for such work. Obligations or expenditures arising

out of contracts awarded or projects commenced pursuant to the last paragraph of Section 143.1, shall for purposes of this section be deemed expenditures in the fiscal year or years for which funds are budgeted for such work.

CHAPTER 614

An act relating to continuing education for adults.

[Approved by Governor August 18, 1971 Filed with
Secretary of State August 18, 1971]

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

SECTION 1. It is the intent of the Legislature to provide for adequate continuing educational opportunities for adults. The Legislature endorses the relevancy of lifelong learning in the context of the needs of society in an era of rapid technological, economic, and social change.

Furthermore, it is the intent of the Legislature that all students, irrespective of age, are entitled to equality of educational programs and services. Therefore, the Legislature intends that such educational programs and services be tendered with maximum efficiency and effectiveness.

SEC. 2. The Superintendent of Public Instruction and the office of the Chancellor of the California Community Colleges shall jointly review the classes and programs currently offered by them for adults, shall mutually agree upon the delineation of their respective functions, shall, respectively, adopt rules or regulations specifying the kinds and types of classes for adults which will be offered by each of them, and shall submit a joint report thereon to the Legislature on or before April 1, 1972, in order that the Legislature may consider at the 1972 Regular Session the entire structure of continuing education.

CHAPTER 615

An act to add Section 231 to the Labor Code, relating to employment examination costs.

[Approved by Governor August 18, 1971 Filed with
Secretary of State August 18, 1971.]

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

SECTION 1. Section 231 is added to the Labor Code, to read:

231. Any employer who requires, as a condition of employment, that an employee have a driver's license shall pay the cost of any physical examination of the employee which may be required for issuance of such license.

CHAPTER 616

An act to add Chapter 10 (commencing with Section 19850) to Part 3, Division 13 of the Health and Safety Code, relating to buildings.

[Approved by Governor August 18, 1971. Filed with Secretary of State August 18, 1971.]

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

SECTION 1. Chapter 10 (commencing with Section 19850) is added to Part 3, Division 13 of the Health and Safety Code, to read:

CHAPTER 10. BUILDING RECORDS

19850. The building department of every city or county shall maintain an official copy, which may be on microfilm or other type of photographic copy, of the plans of every building, during the life of such building, for which such department issued a building permit.

“Building department” means the department, bureau, or officer charged with the enforcement of laws or ordinances regulating the erection, construction, or alteration of buildings.

Plans need not be filed for:

(a) Single or multiple dwellings not more than two stories and basement in height.

(b) Garages and other structures appurtenant to buildings described under subdivision (a).

(c) Farm or ranch buildings.

(d) Any one-story building where the span between bearing walls does not exceed 25 feet. The exemption in this subdivision does not, however, apply to a steel frame or concrete building.

19851. The official copy of the plans maintained by the building department of the city or county provided for under Section 19850 shall be open for inspection only on the premises of the building department as a public record. Such copy may not be duplicated in whole or in part except with the written permission of the certified, licensed or registered professional or his successor, if any, who signed the original documents and the written permission of the owner of such building, or by order of a proper court.

19852. The governing body of a city or county may prescribe such fees as will pay the expenses incurred by the building department of such city or county in maintaining the official copy of the plans of buildings for which it has issued a building permit.

19853. This chapter shall not apply to any building containing a bank, other financial institution, or public utility.

CHAPTER 617

An act to add Section 69898 to the Government Code, relating to courts.

[Approved by Governor August 18, 1971 Filed with
Secretary of State August 18, 1971]

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

SECTION 1. Section 69898 is added to the Government Code, to read:

69898. (a) Any superior court of seven or more judges may appoint an executive officer who shall hold office at the pleasure of the court and shall exercise such administrative powers and perform such other duties as may be required of him by the court. The court shall fix the qualifications of the executive officer and may delegate to him any administrative powers and duties required to be exercised by the court. He shall act as secretary to the judges of the court and perform, or supervise the performance of, the duties of jury commissioner. The salary of the executive officer shall be fixed by the court and shall be paid by the county in which he serves. Each such position shall be exempt from civil service laws.

(b) Any superior court for which a specific authorization to have an executive or administrative officer has been enacted by the Legislature may elect to proceed under its specific authorization or under this section, but not under both

CHAPTER 618

An act to amend Section 71694 of the Water Code, relating to municipal water districts.

[Approved by Governor August 18, 1971 Filed with
Secretary of State August 18, 1971]

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

SECTION 1. Section 71694 of the Water Code is amended to read:

71694. A district may exercise the right of eminent domain and, in the manner provided by law for the condemnation of private property for public use, may take any property necessary to carry out any powers of the district. In proceedings relative to the exercise of such right, the district shall have all of the rights, powers, and privileges of a city; provided, the district, in exercising such right, shall, in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables,

or poles of any public utility which is required to be removed to a new location.

A district shall not exercise the right of eminent domain, under this section, for the condemnation of property outside the boundaries of the district for any purpose, unless it first obtains the consent thereto of the board of supervisors of the county in which such property is located; provided, however, that a district may exercise the right of eminent domain, under this section, for the condemnation of property outside the boundaries of the district for the acquisition of rights-of-way in any county in which territory of the district is located or in any county adjacent to such county without obtaining the consent of the board of supervisors thereof.

When a district proposes to exercise the power of eminent domain, under this section, for the condemnation of property outside the boundaries of the district for the acquisition of rights-of-way in any county in which territory of the district is located or in any county adjacent to such county, it shall give written notice, at least two weeks prior to condemning the property, to the board of supervisors of the county in which the property is located. Such written notice shall contain a description of the property to be condemned.

CHAPTER 619

An act to amend Section 1428b of the Penal Code, relating to courts.

[Approved by Governor August 18, 1971 Filed with
Secretary of State August 18, 1971]

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

SECTION 1. Section 1428b of the Penal Code is amended to read:

1428b. All papers and records filed or kept in criminal proceedings in municipal and justice courts, other than the docket and minutes, may, upon the order of the presiding judge of any such court, be destroyed after the lapse of five years following the final determination of the proceeding or the forfeiture of bail in cases in which no other proceedings are had during a like period following such forfeiture.

For the purposes of this section, "docket" and "minutes" shall be deemed to exclude traffic dockets and minutes maintained solely for cases involving the violations of traffic laws or ordinances, except in cases involving an offense of the Vehicle Code which has been defined as a "selected violation" by the Judicial Council of the State of California.

CHAPTER 620

*An act to amend Section 11007 of the Government Code,
relating to fire insurance on state property.*

[Approved by Governor August 18, 1971 Filed with
Secretary of State August 18, 1971]

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

SECTION 1. Section 11007 of the Government Code is amended to read:

11007. Except as expressly authorized by law or as specifically authorized by the Director of General Services, property belonging to the state shall not be insured against risk of damage or destruction by fire, and the policies of fire insurance upon any property belonging to the state shall not be renewed. This section is not applicable to the State Compensation Insurance Fund nor to property owned by it.

Insurance authorized by this section shall be procured utilizing insurance procurement procedures approved by the Director of General Services.

The Director of General Services shall submit a report to the Legislature, by not later than the fifth day of each regular session, which shall state the amount of insurance, authorized by this section, in force as of the last day of the preceding calendar year, and the premium paid during the preceding calendar year for such insurance.

CHAPTER 621*An act to amend Section 5605 of the Education Code, relating
to financial support for the public schools.*

[Approved by Governor August 18, 1971 Filed with
Secretary of State August 18, 1971]

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

SECTION 1. Section 5605 of the Education Code is amended to read:

5605. The governing board of any elementary school district situated within a high school district maintaining a junior high school shall permit pupils who have completed the sixth year of the elementary school to attend the junior high school and shall pay to the high school district for the education of the pupils a tuition charge determined pursuant to this section. The amount of the tuition charge shall be computed as follows:

(a) By multiplying each one hundred dollars (\$100) of the assessed valuation of the elementary school district for the current fiscal year, by a computational tax rate set by

the governing board of the high school district maintaining the junior high schools or, in the event such board fails to set the rate by the time specified, the computational tax rate set by the county superintendent of schools. The computational tax rate shall be not less than one dollar and fifty cents (\$1.50) nor more than 10 percent more than the weighted average of the total operating tax rates of the elementary districts in the high school district, increased, where applicable, by a rate which will raise the total of the following amounts: (1) the percentage of miscellaneous funds (as defined by Section 17606), specified in Section 17603.5, and 50 percent of funds under the provisions of Public Law 874, 81st Congress, or under any similar provisions of any other act of Congress in 1969-1970, 70 percent in 1970-1971 and 90 percent in 1971-1972 and each year thereafter, utilized for the elementary school district for the fiscal year; and (2) in the case of an elementary school district not eligible for an increase in foundation program pursuant to either Section 17671 or Section 17676, the total of the amount required by Section 17924 to be raised by the district for the fiscal year by application of an excess in general fund tax rate to be eligible for apportionments of supplemental support, provided that such required amount was actually raised by the district. For purposes of such computations, the assessed valuation of the district shall be modified as required by Section 17262. The weighted average of the total operating tax rates, as used in this subdivision, shall be computed by multiplying the total operating tax rate of each elementary district in the high school district by the total average daily attendance of the respective elementary district and dividing the sum of the products so obtained by the sum of the average daily attendance of all the elementary districts.

(b) By multiplying the product derived under subdivision (a) by the ratio which the average daily attendance of pupils of the elementary school district attending grades 7 and 8 of the junior high school during the current fiscal year, bears to the total average daily attendance of the elementary school district, including such pupils in grades 7 and 8, during the current fiscal year. For the purposes of this section, average daily attendance of kindergarten pupils shall not be adjusted by a factor of 1.5, as provided in Section 11301.

On or before January 1st of each fiscal year, the governing board of the elementary school district shall draw its warrant in favor of the high school district against the general fund of the elementary school district in the amount of fifty percent (50%) of the estimated tuition charge due to the high school district for the attendance of pupils at the junior high school during the current fiscal year. The amount of the warrant shall be credited to the general fund of the high school district.

On or before July 15th following the close of the fiscal year, the governing board of the elementary school district shall draw its warrant in favor of the high school district against

the general fund of the elementary school district in the amount of the difference between the final tuition as computed by this section and the first installment paid to the high school district. The amount of the warrant shall be credited to the general fund of the high school district. The revenues, although received after the close of the fiscal year shall be considered revenues of the preceding fiscal year.

CHAPTER 622

An act to amend Sections 17459, 17460, and 17461 of the Vehicle Code, relating to service of process.

[Approved by Governor August 18, 1971 Filed with
Secretary of State August 18, 1971]

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

SECTION 1. Section 17459 of the Vehicle Code is amended to read:

17459. The acceptance by a resident of this state of a certificate of ownership or a certificate of registration of any motor vehicle or any renewal thereof, issued under the provisions of this code, shall constitute the consent by the person that service of summons may be made upon him within or without this state, whether or not he is then a resident of this state, in any action brought in the courts of this state upon a cause of action arising in this state out of the ownership or operation of the vehicle.

SEC. 2. Section 17460 of the Vehicle Code is amended to read:

17460. (a) The acceptance or retention by a resident of this state of a driver's license issued pursuant to the provisions of this code, shall constitute the consent of the person that service of summons may be made upon him within or without this state, whether or not he is then a resident of this state, in any action brought in the courts of this state upon a cause of action arising in this state out of his operation of a motor vehicle anywhere within this state.

SEC. 3. Section 17461 of the Vehicle Code is amended to read:

17461. In the event summons is served outside of this state, pursuant to Sections 17459 and 17460, it may be served and proof of service shall be made, in the manner provided by Sections 17454, 17455, and 17456 for service of summons upon a nonresident, or it may be served pursuant to Chapter 4 (commencing with Section 413.10) of Title 5 of Part 2 of the Code of Civil Procedure.

CHAPTER 623

An act to amend Section 17913 of the Business and Professions Code and Section 8 of Chapter 618 of the Statutes of 1970, relating to fictitious name registration.

[Approved by Governor August 18, 1971 Filed with Secretary of State August 18, 1971]

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

SECTION 1. Section 17913 of the Business and Professions Code is amended to read:

17913. (a) The fictitious business name statement shall contain all of the information required by this subdivision and shall be substantially in the following form:

FICTITIOUS BUSINESS NAME STATEMENT

The following person (persons) is (are) doing business as * _____ at ** _____: *** _____

This business is conducted by **** _____

Signed _____ Statement filed with the County Clerk of _____ County on _____

(b) The statement shall contain the following information set forth in the manner indicated in the form provided by subdivision (a):

(1) Where the asterisk (*) appears in the form, insert the fictitious business name or names. Only those businesses operated at the same address may be listed on one statement.

(2) Where the two asterisks (**) appear in the form: If the registrant has a place of business in this state, insert the street address of his principal place of business in this state. If the registrant has no place of business in this state, insert the street address of his principal place of business outside this state.

(3) Where the three asterisks (***) appear in the form: If the registrant is an individual, insert his full name and residence address. If the registrant is a partnership or other association of persons, insert the full name and residence address of each general partner. If the registrant is a business trust, insert the full name and residence address of each trustee. If the registrant is a corporation, insert the name of the corporation as set out in its articles of incorporation and the state of incorporation.

(4) Where the four asterisks (****) appear in the form, insert whichever of the following best describes the nature of

the business: (i) "an individual," (ii) "a general partnership," (iii) "a limited partnership," (iv) "an unincorporated association other than a partnership," (v) "a corporation," (vi) "a business trust."

SEC. 2 Section 8 of Chapter 618 of the Statutes of 1970 is amended to read:

Sec. 8. (a) This act becomes operative on July 1, 1971, except that at any time after January 1, 1971, a fictitious business name statement may be filed and published as provided in Chapter 5 (commencing with Section 17900) of Part 3 of Division 7 of the Business and Professions Code, and the statement so filed shall be deemed to have been filed on July 1, 1971. A person filing an initial statement under Chapter 5 (commencing with Section 17900) of Part 3 of Division 7 of the Business and Professions Code need not publish such statement if he has a certificate on file under Chapter 2 (commencing with Section 2466) of Title 10 of Part 4 of Division 3 of the Civil Code unless there has been a change in the information required in that certificate, in which event the statement shall be published as provided in Section 17917 of the Business and Professions Code. All certificates filed under Chapter 2 (commencing with Section 2466) of Title 10 of Part 4 of Division 3 of the Civil Code expire on July 1, 1971.

(b) The county clerks shall, until July 1, 1975, retain all certificates of fictitious name and certificates of abandonment of fictitious names and the registers relating thereto, as provided in the Chapter 2 (commencing with Section 2466) of Title 10 of Part 4 of Division 3 of the Civil Code that is repealed by this act. After July 1, 1975, the county clerks may destroy or otherwise dispose of such certificates and registers. No certificates shall be accepted for filing by the county clerks under Chapter 2 (commencing with Section 2466) of Title 10 of Part 4 of Division 3 of the Civil Code after June 30, 1971.

SEC. 3. The amendments made by this act do not constitute a change in but are declaratory of existing law.

CHAPTER 624

An act to amend Section 5954 of the Education Code, relating to continuation education.

[Approved by Governor August 18, 1971. Filed with
Secretary of State August 18, 1971.]

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

SECTION 1. Section 5954 of the Education Code is amended to read:

5954 (a) Except as otherwise provided in subdivision (b), such classes shall be maintained between the hours of 8 a.m. and 5 p.m. If the governing board of the school district deter-

mines that the special needs of the community or pupils require it, such classes may be maintained until 6:30 p.m.

(b) If the school district maintains classes for adults, the governing board of the school district may maintain continuation education classes during such hours and for such length of time during the day or evening as the classes for adults are maintained.

CHAPTER 625

An act to amend Section 15406 of the Financial Code, relating to credit union exemption.

[Approved by Governor August 18, 1971. Filed with Secretary of State August 18, 1971.]

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

SECTION 1. Section 15406 of the Financial Code is amended to read:

15406. The shares and certificates for funds received of members of any credit union and all the accumulation on such shares and certificates are exempt from sale on execution and proceedings supplementary thereto, to the amount of one thousand five hundred dollars (\$1,500). The procedure set forth in Section 690.50 of the Code of Civil Procedure shall be followed in claiming the exemption from execution pursuant to this section.

CHAPTER 626

An act to amend Section 13745 of the Education Code, relating to school classified employees.

[Approved by Governor August 18, 1971. Filed with Secretary of State August 18, 1971.]

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

SECTION 1. Section 13745 of the Education Code is amended to read:

13745. If the commission sustains the employee, it may order paid all or part of his full compensation from the time of suspension, demotion, or dismissal, and it shall order his reinstatement upon such terms and conditions as it may determine appropriate. The commission may modify the disciplinary action, but may not make the action more stringent than that approved by the board. In addition, the commission may direct such other action as it may find necessary to effect a just settlement of the appeal, including, but not limited to, compensation for all or part of the legitimate expenses incurred in pursuit of the appeal, seniority credit for off-duty time pending reinstatement, transfer or change of location of the

employee, and expunction from the employee's personnel record of disciplinary actions, cause, and charges which were not sustained by the commission. Upon receipt of the commission's written decision the board shall forthwith comply with the provisions thereof. When the board has fully complied with the commission's decision it shall so notify the commission in writing.

CHAPTER 627

An act to amend Section 25261 of the Government Code, relating to counties.

[Approved by Governor August 18, 1971 Filed with
Secretary of State August 18, 1971]

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

SECTION 1. Section 25261 of the Government Code is amended to read:

25261. The board shall by resolution create enterprise funds specified as mandatory by the State Controller pursuant to regulations adopted under the provisions of Section 30200. The board may by resolution create enterprise funds in addition to those specified as mandatory.

The board shall make available such amounts as are necessary to establish each fund and to maintain its solvency. At the beginning of any fiscal year the board may by resolution transfer part or all of the amounts in any fund created pursuant to this section or may abolish any such fund not specified as mandatory.

The board shall provide for the fixing of charges for all services performed by the enterprise. Such charges may include all costs including depreciation. All funds created pursuant to this section shall be presented separately in the county budget and financial report.

As used in this section "enterprise fund" means a fund which accounts for services furnished to the general public and which is financed primarily by charges for such services. Activities which may be accounted for in enterprise funds are limited to those designated in regulations adopted by the State Controller under the provisions of Section 30200 of this code.

CHAPTER 628

An act to amend Section 38054.2 of the Health and Safety Code, relating to mentally retarded.

[Approved by Governor August 18, 1971 Filed with
Secretary of State August 18, 1971]

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

SECTION 1. Section 38054.2 of the Health and Safety Code is amended to read:

38054.2. The governing bodies of the counties in each area and the Governor shall request recommendations for persons who have a demonstrated and direct interest in developmental disabilities to be appointed to the area boards from:

- (a) Organizations representing parents of persons who are retarded, who are epileptics, and who have cerebral palsy;
- (b) Professional organizations representing the various professional disciplines to be included on the board; and
- (c) Such mental retardation coordinating councils as may exist.

CHAPTER 629

An act to amend Section 25505.8 of the Education Code, relating to community colleges.

[Approved by Governor August 18, 1971 Filed with
Secretary of State August 18, 1971]

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

SECTION 1. Section 25505.8 of the Education Code is amended to read:

25505.8. A district may admit and shall charge a tuition fee to nonresident students. The district may exempt from all or parts of the fee nonresidents who (a) enroll for six units or less, (b) are both citizens and residents of a foreign country, or (c) are military personnel or the dependents of military personnel. Any exemptions shall be made with regards to all nonresidents described in (a), or (b), or (c) above, and shall not be made on an individual basis.

A district may, without the approval of the Board of Governors of the California Community Colleges contract with a state, the federal government, a foreign country, or an agency thereof, for payment of all or a part of a nonresident student's tuition fee.

The nonresident tuition fee shall be paid in two equal installments at the beginning of each semester, or three equal installments at the beginning of each quarter and shall be set by the Board of Governors of the California Community Colleges not later than January 1st of each year. The fee shall represent the amount per student enrolled in community colleges in all the districts of the state, which is expended by all districts for the current costs of education as defined by the California School Accounting Manual for pupils enrolled in grades 13 and 14.

The Board of Governors of the California Community Colleges shall compute the amount per pupil enrolled in all districts of the state.

The amount per pupil enrolled shall be derived by dividing the current costs expended from funds from all sources during the preceding year by the average daily attendance during the same year in grades 13 and 14 of all districts maintaining community colleges in the state and subtracting therefrom the amount allowed as basic state aid from the State School Fund. The same fee shall be charged irrespective of the type of class in which the student is enrolled.

The Board of Governors of the California Community Colleges shall also adopt a per-unit tuition fee for nonresidents on less than a full-time basis by dividing the fee for full-time nonresidents by 30 (units). The same per-unit rate shall be charged all nonresident students attending any summer sessions maintained by the community college.

A district shall report annually to the Board of Governors of the California Community Colleges the number of nonresidents enrolled for six units or less, the number of nonresidents enrolled for more than six units, and the total amount of fees collected from each category.

The provisions of this section which require a mandatory fee for nonresidents shall not apply to any district in which during the school year 1962-63 more than 15 percent of the students enrolled were residents of another state; except that the provisions of this section shall apply to such districts beginning with the school year 1975-1976 and except that the provisions of this section which require annual reports to be filed with the Board of Governors of the California Community Colleges on the number of such students enrolled shall apply to such districts in the same manner as to any other district.

CHAPTER 630

An act to amend Sections 7200 and 7205 of the Business and Professions Code and to add Section 16867 to the Education Code, relating to guide dogs for the blind.

[Approved by Governor August 18, 1971. Filed with Secretary of State August 18, 1971.]

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

SECTION 1. Section 7200 of the Business and Professions Code is amended to read:

7200. There is in the Department of Consumer Affairs a State Board of Guide Dogs for the Blind in whom enforcement of this chapter is vested. The board shall consist of seven members appointed by the Governor. One member shall be the Superintendent of the California School for the Blind, and one the Director of Rehabilitation or his designated representative. The remaining members shall be persons who have shown a particular interest in dealing with the problems of the blind,

and at least two of them shall be blind persons who use guide dogs.

SEC. 2. Section 7205 of the Business and Professions Code is amended to read:

7205. Each member of the board, except the Superintendent of the California School for the Blind and the Director of Rehabilitation or his designated representative, shall receive a per diem and expenses as provided in Section 103. The superintendent and the Director of Rehabilitation or his designated representative shall receive their necessary expenses for each day actually spent in the performance of their duties.

Any member of the board who is sightless is entitled to an escort during performance of his necessary duties and in traveling incident thereto. The escort shall receive reimbursement for necessary expenses in the manner and amount allowed employees of the state.

SEC. 3. Section 16867 is added to the Education Code, to read:

16867. Guide dogs may be transported in a schoolbus when trained in schools licensed or approved by the California State Board of Guide Dogs for the Blind, and accompanied by blind pupils enrolled in a public high school or community college or by blind teachers employed in a public high school or community college or by persons employed by those licensed or approved schools to train such dogs. The driver of a schoolbus may determine whether or not the guide dog should be muzzled while being transported in the schoolbus.

CHAPTER 631

An act to amend Section 23501 of the Education Code, and to amend Sections 830.2 and 830.3 of the Penal Code, relating to peace officers.

[Approved by Governor August 19, 1971. Filed with Secretary of State August 19, 1971.]

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

SECTION 1. Section 23501 of the Education Code is amended to read:

23501. The Regents of the University of California is authorized and empowered to appoint one or more persons to be members of the University of California police department as such police department is constituted on September 19, 1947, or may thereafter be constituted. Persons employed and compensated as members of said police department, when so appointed and duly sworn, are peace officers; provided, that such officers shall not exercise their powers or authority except (a) upon the campuses of the University of California and an area within one mile of the exterior boundaries of each

thereof, (b) in or about other grounds or properties owned, operated, controlled or administered by the Regents of the University of California, and (c) as provided in Section 830.2 of the Penal Code.

SEC. 2. Section 830.2 of the Penal Code is amended to read:

830.2. (a) Any member of the California Highway Patrol is a peace officer whose authority extends to any place in the state; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of the Vehicle Code or of any other law relating to the use or operation of vehicles upon the highways, as that duty is set forth in the Vehicle Code. Provided further, that he shall not act as a peace officer in enforcing any other law except (i) when in pursuit of any offender or suspected offender or (ii) to make arrests for crimes committed in his presence or upon any highway or (iii) as provided in Sections 8597, 8598, and 8617 of the Government Code.

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

(c) Members of the California National Guard have the powers of peace officers when they are (1) called or ordered into active state service by the Governor pursuant to the provisions of Section 143 or 146 of the Military and Veterans Code, (2) serving within the area wherein military assistance is required, and (3) directly assisting civil authorities in any of the situations specified in Section 143 or 146. The authority of any such peace officer extends to the area wherein military assistance is required as to a public offense committed or which there is reasonable cause to believe has been committed within that area. The requirements of Section 1031 of the Government Code are not applicable under such circumstances.

(d) A member of the University of California Police Department appointed pursuant to Section 23501 of the Education Code is a peace officer whose authority extends to any place in the state; provided that the primary duty of any such peace officer shall be the enforcement of the law within the area specified in Section 23501 of the Education Code. Provided, further, that he shall not otherwise act as a peace officer in enforcing the law except (1) when in pursuit of any offender or suspected offender; (2) to make arrests otherwise lawful for crimes committed, or which there is probable cause to believe have been committed, in his presence or within the area specified in Section 23501 of the Education Code; or (3) when, while in uniform such officer, as a peace officer, is requested by a peace officer or other person to render such assistance as is appropriate under such circumstances to the

officer or other person making such request, or to act upon his complaint

Notwithstanding any other provisions of this code, including but not limited to Section 830.3, the provisions of this subdivision shall govern the authority and jurisdiction of a member of the University of California Police Department as a peace officer

SEC. 2.1 Section 830.2 of the Penal Code is amended to read:

830 2. (a) Any member of the California Highway Patrol is a peace officer whose authority extends to any place in the state, provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of the Vehicle Code or of any other law relating to the use or operation of vehicles upon the highways, as that duty is set forth in the Vehicle Code. Provided further, that he shall not act as a peace officer in enforcing any other law except (i) when in pursuit of any offender or suspected offender or (ii) to make arrests for crimes committed in his presence or upon any highway or (iii) as provided in Sections 8597, 8598, and 8617 of the Government Code

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

(c) Members of the California National Guard have the powers of peace officers when they are (1) called or ordered into active state service by the Governor pursuant to the provisions of Section 143 or 146 of the Military and Veterans Code, (2) serving within the area wherein military assistance is required, and (3) directly assisting civil authorities in any of the situations specified in Section 143 or 146. The authority of any such peace officer extends to the area wherein military assistance is required as to a public offense committed or which there is reasonable cause to believe has been committed within that area. The requirements of Section 1031 of the Government Code are not applicable under such circumstances.

(d) A member of the University of California Police Department appointed pursuant to Section 23501 of the Education Code is a peace officer whose authority extends to any place in the state; provided that the primary duty of any such peace officer shall be the enforcement of the law within the area specified in Section 23501 of the Education Code. Provided, further, that he shall not otherwise act as a peace officer in enforcing the law except (1) when in pursuit of any offender or suspected offender; (2) to make arrests otherwise lawful for crimes committed, or which there is probable cause to believe have been committed, in his presence or within the area specified in Section 23501 of the Education Code; or (3)

when, while in uniform such officer, as a peace officer, is requested by a peace officer or other person to render such assistance as is appropriate under such circumstances to the officer or other person.

Notwithstanding any other provisions of this code, including but not limited to Section 830.3, the provisions of this subdivision shall govern the authority and jurisdiction of a member of the University of California Police Department as a peace officer

(e) A member of a state college police department appointed pursuant to Section 24651 of the Education Code is a peace officer whose authority extends to any place in the state; provided that the primary duty of any such peace officer shall be the enforcement of the law within the area specified in Section 24651 of the Education Code. Provided, further, that he shall not otherwise act as a peace officer in enforcing the law except (1) when in pursuit of any offender or suspected offender; (2) to make arrests otherwise lawful for crimes committed, or which there is probable cause to believe have been committed, in his presence or within the area specified in Section 24651 of the Education Code; or (3) when, while in uniform such officer, as a peace officer, is requested by a peace officer or other person to render such assistance as is appropriate under such circumstances to the officer or other person making such request, or to act upon his complaint.

Notwithstanding any other provisions of this code, including but not limited to Section 830.3, the provisions of this subdivision shall govern the authority and jurisdiction of a member of a state college police department as a peace officer.

SEC. 2.2. Section 830.2 of the Penal Code is amended to read:

830.2. (a) Any member of the California Highway Patrol is a peace officer whose authority extends to any place in the state; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of the Vehicle Code or of any other law relating to the use or operation of vehicles upon the highways, as that duty is set forth in the Vehicle Code. Provided further, that he shall not act as a peace officer in enforcing any other law except (i) when in pursuit of any offender or suspected offender or (ii) to make arrests for crimes committed in his presence or upon any highway or (iii) as provided in Sections 8597, 8598, and 8617 of the Government Code

(b) Any member of the California State Police Division is a peace officer; provided, that the primary duty of any such peace officer shall be the protection of state properties and occupants thereof, and he shall not act as a peace officer in enforcing any law except (1) when in pursuit of any offender or suspected offender, (2) to make arrests for crimes committed in his presence or upon state properties, or (3) as provided in Sections 8597, 8598 and 8617 of the Government Code.

(c) Members of the California National Guard have the powers of peace officers when they are (1) called or ordered into active state service by the Governor pursuant to the provisions of Section 143 or 146 of the Military and Veterans Code, (2) serving within the area wherein military assistance is required, and (3) directly assisting civil authorities in any of the situations specified in Section 143 or 146. The authority of any such peace officer extends to the area wherein military assistance is required as to a public offense committed or which there is reasonable cause to believe has been committed within that area. The requirements of Section 1031 of the Government Code are not applicable under such circumstances.

(d) A member of the University of California Police Department appointed pursuant to Section 23501 of the Education Code is a peace officer whose authority extends to any place in the state; provided that the primary duty of any such peace officer shall be the enforcement of the law within the area specified in Section 23501 of the Education Code. Provided, further, that he shall not otherwise act as a peace officer in enforcing the law except (1) when in pursuit of any offender or suspected offender; (2) to make arrests otherwise lawful for crimes committed, or which there is probable cause to believe have been committed, in his presence or within the area specified in Section 23501 of the Education Code; or (3) when, while in uniform such officer, as a peace officer, is requested by a peace officer or other person to render such assistance as is appropriate under such circumstances to the officer or other person making such request, or to act upon his complaint.

Notwithstanding any other provisions of this code, including but not limited to Section 830.3, the provisions of this subdivision shall govern the authority and jurisdiction of a member of the University of California Police Department as a peace officer.

SEC. 2.3. Section 830.2 of the Penal Code is amended to read:

830.2. (a) Any member of the California Highway Patrol is a peace officer whose authority extends to any place in the state; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of the Vehicle Code or of any other law relating to the use or operation of vehicles upon the highways, as that duty is set forth in the Vehicle Code. Provided further, that he shall not act as a peace officer in enforcing any other law except (i) when in pursuit of any offender or suspected offender or (ii) to make arrests for crimes committed in his presence or upon any highway or (iii) as provided in Sections 8597, 8598, and 8617 of the Government Code.

(b) Any member of the California State Police Division is a peace officer; provided, that the primary duty of any such peace officer shall be the protection of state properties and occupants thereof, and he shall not act as a peace officer in enforcing any law except (1) when in pursuit of any offender

or suspected offender, (2) to make arrests for crimes committed in his presence or upon state properties, or (3) as provided in Sections 8597, 8598 and 8617 of the Government Code.

(c) Members of the California National Guard have the powers of peace officers when they are (1) called or ordered into active state service by the Governor pursuant to the provisions of Section 143 or 146 of the Military and Veterans Code, (2) serving within the area wherein military assistance is required, and (3) directly assisting civil authorities in any of the situations specified in Section 143 or 146. The authority of any such peace officer extends to the area wherein military assistance is required as to a public offense committed or which there is reasonable cause to believe has been committed within that area. The requirements of Section 1031 of the Government Code are not applicable under such circumstances.

(d) A member of the University of California Police Department appointed pursuant to Section 23501 of the Education Code is a peace officer whose authority extends to any place in the state; provided that the primary duty of any such peace officer shall be the enforcement of the law within the area specified in Section 23501 of the Education Code. Provided, further, that he shall not otherwise act as a peace officer in enforcing the law except (1) when in pursuit of any offender or suspected offender; (2) to make arrests otherwise lawful for crimes committed, or which there is probable cause to believe have been committed, in his presence or within the area specified in Section 23501 of the Education Code; or (3) when, while in uniform such officer, as a peace officer, is requested by a peace officer or other person to render such assistance as is appropriate under such circumstances to the officer or other person making such request, or to act upon his complaint.

Notwithstanding any other provisions of this code, including but not limited to Section 830.3, the provisions of this subdivision shall govern the authority and jurisdiction of a member of the University of California Police Department as a peace officer.

(e) A member of a state college police department appointed pursuant to Section 24651 of the Education Code is a peace officer whose authority extends to any place in the state; provided that the primary duty of any such peace officer shall be the enforcement of the law within the area specified in Section 24651 of the Education Code. Provided, further, that he shall not otherwise act as a peace officer in enforcing the law except (1) when in pursuit of any offender or suspected offender; (2) to make arrests otherwise lawful for crimes committed, or which there is probable cause to believe have been committed, in his presence or within the area specified in Section 24651 of the Education Code; or (3) when, while in uniform such officer, as a peace officer, is requested

by a peace officer or other person to render such assistance as is appropriate under such circumstances to the officer or other person making such request, or to act upon his complaint.

Notwithstanding any other provisions of this code, including but not limited to Section 830.3, the provisions of this subdivision shall govern the authority and jurisdiction of a member of a state college police department as a peace officer.

SEC. 3. Section 830.3 of the Penal Code is amended to read:

830.3. (a) The Deputy Director and the Assistant Director of the Department of Justice, the Chief, Assistant Chief, and special agents of the Bureau of Criminal Identification and Investigation, the Chief, Assistant Chief, and narcotics agents of the Bureau of Narcotic Enforcement, and such investigators who are so designated by the Attorney General, are peace officers.

The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed within the state.

(b) Any inspector or investigator regularly employed and paid as such in the office of a district attorney is a peace officer.

The authority of any such peace officer extends to any place in the state:

(1) As to any public offense committed, or which there is probable cause to believe has been committed, within the county which employs him; or

(2) Where he has the prior consent of the chief of police, or person authorized by him to give such consent, if the place is within a city or of the sheriff, or person authorized by him to give such consent, if the place is within a county; or

(3) As to any public offense committed or which there is probable cause to believe has been committed in his presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of such offense.

(c) The Director of the Department of Alcoholic Beverage Control and persons employed by such department for the enforcement of the provisions of Division 9 (commencing with Section 23000) of the Business and Professions Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the laws relating to alcoholic beverages, as that duty is set forth in Section 25755 of the Business and Professions Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any premises licensed pursuant to the Alcoholic Beverage Control Act.

(d) The Chief and investigators of the Division of Investigation of the Department of Consumer Affairs are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 160 of the Business and Professions Code.

(e) Members of the Wildlife Protection Branch of the Department of Fish and Game deputized pursuant to Section 856 of the Fish and Game Code, deputies appointed pursuant to Section 851 of such code, and county fish and game wardens appointed pursuant to Section 875 of such code are peace officers; provided, that the primary duty of deputized members of the Wildlife Protection Branch, and the exclusive duty, except as provided in Section 15097 of the Military and Veterans Code, of any other peace officer listed in this subdivision, shall be the enforcement of the provisions of the Fish and Game Code, as such duties are set forth in Sections 856, 851 and 878, respectively, of such code.

(f) The State Forester and such employees or classes of employees of the Division of Forestry of the Department of Conservation and voluntary fire wardens as are designated by him pursuant to Section 4156 of the Public Resources Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 4156 of such code.

(g) Officers and employees of the Department of Motor Vehicles designated in Section 1655 of the Vehicle Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 1655 of such code.

(h) The secretary, chief investigator, and racetrack investigators of the California Horse Racing Board are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code and Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of the Penal Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any horseracing enclosure licensed pursuant to the Horse Racing Law.

(i) Police officers of a regional park district, appointed or employed pursuant to Section 5561 of the Public Resources Code, and officers and employees of the Department of Parks and Recreation designated by the director pursuant to Section 5008 of such code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as such duties are set forth in Sections 5561 and 5008, respectively, of such code.

(j) Policemen of the San Francisco Port Authority are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the laws relating to the San Francisco Harbor, as that duty is set forth in Part 1 (commencing with Section 1690) of Division 6 of the Harbors and Navigation Code.

(k) The State Fire Marshal and assistant or deputy state fire marshals appointed pursuant to Section 13103 of the Health and Safety Code are peace officers; provided that the

primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 13104 of such code.

(l) Members of an arson-investigating unit, regularly employed and paid as such, of a fire protection agency of the state, of a county, city, or district, and members of a fire department of a local agency regularly paid and employed as such, are peace officers; provided, that the primary duty of arson investigators shall be the detection and apprehension of persons who have violated or who are suspected of having violated any fire law, and the exclusive duty, except as provided in Section 1509.7 of the Military and Veterans Code, of fire department members other than arson investigators when acting as peace officers shall be the enforcement of laws relating to fire prevention and fire suppression. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, members of fire departments other than arson investigators are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution.

(m) The Chief and such inspectors of the Bureau of Food and Drug Inspections as are designated by him pursuant to subdivision (a) of Section 216 of the Health and Safety Code are peace officers; provided, that the exclusive duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 216 of such code.

(n) Persons designated by a local agency as park rangers, and regularly employed and paid as such, are peace officers; provided, that the primary duty of any such peace officer shall be the protection of park property and preservation of the peace therein. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, such park rangers are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution.

(o) Members of a state college police department appointed pursuant to Section 24651 of the Education Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as prescribed in Section 24651 of the Education Code.

(p) Members of a community college police department appointed pursuant to Section 25429 of the Education Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as prescribed in Section 25429 of the Education Code.

(q) The authority of any peace officer listed in subdivisions (c) through (p), inclusive, extends to any place in the state; provided, that except as otherwise provided in this section, Section 830.6, or Section 1509.7 of the Military and Veterans Code, any such peace officer shall be deemed a peace

officer only for purposes of his primary duty, and shall not act as a peace officer in enforcing any other law except:

(1) When in pursuit of any offender or suspected offender;
or

(2) To make arrests for crimes committed, or which there is probable cause to believe have been committed, in his presence while he is in the course of his employment; or

(3) When, while in uniform, such officer is requested, as a peace officer, to render such assistance as is appropriate under the circumstances to the person making such request, or to act upon his complaint, in the event that no peace officer otherwise authorized to act in such circumstances is apparently and immediately available and capable of rendering such assistance or taking such action

SEC. 4. It is the intent of the Legislature that if this bill and Senate Bill No. 123 or Assembly Bill No. 1932, or both, are chaptered and amend Section 830.2 of the Penal Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Senate Bill No. 123 are both chaptered and amend Section 830.2 of the Penal Code, but Assembly Bill No. 1932 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 123, the amendments proposed by both bills shall be given effect and incorporated in Section 830.2 in the form set forth in Section 2.1 of this act. Therefore, if Senate Bill No. 123 is chaptered before this bill and both bills amend Section 830.2, and Assembly Bill No. 1932 is not chaptered or as chaptered does not amend that section, Section 2.1 of this act shall be operative and Section 2 of this act shall not become operative.

(b) If this bill and Assembly Bill No. 1932 are both chaptered and amend Section 830.2 of the Penal Code, but Senate Bill No. 123 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 1932, the amendments proposed by both bills shall be given effect and incorporated in Section 830.2 in the form set forth in Section 2.2 of this act. Therefore, if Assembly Bill No. 1932 is chaptered before this bill and both bills amend Section 830.2, and Senate Bill No. 123 is not chaptered or as chaptered does not amend that section, Section 2.2 shall be operative and Section 2 of this act shall not become operative.

(c) If this bill and Senate Bill No. 123 and Assembly Bill No. 1932 are all chaptered, and all three bills amend Section 830.2 of the Penal Code, and this bill is chaptered after Senate Bill No. 123 and Assembly Bill No. 1932, the amendments proposed by all three bills shall be given effect and incorporated in Section 830.2 in the form set forth in Section 2.3 of this act. Therefore, if Senate Bill No. 123 and Assembly Bill No. 1932 are both chaptered before this bill and all three bills amend Section 830.2 of the Penal Code, Section 2.3 of this act shall be operative and Section 2 of this act shall not become operative.

CHAPTER 632

An act to amend Section 24651 of the Education Code, and to amend Sections 830.2 and 830.3 of the Penal Code, relating to assaults on peace officers.

[Approved by Governor August 19, 1971. Filed with Secretary of State August 19, 1971.]

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

SECTION 1. Section 24651 of the Education Code is amended to read:

24651. The trustees may appoint one or more persons to constitute a state college police department for each state college. Persons employed and compensated as members of a state college police department, when so appointed and duly sworn, are peace officers; provided that such officers shall not exercise their powers or authority except (a) upon any state college campus and in an area within one mile of the exterior boundaries of each such campus, and in or about other grounds or properties owned, operated, controlled, or administered by the state colleges, or by trustees or the state on behalf of the state colleges, and (b) as provided in Section 830.2 of the Penal Code.

SEC. 2. Section 830.2 of the Penal Code is amended to read:

830.2. (a) Any member of the California Highway Patrol is a peace officer whose authority extends to any place in the state; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of the Vehicle Code or of any other law relating to the use or operation of vehicles upon the highways, as that duty is set forth in the Vehicle Code. Provided further, that he shall not act as a peace officer in enforcing any other law except (i) when in pursuit of any offender or suspected offender or (ii) to make arrests for crimes committed in his presence or upon any highway or (iii) as provided in Sections 8597, 8598, and 8617 of the Government Code.

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

(c) Members of the California National Guard have the powers of peace officers when they are (1) called or ordered into active state service by the Governor pursuant to the provisions of Section 143 or 146 of the Military and Veterans Code, (2) serving within the area wherein military assistance is required, and (3) directly assisting civil authorities in any of the situations specified in Section 143 or 146. The authority

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

(d) A member of a state college police department appointed pursuant to Section 24651 of the Education Code is a peace officer whose authority extends to any place in the state; provided that the primary duty of any such peace officer shall be the enforcement of the law within the area specified in Section 24651 of the Education Code. Provided, further, that he shall not otherwise act as a peace officer in enforcing the law except (1) when in pursuit of any offender or suspected offender; (2) to make arrests otherwise lawful for crimes committed, or which there is probable cause to believe have been committed, in his presence or within the area specified in Section 24651 of the Education Code; or (3) when, while in uniform such officer, as a peace officer, is requested by a peace officer or other person to render such assistance as is appropriate under such circumstances to the officer or other person making such request, or to act upon his complaint.

Notwithstanding any other provisions of this code, including but not limited to Section 8303, the provisions of this subdivision shall govern the authority and jurisdiction of a member of a state college police department as a peace officer.

SEC. 2.1. Section 8302 of the Penal Code is amended to read:

830.2. (a) Any member of the California Highway Patrol is a peace officer whose authority extends to any place in the state; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of the Vehicle Code or of any other law relating to the use or operation of vehicles upon the highways, as that duty is set forth in the Vehicle Code. Provided further, that he shall not act as a peace officer in enforcing any other law except (i) when in pursuit of any offender or suspected offender or (ii) to make arrests for crimes committed in his presence or upon any highway or (iii) as provided in Sections 8597, 8598, and 8617 of the Government Code.

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

(c) Members of the California National Guard have the powers of peace officers when they are (1) called or ordered into active state service by the Governor pursuant to the provisions of Section 143 or 146 of the Military and Veterans Code, (2) serving within the area wherein military assistance is required, and (3) directly assisting civil authorities in any

of the situations specified in Section 143 or 146. The authority of any such peace officer extends to the area wherein military assistance is required as to a public offense committed or which there is reasonable cause to believe has been committed within that area. The requirements of Section 1031 of the Government Code are not applicable under such circumstances.

(d) A member of the University of California Police Department appointed pursuant to Section 23501 of the Education Code is a peace officer whose authority extends to any place in the state; provided that the primary duty of any such peace officer shall be the enforcement of the law within the area specified in Section 23501 of the Education Code. Provided, further, that he shall not otherwise act as a peace officer in enforcing the law except (1) when in pursuit of any offender or suspected offender; (2) to make arrests otherwise lawful for crimes committed, or which there is probable cause to believe have been committed, in his presence or within the area specified in Section 23501 of the Education Code; or (3) when, while in uniform such officer, as a peace officer, is requested by a peace officer or other person to render such assistance as is appropriate under such circumstances to the officer or other person making such request, or to act upon his complaint.

Notwithstanding any other provisions of this code, including but not limited to Section 830.3, the provisions of this subdivision shall govern the authority and jurisdiction of a member of the University of California Police Department as a peace officer.

(e) A member of a state college police department appointed pursuant to Section 24651 of the Education Code is a peace officer whose authority extends to any place in the state; provided that the primary duty of any such peace officer shall be the enforcement of the law within the area specified in Section 24651 of the Education Code. Provided, further, that he shall not otherwise act as a peace officer in enforcing the law except (1) when in pursuit of any offender or suspected offender; (2) to make arrests otherwise lawful for crimes committed, or which there is probable cause to believe have been committed, in his presence or within the area specified in Section 24651 of the Education Code; or (3) when, while in uniform such officer, as a peace officer, is requested by a peace officer or other person to render such assistance as is appropriate under such circumstances to the officer or other person making such request, or to act upon his complaint.

Notwithstanding any other provisions of this code, including but not limited to Section 830.3, the provisions of this subdivision shall govern the authority and jurisdiction of a member of a state college police department as a peace officer.

Sec. 2.2. Section 830.2 of the Penal Code is amended to read:

830.2. (a) Any member of the California Highway Patrol is a peace officer whose authority extends to any place in the state; provided, that the primary duty of any such peace offi-

cer shall be the enforcement of the provisions of the Vehicle Code or of any other law relating to the use or operation of vehicles upon the highways, as that duty is set forth in the Vehicle Code. Provided further, that he shall not act as a peace officer in enforcing any other law except (i) when in pursuit of any offender or suspected offender or (ii) to make arrests for crimes committed in his presence or upon any highway or (iii) as provided in Sections 8597, 8598, and 8617 of the Government Code

(b) Any member of the California State Police Division is a peace officer; provided, that the primary duty of any such peace officer shall be the protection of state properties and occupants thereof, and he shall not act as a peace officer in enforcing any law except (1) when in pursuit of any offender or suspected offender, (2) to make arrests for crimes committed in his presence or upon state properties, or (3) as provided in Sections 8597, 8598 and 8617 of the Government Code.

(c) Members of the California National Guard have the powers of peace officers when they are (1) called or ordered into active state service by the Governor pursuant to the provisions of Section 143 or 146 of the Military and Veterans Code, (2) serving within the area wherein military assistance is required, and (3) directly assisting civil authorities in any of the situations specified in Section 143 or 146. The authority of any such peace officer extends to the area wherein military assistance is required as to a public offense committed or which there is reasonable cause to believe has been committed within that area. The requirements of Section 1031 of the Government Code are not applicable under such circumstances.

(d) A member of a state college police department appointed pursuant to Section 24651 of the Education Code is a peace officer whose authority extends to any place in the state; provided that the primary duty of any such peace officer shall be the enforcement of the law within the area specified in Section 24651 of the Education Code. Provided, further, that he shall not otherwise act as a peace officer in enforcing the law except (1) when in pursuit of any offender or suspected offender; (2) to make arrests otherwise lawful for crimes committed, or which there is probable cause to believe have been committed, in his presence or within the area specified in Section 24651 of the Education Code; or (3) when, while in uniform such officer, as a peace officer, is requested by a peace officer or other person to render such assistance as is appropriate under such circumstances to the officer or other person making such request, or to act upon his complaint.

Notwithstanding any other provisions of this code, including but not limited to Section 830.3, the provisions of this subdivision shall govern the authority and jurisdiction of a member of a state college police department as a peace officer

SEC. 23. Section 830.2 of the Penal Code is amended to read:

830.2. (a) Any member of the California Highway Patrol is a peace officer whose authority extends to any place in the state; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of the Vehicle Code or of any other law relating to the use or operation of vehicles upon the highways, as that duty is set forth in the Vehicle Code. Provided further, that he shall not act as a peace officer in enforcing any other law except (i) when in pursuit of any offender or suspected offender or (ii) to make arrests for crimes committed in his presence or upon any highway or (iii) as provided in Sections 8597, 8598, and 8617 of the Government Code.

(b) Any member of the California State Police Division is a peace officer; provided, that the primary duty of any such peace officer shall be the protection of state properties and occupants thereof, and he shall not act as a peace officer in enforcing any law except (1) when in pursuit of any offender or suspected offender, (2) to make arrests for crimes committed in his presence or upon state properties, or (3) as provided in Sections 8597, 8598 and 8617 of the Government Code.

(c) Members of the California National Guard have the powers of peace officers when they are (1) called or ordered into active state service by the Governor pursuant to the provisions of Section 143 or 146 of the Military and Veterans Code, (2) serving within the area wherein military assistance is required, and (3) directly assisting civil authorities in any of the situations specified in Section 143 or 146. The authority of any such peace officer extends to the area wherein military assistance is required as to a public offense committed or which there is reasonable cause to believe has been committed within that area. The requirements of Section 1031 of the Government Code are not applicable under such circumstances.

(d) A member of the University of California Police Department appointed pursuant to Section 23501 of the Education Code is a peace officer whose authority extends to any place in the state; provided that the primary duty of any such peace officer shall be the enforcement of the law within the area specified in Section 23501 of the Education Code. Provided, further, that he shall not otherwise act as a peace officer in enforcing the law except (1) when in pursuit of any offender or suspected offender; (2) to make arrests otherwise lawful for crimes committed, or which there is probable cause to believe have been committed, in his presence or within the area specified in Section 23501 of the Education Code; or (3) when, while in uniform such officer, as a peace officer, is requested by a peace officer or other person to render such assistance as is appropriate under such circumstances to the officer or other person making such request, or to act upon his complaint.

Notwithstanding any other provisions of this code, including but not limited to Section 830.3, the provisions of this subdivision shall govern the authority and jurisdiction of a member

of the University of California Police Department as a peace officer.

(e) A member of a state college police department appointed pursuant to Section 24651 of the Education Code is a peace officer whose authority extends to any place in the state; provided that the primary duty of any such peace officer shall be the enforcement of the law within the area specified in Section 24651 of the Education Code. Provided, further, that he shall not otherwise act as a peace officer in enforcing the law except (1) when in pursuit of any offender or suspected offender; (2) to make arrests otherwise lawful for crimes committed, or which there is probable cause to believe have been committed, in his presence or within the area specified in Section 24651 of the Education Code; or (3) when, while in uniform such officer, as a peace officer, is requested by a peace officer or other person to render such assistance as is appropriate under such circumstances to the officer or other person making such request, or to act upon his complaint.

Notwithstanding any other provisions of this code, including but not limited to Section 830.3, the provisions of this subdivision shall govern the authority and jurisdiction of a member of a state college police department as a peace officer.

SEC. 3. Section 830.3 of the Penal Code is amended to read:

830.3 (a) The Deputy Director and the Assistant Director of the Department of Justice, the Chief, Assistant Chief, and special agents of the Bureau of Criminal Identification and Investigation, the Chief, Assistant Chief, and narcotics agents of the Bureau of Narcotic Enforcement, and such investigators who are so designated by the Attorney General, are peace officers.

The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed within the state.

(b) Any inspector or investigator regularly employed and paid as such in the office of a district attorney is a peace officer.

The authority of any such peace officer extends to any place in the state:

(1) As to any public offense committed, or which there is probable cause to believe has been committed, within the county which employs him; or

(2) Where he has the prior consent of the chief of police, or person authorized by him to give such consent, if the place is within a city or of the sheriff, or person authorized by him to give such consent, if the place is within a county; or

(3) As to any public offense committed or which there is probable cause to believe has been committed in his presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of such offense.

(c) The Director of the Department of Alcoholic Beverage Control and persons employed by such department for the en-

forcement of the provisions of Division 9 (commencing with Section 23000) of the Business and Professions Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the laws relating to alcoholic beverages, as that duty is set forth in Section 25755 of the Business and Professions Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any premises licensed pursuant to the Alcoholic Beverage Control Act.

(d) The Chief and investigators of the Division of Investigation of the Department of Professional and Vocational Standards are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 160 of the Business and Professions Code.

(e) Members of the Wildlife Protection Branch of the Department of Fish and Game deputized pursuant to Section 856 of the Fish and Game Code, deputies appointed pursuant to Section 851 of such code, and county fish and game wardens appointed pursuant to Section 875 of such code are peace officers; provided, that the primary duty of deputized members of the Wildlife Protection Branch, and the exclusive duty, except as provided in Section 1509.7 of the Military and Veterans Code, of any other peace officer listed in this subdivision, shall be the enforcement of the provisions of the Fish and Game Code, as such duties are set forth in Sections 856, 851 and 878, respectively, of such code.

(f) The State Forester and such employees or classes of employees of the Division of Forestry of the Department of Conservation and voluntary fire wardens as are designated by him pursuant to Section 4156 of the Public Resources Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 4156 of such code.

(g) Officers and employees of the Department of Motor Vehicles designated in Section 1655 of the Vehicle Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 1655 of such code.

(h) The secretary, chief investigator, and racetrack investigators of the California Horse Racing Board are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code and Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of the Penal Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any horseracing enclosure licensed pursuant to the Horse Racing Law.

(i) Police officers of a regional park district, appointed or employed pursuant to Section 5561 of the Public Resources Code, and officers and employees of the Department of Parks and Recreation designated by the director pursuant to Section 5008 of such code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as such duties are set forth in Sections 5561 and 5008, respectively, of such code.

(j) Members of the University of California police department appointed pursuant to Section 23501 of the Education Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 23501 of the Education Code.

(k) Policemen of the San Francisco Port Authority are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the laws relating to the San Francisco Harbor, as that duty is set forth in Part 1 (commencing with Section 1690) of Division 6 of the Harbors and Navigation Code.

(l) The State Fire Marshal and assistant or deputy state fire marshals appointed pursuant to Section 13103 of the Health and Safety Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 13104 of such code.

(m) Members of an arson-investigating unit, regularly employed and paid as such, of a fire protection agency of the state, of a county, city, or district, and members of a fire department of a local agency regularly paid and employed as such, are peace officers; provided, that the primary duty of arson investigators shall be the detection and apprehension of persons who have violated or who are suspected of having violated any fire law, and the exclusive duty, except as provided in Section 1509.7 of the Military and Veterans Code, of fire department members other than arson investigators when acting as peace officers shall be the enforcement of laws relating to fire prevention and fire suppression. Notwithstanding the provisions of Section 171e, 171d, 12027, or 12031, members of fire departments other than arson investigators are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution.

(n) The Chief and such inspectors of the Bureau of Food and Drug Inspections as are designated by him pursuant to subdivision (a) of Section 216 of the Health and Safety Code are peace officers; provided, that the exclusive duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 216 of such code.

(o) Persons designated by a local agency as park rangers, and regularly employed and paid as such, are peace officers; provided, that the primary duty of any such peace officer shall

be the protection of park property and preservation of the peace therein. Notwithstanding the provisions of Section 171e, 171d, 12027, or 12031, such park rangers are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or if the local agency is not authorized to act by ordinance, by resolution.

(p) Members of a community college police department appointed pursuant to Section 25429 of the Education Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as prescribed in Section 25429 of the Education Code.

(q) The authority of any peace officer listed in subdivisions (e) through (q), inclusive, extends to any place in the state; provided, that except as otherwise provided in this section, Section 830.6, or Section 1509.7 of the Military and Veterans Code, any such peace officer shall be deemed a peace officer only for purposes of his primary duty, and shall not act as a peace officer in enforcing any other law except:

(1) When in pursuit of any offender or suspected offender; or

(2) To make arrests for crimes committed, or which there is probable cause to believe have been committed, in his presence while he is in the course of his employment; or

(3) When, while in uniform, such officer is requested, as a peace officer, to render such assistance as is appropriate under the circumstances to the person making such request, or to act upon his complaint, in the event that no peace officer otherwise authorized to act in such circumstances is apparently and immediately available and capable of rendering such assistance or taking such action.

SEC. 4. It is the intent of the Legislature that if this bill and Assembly Bill No. 243 or Assembly Bill No. 1932, or both, are chaptered and amend Section 830.2 of the Penal Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Assembly Bill No. 243 are both chaptered and amend Section 830.2 of the Penal Code, but Assembly Bill No. 1932 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 243, the amendments proposed by both bills shall be given effect and incorporated in Section 830.2 in the form set forth in Section 2.1 of this act. Therefore, if Assembly Bill No. 243 is chaptered before this bill and both bills amend Section 830.2, and Assembly Bill No. 1932 is not chaptered or as chaptered does not amend that section, Section 2.1 of this act shall be operative and Section 2 of this act shall not become operative.

(b) If this bill and Assembly Bill No. 1932 are both chaptered and amend Section 830.2 of the Penal Code, but Assembly Bill No. 243 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 1932, the amendments proposed by both bills shall be

given effect and incorporated in Section 830.2 in the form set forth in Section 2.2 of this act. Therefore, if Assembly Bill No. 1932 is chaptered before this bill and both bills amend Section 830.2, and Assembly Bill No. 243 is not chaptered or as chaptered does not amend that section, Section 2.2 shall be operative and Section 2 of this act shall not become operative.

(c) If this bill and Assembly Bill No. 243 and Assembly Bill No. 1932 are all chaptered, and all three bills amend Section 830.2 of the Penal Code, and this bill is chaptered after Assembly Bill No. 243 and Assembly Bill No. 1932, the amendments proposed by all three bills shall be given effect and incorporated in Section 830.2 in the form set forth in Section 2.3 of this act. Therefore, if Assembly Bill No. 243 and Assembly Bill No. 1932 are both chaptered before this bill and all three bills amend Section 830.2 of the Penal Code, Section 2.3 of this act shall be operative and Section 2 of this act shall not become operative.

CHAPTER 633

An act to add Article 4.7 (commencing with Section 1125) to Chapter 1, Division 4, Title 1 of the Government Code, relating to public officers and employees.

[Approved by Governor August 19, 1971. Filed with Secretary of State August 19, 1971.]

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

SECTION 1. Article 4.7 (commencing with Section 1125) is added to Chapter 1, Division 4, Title 1 of the Government Code, to read:

Article 4.7. Incompatible Activities

1125. "Local agency," as used in this article, means a county, city, city and county, political subdivision, district, or municipal corporation.

1126. (a) A local agency officer or employee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his duties as a local agency officer or employee or with the duties, functions or responsibilities of his appointing power or the agency by which he is employed. Such officer or employee shall not perform any work, service or counsel for compensation outside of his local agency employment where any part of his efforts will be subject to approval by any other officer, employee, board or commission of his employing body, unless otherwise approved in the manner prescribed by subdivision (b).

(b) Each appointing power may determine, subject to approval of the local agency, those outside activities which, for

employees under its jurisdiction, are inconsistent with, incompatible to, or in conflict with their duties as local agency officers or employees. An employee's outside employment, activity or enterprise may be prohibited if it: (a) involves the use for private gain or advantage of his local agency time, facilities, equipment and supplies; or the badge, uniform, prestige or influence of his local agency office or employment or, (b) involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than his local agency for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his local agency employment or as a part of his duties as a local agency officer or employee or, (c) involves the performance of an act in other than his capacity as a local agency officer or employee which act may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other officer or employee or the agency by which he is employed, or (d) involves such time demands as would render performance of his duties as a local agency officer or employee less efficient.

The local agency may adopt rules governing the application of this section. Such rules shall include provision for notice to employees of the determination of prohibited activities, of disciplinary action to be taken against employees for engaging in prohibited activities, and for appeal by employees from such a determination and from its application to an employee.

1127. It is not the intent of this article to prevent the employment by private business of a public employee, such as a peace officer, fireman, forestry service employee, among other public employees, who is off duty to do work related to and compatible with his regular employment, or past employment, provided the person or persons to be employed have the approval of their agency supervisor and are certified as qualified by the appropriate agency.

CHAPTER 634

An act to amend Section 148.1 of the Penal Code, relating to false bomb reports.

[Approved by Governor August 19, 1971. Filed with
Secretary of State August 19, 1971.]

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

SECTION 1. Section 148.1 of the Penal Code is amended to read:

148.1. (a) Any person who reports to any police officer, sheriff, employee of a fire department or fire service, district attorney, newspaper, radio station, television station, deputy sheriff, deputy district attorney, member of the California Highway Patrol, employees of an airline, employees of an air-

port, employees of a railroad or busline, an employee of a telephone company, occupants of a building or a news reporter in the employ of a newspaper or radio or television station, that a bomb or other explosive has been placed or secreted in any public or private place knowing that such report is false, is guilty of a crime punishable by imprisonment in the state prison not to exceed three years, or imprisonment in the county jail not to exceed one year.

(b) Any person who maliciously informs any other person that a bomb or other explosive has been placed or secreted in any public or private place, knowing that such information is false, is guilty of a crime punishable by imprisonment in the state prison not to exceed three years, or imprisonment in the county jail not to exceed one year.

CHAPTER 635

An act to amend Section 11161.5 of the Penal Code, relating to mistreatment of children.

[Approved by Governor August 19, 1971 Filed with
Secretary of State August 19, 1971]

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

SECTION 1. Section 11161.5 of the Penal Code is amended to read:

11161.5. (a) In any case in which a minor is brought to a physician and surgeon, dentist, resident, intern, chiropractor, or religious practitioner for diagnosis, examination or treatment, or is under his charge or care, or in any case in which a minor is observed by any registered nurse when in the employ of a public health agency, school, or school district and when no physician and surgeon, resident, or intern is present, by any superintendent, any supervisor of child welfare and attendance, or any certificated pupil personnel employee of any public or private school system or any principal of any public or private school, and it appears to the physician and surgeon, dentist, resident, intern, chiropractor, religious practitioner, registered nurse, school superintendent, supervisor of child welfare and attendance, certificated pupil personnel employee, or school principal from observation of the minor that the minor has physical injury or injuries which appear to have been inflicted upon him by other than accidental means by any person, he shall report such fact by telephone and in writing to the local police authority having jurisdiction and to the juvenile probation department. The report shall state, if known, the name of the minor, his whereabouts and the character and extent of the injuries.

Whenever it is brought to the attention of a director of a county welfare department that a minor has physical injury

or injuries which appear to have been inflicted upon him by other than accidental means by any person, he shall file a report as provided in this section.

No physician and surgeon, dentist, resident, intern, chiropractor, religious practitioner, registered nurse or employer, director of a county welfare department, school superintendent, supervisor of child welfare and attendance, certificated pupil personnel employee, or school principal shall incur any civil or criminal liability as a result of making any report authorized by this section.

Copies of all written reports received by the local police authority shall be forwarded to the State Bureau of Criminal Identification and Investigation. If the records of the Bureau of Criminal Identification and Investigation maintained pursuant to Section 11110 reveal any reports of suspected infliction of physical injury upon the same minor or upon any other minor in the same family by other than accidental means, or if the records reveal any arrest or conviction in other localities for a violation of Section 273a inflicted upon the same minor or any other minor in the same family, or if the records reveal any other pertinent information with respect to the same minor or any other minor in the same family, the local reporting agency and the local juvenile probation department shall be immediately notified of the fact.

Reports and other pertinent information received from the bureau shall be made available to: any licensed physician and surgeon, dentist, resident, intern, chiropractor, or religious practitioner with regard to his patient or client; any director of a county welfare department, school superintendent, supervisor of child welfare and attendance, certificated pupil personnel employee, or school principal having a direct interest in the welfare of the minor; and any probation department, juvenile probation department, or agency offering child protective services.

(b) If the minor is a person specified in Section 600 of the Welfare and Institutions Code and the duty of the probation officer has been transferred to the county welfare department pursuant to Section 576.5 of the Welfare and Institutions Code, then the report required by subdivision (a) of this section shall also be made to the county welfare department.

CHAPTER 636

An act to amend Sections 806 and 869 of, to add Section 1328.5 to, and to repeal Section 869 of, the Penal Code, relating to criminal actions and proceedings.

[Approved by Governor August 19, 1971. Filed with Secretary of State August 19, 1971.]

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

SECTION 1. Section 806 of the Penal Code is amended to read:

806. (a) A proceeding for the examination before a magistrate of a person on a charge of an offense originally triable in a superior court must be commenced by written complaint under oath subscribed by the complainant and filed with the magistrate. Such complaint may be verified on information and belief. When the complaint is used as a pleading to which the defendant pleads guilty under Section 859a of this code, the complaint shall contain the same allegations, including the charge of prior conviction or convictions of crime, as are required for indictments and informations and, wherever applicable, shall be construed and shall have substantially the same effect as provided in this code for indictments and informations.

(b) In the case of a complaint charging a public offense punishable as a felony, the complaint shall be supported by an affidavit or declaration by the complaining party. Such affidavit may be made on information and belief, and shall contain a statement of the testimony of each witness necessary to establish probable cause that the alleged offense was committed and that the person charged is guilty of such offense. The affidavit in such a case shall also contain the name and address of each such witness, except that if the witness is a peace officer it shall state his name and either his business or residence address.

SEC. 2. Section 869 of the Penal Code is repealed.

SEC. 3. Section 869 of the Penal Code is amended to read:

869 The testimony of each witness in cases of homicide must be reduced to writing, as a deposition, by the magistrate, or under his direction, and in other cases upon the demand of the prosecuting attorney, or the defendant, or his counsel. The magistrate before whom the examination is had may, in his discretion, order the testimony and proceedings to be taken down in shorthand in all examinations herein mentioned, and for that purpose he may appoint a shorthand reporter. The deposition or testimony of the witness must be authenticated in the following form:

First—It must state the name of the witness, his place of residence, and his business or profession; except that if the witness is a peace officer, it shall state his name, and the address given in his testimony at the hearing.

Second—It must contain the questions put to the witness and his answers thereto, each answer being distinctly read to him as it is taken down, and being corrected or added to until it conforms to what he declares is the truth, except in cases where the testimony is taken down in shorthand, the answer or answers of the witness need not be read to him.

Third—If a question put be objected to on either side and overruled, or the witness declines answering it, that fact, with

the ground on which the question was overruled or the answer declined, must be stated.

Fourth—The deposition must be signed by the witness, or if he refuses to sign it, his reason for refusing must be stated in writing, as he gives it, except in cases where the deposition is taken down in shorthand, it need not be signed by the witness.

Fifth—The reporter shall, within 10 days after the close of such examination, if the defendant be held to answer the charge, transcribe his shorthand notes, making an original and one copy and as many additional copies thereof as there are defendants (other than fictitious defendants), regardless of the number of charges or fictitious defendants included in the same examination, and certify and deliver the original and all copies to the county clerk of the county in which the defendant was examined. One copy of the transcript shall be furnished by the reporter without charge to the county. The reporter shall, before receiving any compensation as such reporter, file with the auditor of the county his affidavit setting forth that said transcript has been delivered to the county clerk within the time herein provided for. The compensation of the reporter for any services rendered by him as such reporter in any court of this state shall be reduced one-half if the provisions of this section as to the time of filing said transcript have not been complied with by him.

Sixth—In every case in which a transcript is delivered as provided in this section, the county clerk shall file the original of said transcript with the papers in the case, and shall deliver a copy of said transcript to the district attorney immediately upon his receipt thereof and shall deliver a copy of said transcript to each defendant (other than a fictitious defendant) at least five days before trial or upon earlier demand by him without cost to him; provided, however, that if any defendant be held to answer to two or more charges upon the same examination and thereafter the district attorney shall file separate informations upon said several charges, the delivery to each such defendant of one copy of the transcript of said examination shall be a compliance with this section as to all of said informations.

Seventh—If said transcript is delivered by the reporter within the time hereinbefore provided for, the reporter shall be entitled to receive the compensation fixed and allowed by law to reporters in the superior courts of this state.

SEC. 4. Section 1328.5 is added to the Penal Code, to read:

1328.5. Whenever any peace officer is a witness before any court or magistrate in any criminal action or proceeding in connection with a matter regarding an event or transaction which he has perceived or investigated in the course of his duties, where his testimony would become a matter of public record, and where he is required to state the place of his residence, he need not state the place of his residence, but in lieu thereof, he may state his business address.

SEC. 5. It is the intent of the Legislature, if this bill and Senate Bill No. 1131 are both chaptered and amend Section 806 of the Penal Code, and this bill is chaptered after Senate Bill No. 1131, that the amendments to Section 806 proposed by both bills be given effect and incorporated in Section 806 in the form set forth in Section 1 of this act. Therefore Section 1 of this act shall become operative only if this bill and Senate Bill No. 1131 are both chaptered, both amend Section 806, and Senate Bill No. 1131 is chaptered before this bill.

SEC. 6. It is the intent of the Legislature, if this bill and Senate Bill No. 1131 are both chaptered and repeal Section 869 of the Penal Code, and this bill is chaptered after Senate Bill No. 1131, that the repeal of Section 869 proposed by both bills be given effect as set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 1131 are both chaptered, both repeal Section 869, and Senate Bill No. 1131 is chaptered before this bill, in which case Section 3 of this act shall not become operative.

CHAPTER 637

An act to amend Section 830.4 of the Penal Code, relating to peace officers.

[Approved by Governor August 19, 1971. Filed with
Secretary of State August 19, 1971.]

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

SECTION 1. Section 830.4 of the Penal Code is amended to read:

830.4. (a) The following persons are peace officers while engaged in the performance of the duties of their respective employments:

- (1) Security officers of the California State Police Division.
- (2) The Sergeant at Arms of each house of the Legislature.
- (3) Bailiffs of the Supreme Court and of the courts of appeal.
- (4) Guards and messengers of the Treasurer's office.
- (5) The Director of the Department of Harbors and Watercraft and employees of such department designated by him pursuant to Section 71.2 of the Harbors and Navigation Code.
- (6) Members of a state college police department appointed pursuant to Section 24651 of the Education Code.
- (7) The hospital administrator of a state hospital under the jurisdiction of the Department of Mental Hygiene and police officers designated by him pursuant to Section 4312 of the Welfare and Institutions Code.
- (8) Any railroad or steamboat company policeman commissioned by the Governor pursuant to Section 8226 of the Public Utilities Code.

(9) Persons designated by a cemetery authority pursuant to Section 8325 of the Health and Safety Code.

(10) Harbor policemen regularly employed and paid as such by a county, city, or district, and the port warden and special officers of the Harbor Department of the City of Los Angeles. However, notwithstanding the provisions of Section 171c, 171d, or 12027, such persons are not peace officers for purposes of such sections except when designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, as peace officers for such purposes.

(11) Special officers of the Department of Airports of the City of Los Angeles commissioned by the city police commission.

(12) The chief of toll services, captains, lieutenants, and sergeants employed by the Department of Public Works on vehicular crossings pursuant to Chapter 13 (commencing with Section 23250) of Division 11 of the Vehicle Code.

(13) Persons employed as members of a security patrol of a school district pursuant to Section 15832 of the Education Code.

(14) Duly authorized federal employees, when they are engaged in enforcing applicable state or local laws on property owned or possessed by the United States government and with the written consent of the sheriff or the chief of police, respectively, in whose jurisdiction such property is situated.

(15) Security guards of the County of Los Angeles.

(b) The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed with respect to persons or property the protection of which is the immediate duty of such officer.

SEC. 2. It is the intent of the Legislature that the changes effected by this legislation shall serve only to define peace officers, the extent of their jurisdiction, and the nature and scope of their authority, powers and duties, and that there be no change in the status of individual peace officers or classes of peace officers for purposes of retirement, workmen's compensation, or similar injury or death benefits, or other employee benefits.

CHAPTER 638

An act to add Section 30100.5 to the Streets and Highways Code, relating to toll bridges.

[Approved by Governor August 19, 1971. Filed with Secretary of State August 19, 1971.]

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

SECTION 1. Section 30100.5 is added to the Streets and Highways Code, to read:

30100.5. Notwithstanding Section 30100 or any other provision of law, no bridge or other highway crossing, except the Southern Crossing, shall be constructed across the San Francisco Bay by the authority, the department, or the Golden Gate Bridge, Highway and Transportation District after the effective date of this section, except to replace on a one-for-one basis such bridges or highway crossings existing on such date.

This section shall not be construed as authorizing construction of the Southern Crossing if further specific approval of the Legislature is required pursuant to Section 30661.

CHAPTER 639

An act to amend Section 681 of the Welfare and Institutions Code as added by Chapter 1355 of the Statutes of 1967, and to repeal Section 681 of the Welfare and Institutions Code as added by Chapter 507 of the Statutes of 1967, relating to juvenile court hearings.

[Approved by Governor August 19, 1971. Filed with Secretary of State August 19, 1971.]

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

SECTION 1. Section 681 of the Welfare and Institutions Code as added by Chapter 1355 of the Statutes of 1967 is amended to read:

681. In a juvenile court hearing, where the minor who is the subject of the hearing is represented by counsel, the district attorney shall, with the consent or at the request of the juvenile court judge, appear and participate in the hearing to assist in the ascertaining and presenting of the evidence. Where the petition in a juvenile court proceeding alleges that a minor is a person described in either subdivision (a) or subdivision (b) of Section 600, and either of the parents, or the guardian, or other person having care or custody of the minor, or who resides in the home of the minor, is charged in a pending criminal prosecution based upon unlawful acts committed against the minor, the district attorney shall represent the minor in the interest of the state at the juvenile court proceeding with the consent or at the request of the juvenile court judge. The terms and conditions of such representation shall be with the consent or approval of the judge of the juvenile court.

SEC. 2. Section 681 of the Welfare and Institutions Code as added by Chapter 507 of the Statutes of 1967 is repealed.

SEC. 3. Section 681 of the Welfare and Institutions Code, as added by Chapter 1355 of the Statutes of 1967, is amended to read:

681. In a juvenile court hearing, where the minor who is the subject of the hearing is represented by counsel, the district attorney shall, with the consent or at the request of the juvenile court judge, appear and participate in the hearing to assist in the ascertaining and presenting of the evidence. Where the petition in a juvenile court proceeding alleges that a minor is a person described in either subdivision (a) or subdivision (b) of Section 600, and either of the parents, or the guardian, or other person having care or custody of the minor, or who resides in the home of the minor, is charged in a pending criminal prosecution based upon unlawful acts committed against the minor, the district attorney shall, with the consent or at the request of the juvenile court judge, represent the minor in the interest of the state at the juvenile court proceeding. The terms and conditions of such representation shall be with the consent or approval of the judge of the juvenile court.

SEC. 4. It is the intent of the Legislature, if this bill and Senate Bill No. 456 are both chaptered and amend Section 681 of the Welfare and Institutions Code, as added by Chapter 1355 of the Statutes of 1967, and this bill is chaptered after Senate Bill No. 456, that the amendments to Section 681 of the Welfare and Institutions Code, as added by Chapter 1355 of the Statutes of 1967, proposed by both bills be given effect and incorporated in Section 681 of the Welfare and Institutions Code, as added by Chapter 1355 of the Statutes of 1967, in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Senate Bill No. 456 are both chaptered, both amend Section 681 of the Welfare and Institutions Code, as added by Chapter 1355 of the Statutes of 1967, and Senate Bill No. 456 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 640

An act to amend Sections 553, 681, as added by Chapter 1355 of the Statutes of 1967, and 739 of, and to repeal Section 553.1 of, and Section 681, as added by Chapter 507 of the Statutes of 1967, of, the Welfare and Institutions Code, relating to minors.

[Approved by Governor August 19, 1971. Filed with Secretary of State August 19, 1971.]

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

SECTION 1. Section 553 of the Welfare and Institutions Code is amended to read:

553. The judge of the juvenile court, or in counties having more than one judge of the juvenile court, the presiding judge of the juvenile court or the senior judge if there is no presid-

ing judge, may appoint one or more referees to serve on a full-time or part-time basis. A referee shall serve at the pleasure of the appointing judge, and unless the appointing judge makes his order terminating the appointment of a referee, such referee shall continue to serve as such until the appointment of his successor. Except as otherwise provided by law, the amount and rate of compensation to be paid referees shall be fixed by the board of supervisors. Every referee first appointed on or after September 15, 1961, and prior to the effective date of the amendment of this section enacted at the 1971 Regular Session of the Legislature shall have been admitted to practice before the Supreme Court of this state for at least five years or have had at least five years experience in probation work at the supervising level or have had a combination of such experience in law, probation work, or any of them aggregating five years. Every referee first appointed on or after the effective date of the amendment of this section enacted at the 1971 Regular Session of the Legislature shall have been admitted to practice law in this state and, in addition, shall have been admitted to practice law in this state for a period of not less than five years or in any other state and this state for a combined period of not less than 10 years. Nothing in this section shall be construed to apply to the qualifications of any referee first appointed prior to September 15, 1961.

SEC. 2. Section 553.1 of the Welfare and Institutions Code is repealed.

SEC. 3. Section 681 of the Welfare and Institutions Code, as added by Chapter 1355 of the Statutes of 1967, is amended to read:

681. In a juvenile court hearing, where the minor who is the subject of the hearing is represented by counsel, the district attorney shall, with the consent or at the request of the juvenile court judge, appear and participate in the hearing to assist in the ascertaining and presenting of the evidence. Where the petition in a juvenile court proceeding alleges that a minor is a person described in either subdivision (a) or subdivision (b) of Section 600, and either of the parents, or the guardian, or other person having care or custody of the minor, or who resides in the home of the minor, is charged in a pending criminal prosecution based upon unlawful acts committed against the minor, the district attorney shall, with the consent or at the request of the juvenile court judge, represent the minor in the interest of the state at the juvenile court proceeding. The terms and conditions of such representation shall be with the consent or approval of the judge of the juvenile court.

SEC. 4. Section 681 of the Welfare and Institutions Code, as added by Chapter 507 of the Statutes of 1967, is repealed.

SEC. 5. Section 739 of the Welfare and Institutions Code is amended to read:

739. (a) Whenever any person is taken into temporary custody under the provisions of Article 6 (commencing with

Section 625) of this chapter and is in need of medical, surgical, dental, or other remedial care, the probation officer may, upon the recommendation of the attending physician, authorize the performance of such medical, surgical, dental, or other remedial care. The probation officer shall notify the parent, guardian, or person standing in loco parentis of the person, if any, of the care found to be needed before such care is provided, and if the parent, guardian, or person standing in loco parentis objects, such care shall be given only upon order of the court in the exercise of its discretion.

(b) Whenever it appears to the juvenile court that any person concerning whom a petition has been filed with the court is in need of medical, surgical, dental, or other remedial care, and that there is no parent, guardian, or person standing in loco parentis capable of authorizing or willing to authorize such remedial care or treatment for such person, the court, upon the written recommendation of a qualified physician and after due notice to the parent, guardian, or person standing in loco parentis, if any, may make an order authorizing the performance of the necessary medical, surgical, dental, or other remedial care for such person.

(c) Whenever a ward or dependent child of the juvenile court is placed by order of the court within the care and custody or under the supervision of the probation officer of the county in which the ward or dependent child resides and it appears to the court that there is no parent, guardian, or person standing in loco parentis capable of authorizing or willing to authorize medical, surgical, dental, or other remedial care or treatment for the ward or dependent child, the court may, after due notice to the parent, guardian, or person standing in loco parentis, if any, order that the probation officer may authorize such medical, surgical, dental, or other remedial care for the ward or dependent child, by licensed practitioners, as may from time to time appear necessary.

(d) Whenever it appears that a minor otherwise within the provisions of subdivision (a), (b), or (c) requires immediate emergency medical, surgical, dental, or other remedial care, or whenever the probation officer cannot, with reasonable diligence, locate and notify the parent, guardian, or person standing in loco parentis of the need of the minor for such care, the court, upon the written recommendation of a duly licensed physician, may make an order authorizing, or the probation officer, upon the written recommendation of a duly licensed physician, may authorize, the performance of such care as is reasonably necessary under the circumstances, without notice to the parent, guardian, or person standing in loco parentis.

(e) In any case in which the court orders the performance of any medical, surgical, dental, or other remedial care pursuant to this section, the court may also make an order authorizing the release of information concerning such care to probation officers, parole officers, or any other qualified individuals or agencies caring for or acting in the interest and

welfare of the minor under order, commitment, or approval of the court.

(f) Nothing in this section shall be construed as limiting the right of a parent, guardian, or person standing in loco parentis, who has not been deprived of the custody or control of the minor by order of the court, in providing any medical, surgical, dental, or other remedial treatment recognized or permitted under the laws of this state.

(g) The mother of any person described in this section may authorize the performance of medical, surgical, dental, or other remedial care provided for in this section notwithstanding the fact that she is unmarried and under the age of 21 years

CHAPTER 641

An act to amend Sections 509, 514, 576.5, 729, and 777 of, and to add Section 625.5 to the Welfare and Institutions Code, relating to minors.

[Approved by Governor August 19, 1971. Filed with Secretary of State August 19, 1971.]

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

SECTION 1. Section 509 of the Welfare and Institutions Code is amended to read:

509. The judge of the juvenile court of a county, or, if there is more than one such judge, any of the judges of the juvenile court shall, at least annually, inspect any jail, juvenile hall, or lockup which, in the preceding calendar year was used for confinement for more than 24 hours of any minor known to be under the age of 18 years. Such judge shall note in the minutes of the court whether the jail, juvenile hall, or lockup is a suitable place for confinement of minors under the age of 18 years.

The Department of the Youth Authority shall likewise conduct an annual inspection of each jail, juvenile hall, or lockup situated in this state which, during the preceding calendar year, was used for confinement for more than 24 hours of any minor known to be under the age of 18 years.

If either such judge of the juvenile court or the department, after inspection of a jail, juvenile hall, or lockup, finds that it is not being operated and maintained as a suitable place for confinement of minors under the age of 18 years, the juvenile court or the department shall give notice of its finding to all persons having authority to confine such minors pursuant to this chapter and commencing 60 days thereafter such jail, juvenile hall, or lockup shall not be used for confinement of such minors until such time as the judge or department, as the case may be, finds, after reinspection of the jail, juvenile hall, or lockup, that the conditions which ren-

dered the facility unsuitable have been remedied, and such facility is a suitable place for confinement of such minors.

The custodian of each jail, juvenile hall, and lockup shall make such reports as may be required by the department or the juvenile court to effectuate the purposes of this section.

SEC. 2. Section 514 of the Welfare and Institutions Code is amended to read:

514. As used in this chapter, unless otherwise specifically provided, the term "probation officer" shall mean the juvenile probation officer or the person who is both the juvenile probation officer and the adult probation officer, and shall include any social worker in a county welfare department when supervising dependent children of the juvenile court pursuant to Section 576.5 by order of the court under Section 600, and the term "department of probation" shall mean the department of juvenile probation or the department wherein the services of juvenile and adult probation are both performed.

SEC. 3. Section 576.5 of the Welfare and Institutions Code is amended to read:

576.5. The board of supervisors may delegate to the county welfare department all or part of the duties of the probation officer, including those specified by Section 625.5, concerning dependent children described in Section 600.

SEC. 4. Section 625.5 is added to the Welfare and Institutions Code, to read:

625.5. Any social worker in a county welfare department, while acting within the scope of his regular duties under the direction of the probation department or juvenile court and pursuant to Section 576.5, may do the following:

(a) Receive and maintain, pending court hearing, temporary custody of a minor under 18 who is described in Section 600, and who has been delivered by the probation officer.

(b) Take into temporary custody and maintain temporary custody of, without a warrant, a minor under 18 who has been declared a dependent child of the juvenile court under Section 600, and is in need of such care.

SEC. 5. Section 729 of the Welfare and Institutions Code is amended to read:

729. Every hearing in which an order is made adjudging a minor a dependent child of the juvenile court pursuant to Section 600 and every subsequent hearing in which such an order is made, except a hearing at which the court orders the termination of its jurisdiction over such minor, shall be continued to a specific future date not more than one year after the date of such order. The continued hearing shall be placed on the appearance calendar and the probation officer shall make an investigation, file a supplemental report and make his recommendation for disposition. The court shall advise all persons present of the date of the future hearing and of their right to be present, to be represented by counsel and to show cause, if they have cause, why the jurisdiction of the court over the minor should be terminated. Notice of hearing shall

be mailed by the probation officer to the same persons as in an original proceeding and to counsel of record by certified mail addressed to the last known address of the person to be notified, or shall be personally served on such persons, not earlier than 30 days preceding the date to which the hearing was continued.

SEC. 6. Section 777 of the Welfare and Institutions Code is amended to read:

777. An order changing or modifying a previous order by removing a minor from the physical custody of a parent, guardian, relative or friend and directing placement in a foster home, or commitment to a private institution or commitment to a county institution, or an order changing or modifying a previous order by directing commitment to the Youth Authority shall be made only after noticed hearing upon a supplemental petition.

(a) The supplemental petition shall be filed by the probation officer in the original matter and shall contain a concise statement of facts sufficient to support the conclusion that the previous disposition has not been effective in the rehabilitation or protection of the minor.

(b) Upon the filing of such supplemental petition, the clerk of the juvenile court shall immediately set the same for hearing within 30 days, and the probation officer shall cause notice thereof to be served upon the persons and in the manner prescribed by Sections 658 and 660.

(c) An order for the detention of the minor pending adjudication of the petition may be made only after a hearing is conducted pursuant to Article 6 (commencing with Section 625) of this chapter

CHAPTER 642

An act to amend Section 4205 of the Civil Code, and to amend Section 94.5 of the Penal Code, relating to retired judges.

[Approved by Governor August 19, 1971. Filed with
Secretary of State August 19, 1971.]

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

SECTION 1. Section 4205 of the Civil Code is amended to read:

4205. Marriage may be solemnized by any judge or retired judge of a court of record or justice court in this state or by any priest, minister or rabbi of any religious denomination, of the age of 21 years or over.

SEC. 1.3. Section 4205 of the Civil Code is amended to read:

4205. Marriage may be solemnized by any judge or retired judge, commissioner, or assistant commissioner of a court of record or justice court in this state or by any priest, minister,

or rabbi of any religious denomination, of the age of 21 years or over.

SEC. 1.5. Section 4205 of the Civil Code is amended to read:

4205. Marriage may be solemnized by any judge or retired judge of a court of record or justice court in this state or by any priest, minister, or rabbi of any religious denomination, of the age of 18 years or over.

SEC. 1.7. Section 4205 of the Civil Code is amended to read:

4205. Marriage may be solemnized by any judge or retired judge, commissioner, or assistant commissioner of a court of record or justice court in this state or by any priest, minister, or rabbi of any religious denomination, of the age of 18 years or over.

SEC. 2. Section 94.5 of the Penal Code is amended to read:

94.5. Every judge, justice, retired judge or retired justice of a court of this state, except a judge of a justice court, who accepts any money or other thing of value for performing any marriage, including any money or thing of value voluntarily tendered by the persons about to be married or who have been married by such judge, justice, retired judge or retired justice, whether the acceptance occurs before or after performance of the marriage and whether or not performance of the marriage is conditioned on the giving of such money or the thing of value by the persons being married, is guilty of a misdemeanor.

It is not a necessary element of the offense described by this section that the acceptance of the money or other thing of value be committed with intent to commit extortion or with other criminal intent.

This section does not apply to the request for or acceptance of a fee expressly imposed by law for performance of a marriage.

This section does not apply to an acceptance of a fee for performing a marriage on Saturday, Sunday or a legal holiday.

SEC. 2.5. Section 94.5 of the Penal Code is amended to read:

94.5. Every judge, justice, retired judge, retired justice, commissioner, or assistant commissioner of a court of this state, except a judge of a justice court, who accepts any money or other thing of value for performing any marriage, including any money or thing of value voluntarily tendered by the persons about to be married or who have been married by such judge, justice, retired judge, retired justice, commissioner, or assistant commissioner, whether the acceptance occurs before or after performance of the marriage and whether or not performance of the marriage is conditioned on the giving of such money or the thing of value by the persons being married, is guilty of a misdemeanor.

It is not a necessary element of the offense described by this section that the acceptance of the money or other thing of

value be committed with intent to commit extortion or with other criminal intent.

This section does not apply to the request for or acceptance of a fee expressly imposed by law for performance of a marriage.

This section does not apply to an acceptance of a fee for performing a marriage on Saturday, Sunday or a legal holiday.

SEC. 3. It is the intent of the Legislature that if this bill and Senate Bill No. 470 or Assembly Bill No. 2887, or both, are chaptered and amend Section 4205 of the Civil Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Senate Bill No. 470 are both chaptered and amend Section 4205 of the Civil Code, but Assembly Bill No. 2887 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 470, the amendments proposed by both bills shall be given effect and incorporated in Section 4205 in the form set forth in Section 1.3 of this act. Therefore, if Senate Bill No. 470 is chaptered before this bill and both bills amend Section 4205, and Assembly Bill No. 2887 is not chaptered or as chaptered does not amend that section, Section 1.3 of this act shall be operative and Sections 1, 1.5, and 1.7 of this act shall not become operative.

(b) If this bill and Assembly Bill No. 2887 are both chaptered and amend Section 4205 of the Civil Code, but Senate Bill No. 470 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 2887, the amendments proposed by both bills shall be given effect and incorporated in Section 4205 in the form set forth in Section 1.5 of this act. Therefore, if Assembly Bill No. 2887 is chaptered before this bill and both bills amend Section 4205, and Senate Bill No. 470 is not chaptered or as chaptered does not amend that section, Section 1.5 shall be operative and Sections 1, 1.3, and 1.7 of this act shall not become operative.

(c) If this bill and Senate Bill No. 470 and Assembly Bill No. 2887 are all chaptered, and all three bills amend Section 4205 of the Civil Code, and this bill is chaptered after Senate Bill No. 470 and Assembly Bill No. 2887, the amendments proposed by all three bills shall be given effect and incorporated in Section 4205 in the form set forth in Section 1.7 of this act. Therefore, if Senate Bill No. 470 and Assembly Bill No. 2887 are both chaptered before this bill and all three bills amend Section 4205 of the Civil Code, Section 1.7 of this act shall be operative and Sections 1, 1.3, and 1.5 of this act shall not become operative.

SEC. 4 It is the intent of the Legislature, if this bill and Senate Bill No. 470 are both chaptered and amend Section 94.5 of the Penal Code, and this bill is chaptered after Senate Bill No. 470, that the amendments to Section 94.5 proposed by both bills be given effect and incorporated in Section 94.5 in the form set forth in Section 2.5 of this act. Therefore, Section 2.5

of this act shall become operative only if this bill and Senate Bill No. 470 are both chaptered, both amend Section 94.5, and Senate Bill No. 470 is chaptered before this bill, in which case Section 2 of this act shall not become operative.

CHAPTER 643

*An act to amend Section 1114 of the Education Code,
relating to school board elections.*

[Approved by Governor August 19, 1971. Filed with
Secretary of State August 19, 1971]

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

SECTION 1. Section 1114 of the Education Code is amended to read:

1114. In any school district governing board election the name of any registered voter shall be placed on the ballot if there is filed with the county clerk having jurisdiction not less than 59 days prior to the election:

(a) A declaration of candidacy substantially in the form set forth in subdivision (a) of Section 1129, containing the appropriate information in the blank spaces and signed by the registered voter whose name is thereby to be placed on the ballot; or

(b) Nomination by sponsors, substantially in the form set forth in subdivision (b) of Section 1129, containing the appropriate information in the blank spaces and signed by at least 3 but not more than 10 persons each of whom is a registered voter and a parent of a pupil enrolled in a public school in the district.

CHAPTER 644

An act to amend Sections 11903 and 11910 of the Education Code, relating to pupil nutrition, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 19, 1971. Filed with
Secretary of State August 19, 1971]

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

SECTION 1. Section 11903 of the Education Code is amended to read:

11903. The Department of Education, in cooperation with the Department of Social Welfare, shall establish a statewide program to provide nutritious meals at school for pupils. Either or both of such departments may cooperate with and enter into contracts with the United States Departments of

Health, Education and Welfare and Agriculture in order to implement the provisions of this article.

The funds shall be allocated to the school districts in such a manner that priority shall be given to providing free meals to the neediest children. Determination with respect to the annual income of any household shall be made solely on the basis of an affidavit executed in such form as the United States Secretary of Agriculture may prescribe by an adult member of such household. The income poverty guidelines to be used for any fiscal year shall be those prescribed by the United States Secretary of Agriculture as of July 1 of each year.

SEC. 2. Section 11910 of the Education Code is amended to read:

11910. The Department of Education shall, by the 30th day after the Legislature convenes for each regular session, file a detailed report to the Legislature showing the progress made in extending the program of school meals established under this article to needy pupils. The report shall present the total number of pupils in the state who are deemed needy under this article, and shall indicate the number of such pupils who are being served under this or any other program which provides for free or reduced priced meals at school. The report shall also indicate the number of needy pupils who are not being served by this or any other such program, and shall set forth an analysis of the reasons that these pupils are not being served.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The school nutrition program in California faces a deficit of four million five hundred thousand dollars (\$4,500,000). The revision to the law made by this act would make available a substantial sum of money for the nutrition of needy children. In order to begin providing such additional aid at the earliest possible time, it is essential that this act take immediate effect.

CHAPTER 645

An act to amend Sections 4601, 4602, and 4603 of, and to add Section 4601.5 to, the Public Resources Code, relating to timber operations.

[Approved by Governor August 19, 1971. Filed with
Secretary of State August 19, 1971.]

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

SECTION 1. Section 4601 of the Public Resources Code is amended to read:

4601. The license fee for an original timber operator's permit is fifty dollars (\$50).

SEC. 2. Section 4601.5 is added to the Public Resources Code, to read:

4601.5. Notwithstanding the time limitations of Sections 4590 and 4591, a nonrenewable temporary timber operator's permit to harvest only minor forest products, including, but not limited to, Christmas trees, greenery, firewood, posts, and split products may be issued for any three-consecutive-month period no sooner than nine months after expiration of a temporary permit. The license fee for such permit is fifteen dollars (\$15).

SEC. 3. Section 4602 of the Public Resources Code is amended to read:

4602. The renewal fee for a permit to engage in timber operations is twenty-five dollars (\$25).

SEC. 4. Section 4603 of the Public Resources Code is amended to read:

4603. A penalty fee in the amount of ten dollars (\$10) shall be added to the annual renewal fee in all cases where the fee for renewal of a permit is not paid on or before January 1.

CHAPTER 646

An act to amend Sections 12533, 28051, 28052, 28071, 41302, 41332, and 41581 of the Agricultural Code, and to amend Sections 216, 1619, 26024, 26214, 26401, 26404, 26463, 26523, 26551, 26590, 26621, 26654, 26830, 27030, 27041, 28210, 28211, 28322, 28366, 28417, 28442, 28571, 28616, 28619, 28648, 28744, 28762, and 28835 of, to add Sections 26439, 26461.5, 26551.5, 26660, 26661, 26662, 26663, 26664, 26665, 26666, 26802, and 26813 to, and to add Article 2.5 (commencing with Section 26516) to Chapter 5 of Division 21 of, to repeal Section 26410 of, and to repeal Article 8 (commencing with Section 26650), as added by Chapter 1574 of the Statutes of 1970, of Chapter 3 of, and Article 4 (commencing with Section 26660) of Chapter 6 of, Division 21 of, the Health and Safety Code, relating to public health.

[Approved by Governor August 19, 1971 Filed with
Secretary of State August 19, 1971]

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

SECTION 1. Section 12533 of the Agricultural Code is amended to read:

12533. Nothing in this chapter repeals or amends any of the provisions of Division 21 (commencing with Section 26000) of the Health and Safety Code.

SEC. 2. Section 28051 of the Agricultural Code is amended to read:

28051. For the purpose of this article, the following eggs are inedible or unfit for human consumption:

(a) Any egg which contains black spot, black rot, white rot, mixed rot (addled), adherent yolks, bloody or green white, blood, or an embryo chick.

(b) Any sour egg, musty egg, or egg which consists in whole or in part of a moldy, filthy, decomposed, or putrid substance.

(c) Any egg with adhering dirt or fecal matter, unless the egg is washed prior to breaking.

(d) Any egg which is cracked to the extent that the contents of the egg exudes to the outside surface of the shell. Notwithstanding the provisions of this subdivision or of Section 27520, any such egg may be used in any egg product if (1) it became a leaker after its receipt at the breaking plant, (2) it is placed on a tray of such material and design as to be easily cleaned and sanitized which has not more than one egg per cell, and (3) it is transferred promptly to the breaking room to be broken by specially trained personnel.

(e) Any incubator reject egg Any egg which is intended for use in any animal food or animal food product shall not, however, be considered to be inedible for the purposes of this article.

(f) Any egg that is adulterated within the meaning of Division 21 (commencing with Section 26000) of the Health and Safety Code

SEC. 3. Section 28052 of the Agricultural Code is amended to read:

28052. Every egg product shall be prepared only from eggs that are fit for human consumption, under sanitary conditions that meet the approval of all state regulations prescribed pursuant to Division 21 (commencing with Section 26000) of the Health and Safety Code and Chapter 7 (commencing with Section 28280), Division 22 of the Health and Safety Code.

SEC. 4. Section 28071 of the Agricultural Code is amended to read:

28071. Every egg product shall bear a label which complies with the label requirements as stated in Division 21 (commencing with Section 26000) of the Health and Safety Code.

SEC. 5. Section 41302 of the Agricultural Code is amended to read:

41302. Any act which is made unlawful by any provisions of Division 21 (commencing with Section 26000) of the Health and Safety Code is not made lawful by reason of any provision of this part. This part does not limit the powers of the State Department of Public Health.

SEC. 6. Section 41332 of the Agricultural Code is amended to read:

41332. The Director of Public Health, for the purpose of enforcing this chapter, may do all of the following:

(a) Enter and inspect every place within the state where canned fruits or vegetables, including olives, are canned, stored, shipped, delivered for shipment, or sold, and inspect

all fruits or vegetables, including olives, and containers which are found in any such place.

(b) Seize and retain possession of any canned olives or canned fruits or vegetables which are packed, shipped, delivered for shipment, or sold in violation of any provision of this chapter, and hold them pending the order of the court.

(c) Cause to be instituted and to be prosecuted in the superior court of any county of the state in which may be found canned olives or canned fruits or vegetables which are packed, shipped, delivered for shipment, or sold, in violation of any provision of this chapter, an action for the condemnation of canned olives or canned fruits or vegetables as provided by Division 21 (commencing with Section 26000) of the Health and Safety Code.

SEC. 7. Section 41581 of the Agricultural Code is amended to read:

41581. If the Director of Public Health finds, after investigation and examination, that any canned fruits or vegetables, including olives, which are found in the possession of any person, firm, company, or corporation are misbranded or mislabeled within the meaning of this chapter, he may seize such canned fruits or vegetables, including olives, and tag them "embargoed." Such canned fruits or vegetables, including olives, shall not thereafter be sold, removed, or otherwise disposed of pending a hearing and final disposition as provided by Division 21 (commencing with Section 26000) of the Health and Safety Code.

SEC. 8. Section 216 of the Health and Safety Code is amended to read:

216. (a) The Chief and such inspectors of the Bureau of Food and Drug as he may designate, are peace officers for the purpose only of carrying out the duties of their employment. The authority of any such peace officer shall extend to any place in the state as to any public offense committed, or which there is reasonable cause to believe has been committed, within this state which is a violation of any provision of Division 21 (commencing with Section 26000), Division 22 (commencing with Section 27000) of this code, Chapter 3 (commencing with Section 27951) of Part 4 of Division 12, or Chapter 4 (commencing with Section 41301) of Division 16, of the Agricultural Code. Such authority shall further extend to violations of any penal provision of this code, the Business and Professions Code or the Penal Code which are discovered in the course of and arise in connection with the employment of such officers.

(b) Any inspector of the Bureau of Food and Drug shall have the authority, as a public officer, to arrest, without a warrant, any person who, in his presence, has violated, or as to whom there is probable cause to believe has violated, any provision of Division 21 (commencing with Section 26000) or Division 22 (commencing with Section 27000) of this code, Chapter 3 (commencing with Section 27951) of Part 4 of Divi-

sion 12. or Chapter 4 (commencing with Section 41301) of Division 16, of the Agricultural Code.

In any case in which an arrest authorized by this subdivision is made for an offense declared to be a misdemeanor, and the person arrested does not demand to be taken before a magistrate, the arresting inspector may, instead of taking such person before a magistrate, follow the procedure prescribed by Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of the Penal Code. The provisions of such chapter shall thereafter apply with reference to any proceeding based upon the issuance of a citation pursuant to this authority.

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

(d) The Chief and inspectors of the Bureau of Food and Drug may serve all processes and notices throughout the state.

SEC. 9. Section 1619 of the Health and Safety Code is amended to read:

1619. Nothing in this chapter shall be considered to be in conflict with Division 21 (commencing with Section 26000) of this code and all provisions of such division shall apply to biologics within the meaning of this chapter, except that the provisions of this chapter shall not apply to products of:

(a) A laboratory licensed by the Public Health Service, United States Department of Health, Education and Welfare.

(b) A laboratory licensed by the Animal Inspection and Quarantine Branch, Agricultural Research Service, United States Department of Agriculture.

SEC. 10. Section 26024 of the Health and Safety Code is amended to read:

26024. "Person" means any individual, firm, partnership, trust, corporation, company, estate, public or private institution, association, organization, group, city, county, city and county, political subdivision of this state, other governmental agency within the state, and any representative, agent, or agency of any of the foregoing.

SEC. 10.5. Section 26214 of the Health and Safety Code is amended to read:

26214. Before any alleged violation of this division is reported to the Attorney General, a district attorney, or a city attorney for the institution of a criminal proceeding, the person against whom this proceeding is contemplated may be given appropriate notice and an opportunity to show cause why he should not be prosecuted and to present additional facts

which may mitigate such action. The showing may be presented either orally or in writing, in person, or by attorney.

SEC. 11. Section 26401 of the Health and Safety Code is amended to read:

26401. The requirement that any word, statement, or other information appear on the label shall not be considered to be complied with unless the word, statement, or other information also appears on the outside container or wrapper of the retail package of any food, drug, device, or cosmetic, or is easily legible through the outside container or wrapper.

SEC. 12. Section 26404 of the Health and Safety Code is amended to read:

26404. It is unlawful for any manufacturer, packer, or distributor of a prescription drug or device offered for sale in this state to fail to maintain for transmittal or to fail to transmit to any practitioner licensed by applicable state law to administer such drug or device who makes written request for information as to such drug or device true and correct copies of all printed matter which is required to be included in any package in which that drug or device is distributed or sold. Nothing in this section shall be construed to exempt any person from any labeling requirement imposed by or under other provisions of this division.

SEC. 13. Section 26410 of the Health and Safety Code is repealed.

SEC. 14. Section 26439 is added to the Health and Safety Code, to read:

26439. It is unlawful for any person to distribute in commerce any food, drug, device, or cosmetic, if its packaging or labeling does not conform to the provisions of this article or to regulations adopted pursuant to this article. This section does not apply to persons engaged in business as wholesale or retail distributors of foods, drugs, devices, or cosmetics, except to the extent that they are engaged in the packaging or labeling of such commodities or they prescribe or specify the manner in which such commodities are packaged or labeled. This section shall not be construed to repeal, invalidate, or supersede any other section of this division.

SEC. 15. Section 26461.5 is added to the Health and Safety Code, to read:

26461.5. It is unlawful for any person to advertise any food, drug, device, or cosmetic that is adulterated or misbranded.

SEC. 16. Section 26463 of the Health and Safety Code is amended to read:

26463. It is unlawful for any person to advertise any drug or device represented to have any effect in any of the following conditions, disorders, or diseases:

- (a) Appendicitis.
- (b) Blood disorders.
- (c) Bone or joint diseases.
- (d) Kidney disease or disorders.

- (e) Cancer.
- (f) Carbuncles.
- (g) Disease, disorder, or condition of the eye.
- (h) Diabetes.
- (i) Diphtheria.
- (j) Gall bladder disease or disorder.
- (k) Heart and vascular diseases.
- (l) High blood pressure.
- (m) Diseases or disorders of the ear or auditory apparatus, including hearing loss and deafness.
- (n) Measles.
- (o) Meningitis.
- (p) Mental disease or mental retardation.
- (q) Paralysis.
- (r) Pneumonia.
- (s) Poliomyelitis.
- (t) Prostate gland disorders.
- (u) Conditions of the scalp, affecting hair loss, or baldness.
- (v) Alcoholism.
- (w) Periodontal diseases.
- (x) Epilepsy.
- (y) Goiter.
- (z) Endocrine disorders.
- (aa) Sexual impotence.
- (ab) Sinus infection.
- (ac) Encephalitis.
- (ad) Tumors.
- (ae) Venereal disease.
- (af) Tuberculosis.
- (ag) Ulcers of the stomach.
- (ah) Varicose ulcers.
- (ai) Scarlet fever.
- (aj) Typhoid fever.
- (ak) Whooping cough.

SEC. 17. Article 2.5 (commencing with Section 26516) is added to Chapter 5 of Division 21 of the Health and Safety Code, to read:

Article 2.5. Enrichment of Food and Food Products

26516. It is unlawful to sell at retail any of the following foods or food products manufactured from such foods, unless such foods or food products are enriched in accordance with the enrichment standards adopted by the department: white flour, cornmeal, corn grits, farina, macaroni, noodles, spaghetti or milled rice. The department shall adopt such enrichment standards as it determines are reasonably necessary for the protection of the public health and safety. In adopting such standards the department shall take into consideration the current standards established by the Secretary of Health, Education, and Welfare under authority contained in the federal law. This section shall not apply to food or products manu-

factured from such foods which contain less than 25 percent of the food ingredients listed in this section or to those foods which are sold in sealed metal or glass containers or to frozen foods.

26517. It is unlawful for any person to manufacture, sell, or offer for sale for human consumption in this state, any processed breakfast cereal unless the quantity of vitamins and minerals contained in each ounce of the processed cereal conforms to the current "fortification" regulations established by the department as it determines are reasonably necessary for the protection of the public health and safety. In adopting such regulations the department shall take into consideration the current fortification regulations established by the Secretary of Health, Education, and Welfare under authority contained in the federal law.

26518. All products requiring enrichment under Section 26650 shall be labeled "enriched" and display the nutrients required to be added, together with the quantity of each that the product actually contains. All products requiring fortification under Section 26517 shall be labeled "fortified" and display the nutrients required to be added, together with the quantity of each that the product actually contains. The director may by regulation make an exception to this section in the case of small specialty products where the size of the package makes the naming of all ingredients therein impractical.

SEC. 18. Section 26523 of the Health and Safety Code is amended to read:

26523. Any food is adulterated if it consists in whole or in part of any diseased, contaminated, filthy, putrid, or decomposed substance, or if it is otherwise unfit for food.

SEC. 19. Section 26551 of the Health and Safety Code is amended to read:

26551. Any food is misbranded if it is in package form, unless it bears a label containing all of the following information:

(a) The name and place of business of the manufacturer, packer, or distributor.

(b) An accurate statement of the quantity of the contents in terms of weight, measure or numerical count.

Reasonable variations from the requirements of subdivision (b) shall be permitted. Requirements for placement and prominence of such information and exemptions as to small packages shall be established in accordance with regulations adopted pursuant to Section 26433.

SEC. 20. Section 26551.5 is added to the Health and Safety Code, to read:

26551.5. Any food is misbranded if its labeling or packaging does not conform to the requirements of Chapter 4 (commencing with Section 26400) of this division.

SEC. 21. Section 26590 of the Health and Safety Code is amended to read:

26590. The department may adopt such regulations relating to the operation of a local health department as it considers necessary to fully effect the provisions of this article, including but not limited to, requirements relating to reporting of activities and the numbers and qualification of personnel.

SEC. 22. Section 26621 of the Health and Safety Code is amended to read:

26621. It is unlawful for any person to receive in commerce any drug or device that is adulterated or to deliver or proffer for delivery any such drug or device.

SEC. 23. Article 8 (commencing with Section 26650) of Chapter 3 of Division 21 of the Health and Safety Code, as added by Chapter 1574 of the Statutes of 1970, is repealed.

SEC. 24. Section 26654 of the Health and Safety Code is amended to read:

26654. Any drug or device intended for export shall not be deemed to be misbranded under this division if it satisfies all of the following requirements:

- (a) It accords to the specifications of the foreign purchaser.
- (b) It is not in conflict with the laws of the importing country.
- (c) It is labeled on the outside of the shipping package to show that it is intended for export.

If such article is sold or offered for sale in domestic commerce, this section shall not exempt it from any of the provisions of this division.

SEC. 25. Article 4 (commencing with Section 26660) of Chapter 6 of Division 21 of the Health and Safety Code is repealed.

SEC. 26. Section 26660 is added to the Health and Safety Code, to read:

26660. The following drugs or devices, which are intended for use by man, shall be sold only upon a written prescription of a practitioner licensed by law to prescribe such a drug or device, or upon an oral prescription of such licensee which is reduced promptly to writing and filed by the pharmacist, or by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist:

- (a) A habit forming drug to which Section 26634 applies.
- (b) A drug or device which, because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law to administer such drug or device.
- (c) A drug or device for which adequate directions cannot be written for persons, who are not practitioners licensed by law to prescribe such drug or device, for safe and effective self-medication or treatment by such persons, who are not practitioners licensed by law to prescribe such drug or device.
- (d) A drug or device which is limited by an effective applic-

ation under Section 505 of the federal act (21 U.S.C., Sec. 355) or Section 26670 to use under the professional supervision of a practitioner licensed by law to administer such drug or device.

If any prescription for such drug does not indicate the number of times it may be refilled, if any, such prescription may not be refilled unless the pharmacist obtains a new order from the practitioner.

SEC. 27. Section 26661 is added to the Health and Safety Code, to read:

26661. The act of selling a drug or device contrary to the provisions of Section 26660 shall be deemed to be an act which results in the drug or device being misbranded while held for sale.

SEC. 28. Section 26662 is added to the Health and Safety Code, to read:

26662. Any drug or device sold by filling or refilling a written or oral prescription of a practitioner licensed to prescribe such drug or device shall be exempt from the labeling requirements of Sections 26631, 26632, 26634, 26635, 26636, 26637, 26638, 26639, 26640, 26642, 26646, and 26647, if the drug or device bears a label displaying all the following:

(a) Except where the prescriber orders otherwise, the trade name of the drug, or if there is no trade name, the generic name and the name of the manufacturer. Commonly used abbreviations may be used. Preparations containing two or more active ingredients may be identified by a brand or commonly used name or the principal active ingredients.

(b) The directions for the use of the drug or device.

(c) The name of the patient.

(d) The name of the prescriber.

(e) The date of issue.

(f) The name, address and prescription number of the furnisher.

(g) The strength of the drug or drugs prescribed.

(h) The quantity of the drug or drugs prescribed.

(i) The expiration date of the effectiveness of the drug or device if such information is included on the original label of the manufacturer of the drug or device.

The exemption shall not apply to any drug or device dispensed in the course of the conduct of a business of dispensing drugs or devices pursuant to diagnosis by mail, or to a drug or device dispensed in violation of Section 26660.

SEC. 29. Section 26663 is added to the Health and Safety Code, to read:

26663. The department may, by regulation, remove any drug or device subject to Sections 26634 and 26670 from the requirements of Section 26660, when such requirements are not necessary for the protection of the public health. Any drug removed from the prescription requirements of the federal act by regulations adopted pursuant to the federal act is removed from the requirements of Section 26660. The de-

partment may, however, by regulation, continue the applicability of Section 26660 for any drug or device, or make such sections inapplicable to any drug or device, whether or not such inclusion or exclusion of the drug or device is in accordance with the regulations adopted pursuant to the federal act.

SEC. 30. Section 26664 is added to the Health and Safety Code, to read:

26664. A drug or device which is subject to Section 26660 is misbranded if at any time prior to dispensing, its label fails to bear the statement "Caution: Federal law prohibits dispensing without prescription," or "Caution: State law prohibits dispensing without prescription." A drug or device to which Section 26660 does not apply is misbranded if at any time prior to dispensing its label bears the caution statement quoted in the preceding sentence.

SEC. 31. Section 26665 is added to the Health and Safety Code, to read:

26665. Nothing in this article shall be construed to relieve any person from any requirement prescribed by or under authority of law with respect to drugs now included or which may hereafter be included within the classification stated in Division 10 (commencing with Section 11000) of this code or in the applicable federal law relating to narcotic drugs and marijuana.

SEC. 32. Section 26666 is added to the Health and Safety Code, to read:

26666. A physician, dentist, podiatrist, or veterinarian may personally furnish his own patient with such drugs as are necessary in the treatment of the condition for which he attends such patient provided that such drug is properly labeled to show all the information required in Section 26662 except the prescription number.

SEC. 33. Section 26802 is added to the Health and Safety Code, to read:

26802. One-half of all fines collected by any court or judge for any violation of any provision of this division shall be paid into the State Treasury to the credit of the General Fund.

SEC. 33.5. Section 26813 is added to the Health and Safety Code, to read:

26813. When the state asserts a violation of this division, the state need not negative any exemption or exception from the requirements of this division in any pleading or in any trial, hearing, or other proceeding. The burden of proof with respect to any such exemption or exception rests upon the person claiming its benefit.

SEC. 34. Section 26830 of the Health and Safety Code is amended to read:

26830. Whenever an authorized agent of the department finds, or has probable cause to believe, that any food, drug, device, or cosmetic is adulterated, misbranded, or falsely advertised within the meaning of this division, or the sale of any food, drug, device, or cosmetic would be in violation of this

division, he shall affix to such food, drug, device, cosmetic, or component thereof, a tag or other appropriate marking. He shall give notice that the food, drug, device, or cosmetic is, or is suspected of being, adulterated, misbranded, falsely advertised, or the sale of which would be in violation of this division and has been embargoed, and that no person shall remove or dispose of the food, drug, device, or cosmetic by sale or otherwise until permission for removal or disposal is given by an authorized agent of the department or the court.

SEC. 35. Section 27030 of the Health and Safety Code is amended to read:

27030. A pet food ingredient or a processed pet food shall be deemed to be adulterated:

(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such pet food shall not be considered adulterated under this subdivision if the quantity of such substance in such pet food does not ordinarily render it injurious to health.

(b) If it bears or contains any added poisonous or deleterious substance, any food additive, any pesticide chemical, or any color additive which is unsafe within the meaning of the Federal Food, Drug and Cosmetic Act, or Division 21 (commencing with Section 26000) of this code, or Division 7 (commencing with Section 12501) of the Agricultural Code.

(c) If it contains a pet food ingredient for which a standard of identity has been established and such pet food ingredient fails to meet that standard.

(d) If it has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome or injurious to health.

(e) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(f) If any valuable constituent has been in whole or in part omitted or abstracted therefrom.

(g) If any substance has been substituted wholly or in part therefor.

(h) If damage or inferiority has been concealed in any manner.

(i) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it is.

SEC. 36. Section 27041 of the Health and Safety Code is amended to read:

27041. The provisions of this chapter shall be administered by the State Department of Public Health in accordance with the provisions of Division 21 (commencing with Section 26000) of this code.

SEC. 37. Section 28210 of the Health and Safety Code is amended to read:

28210. Every bakery product which is sold, offered for sale, or held for sale shall have protective wrapping which shall bear a label which complies with the labeling requirements prescribed by Division 21 (commencing with Section 26000) of this code. Bakery products sold directly to the consumer or restaurant or catering service or retail bakery by the manufacturer or bakery distributor are exempt from the provisions of this section. French-style, hearth-baked or hard-crusted loaves and rolls shall be considered properly wrapped if in an open-end bag of sufficient size to enclose such loaves or rolls.

SEC. 38. Section 28211 of the Health and Safety Code is amended to read:

28211. All bakery products produced, prepared, packed, sold or offered for sale shall comply with the provisions of Division 21 (commencing with Section 26000) of this code, except as exempted in Section 28210. The State Department of Public Health shall enforce the provisions of this section which pertain to adulteration, standards of identity, and labeling of bakery products.

SEC. 39. Section 28322 of the Health and Safety Code is amended to read:

28322. A nonalcoholic soft drink, whether or not carbonated, shall be deemed to be misbranded if in a bottle or other closed container unless the name and address of the bottler or distributor thereof appears on such container by being molded, printed, or otherwise labeled thereon, or said name and address is shown on the crown or cap of such container if such container is a permanently and distinctively branded bottle. Such a beverage shall not be deemed to be misbranded under this section if in a bottle or other closed container on which is molded, printed or otherwise labeled the product name, trademark or brand of the distributor or bottler thereof and if a sworn affidavit has been filed in the Bureau of Food and Drug of the Department of Public Health stating the name, trademark, or brand of such beverage, a full and complete description of each territory or area of the state in which such beverage is to be distributed, and the names and addresses of such persons as are responsible for compliance with this division in the bottling and distribution of such beverage in each territory or area of the state in which such beverage is distributed. Nothing in this section shall be deemed to exempt any bottler or distributor of a beverage or beverages from any provision of Division 21 (commencing with Section 26000) of this code.

SEC 40. Section 28366 of the Health and Safety Code is amended to read:

28366. No act which is unlawful under Division 21 (commencing with Section 26000) of this code, relating to the adulterating, mislabeling, misbranding, false advertising, and sale of foods, is lawful by reason of this chapter.

SEC. 41. Section 28417 of the Health and Safety Code is amended to read:

28417. After conviction for a violation of Division 21 (commencing with Section 26000) of this code, the license of the person convicted may be suspended for a period of from 1 to 30 days.

SEC. 42. Section 28442 of the Health and Safety Code is amended to read:

28442. The state board shall enforce its rules and regulations and the provisions of Division 21 (commencing with Section 26000) of this code, relating to the canning of food products, through the Chief of the Bureau of Cannery Inspections and such other employees as it deems necessary. The state board shall, so far as practicable, acquaint each licensee subject to this chapter with its rules and regulations, and upon request therefor by any licensee shall furnish a copy of such rules and regulations.

SEC. 43. Section 28571 of the Health and Safety Code is amended to read:

28571. Ingredients used in the preparation of foods or beverages, and all foods or beverages offered for sale, sold or served, shall be manufactured, produced, prepared, compounded, packed, stored, transported, kept for sale and served so as to be pure, free from adulteration and spoilage; shall have been obtained from approved sources, when such approval is required by law; shall otherwise be fully fit for human consumption; and shall conform to the applicable provisions of Division 21 (commencing with Section 26000) of this code.

No food or beverage prepared in a private home shall be used in the preparation of foods or beverages, offered for sale, sold, or given away in a restaurant.

This section shall not be construed to require temperature controls.

SEC. 44. Section 28616 of the Health and Safety Code is amended to read:

28616. Ingredients used in the preparation of foods or beverages, and all foods or beverages offered for sale, sold or served, shall be manufactured, produced, prepared, compounded, packed, stored, transported, kept for sale and served so as to be pure, free from adulteration and spoilage; shall have been obtained from approved sources, when such approval is required by law; shall otherwise be fully fit for human consumption; and shall conform to the applicable provisions of Division 21 (commencing with Section 26000) of this code.

No food or beverage prepared in a private home shall be used in the preparation of foods or beverages, offered for sale, sold or given away in an itinerant restaurant.

This section shall not be construed to require temperature controls.

SEC. 45. Section 28619 of the Health and Safety Code is amended to read:

28619. Displays of unpackaged foods, arranged for self-service to the public in an itinerant restaurant other than a mobile unit, shall be effectively shielded so as to intercept a direct line between the customer's mouth and the food being displayed.

No unpackaged foods shall be displayed for self-service to the public on a mobile unit upon which food is prepared.

On a mobile unit upon which food is prepared, food arranged for self-service to the public shall be wrapped or packaged so as to be protected from dust, flies, vermin, droplet infection or other contamination and shall be labeled as required in Division 21 (commencing with Section 26000) of this code.

SEC. 46. Section 28648 of the Health and Safety Code is amended to read:

28648. Ingredients used in the preparation of foods or beverages, and all foods or beverages offered for sale, sold, or served, shall be manufactured, produced, prepared, compounded, packed, stored, transported, kept for sale, and served so as to be pure, free from adulteration and spoilage; shall have been obtained from approved sources, when such approval is required by law; shall otherwise be fully fit for human consumption; and conform to the applicable provisions of Division 21 (commencing with Section 26000) of this code.

No food or beverage prepared in a private home shall be used in the preparation of foods or beverages offered for sale, sold, or given away in a vehicle.

This section shall not be construed to require temperature controls.

SEC. 47. Section 28744 of the Health and Safety Code is amended to read:

28744. The term "hazardous substance" shall not apply to any of the following:

(a) Foods, drugs, or cosmetics subject to the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040) or Division 21 (commencing with Section 26000) of this code.

(b) Substances intended for use as fuels when stored in containers and used in the heating, cooking, or refrigeration system of a house.

(c) Source material, special nuclear material, or byproduct material, as defined in the Atomic Energy Act of 1954 (68 Stat. 919), as amended, and regulations issued pursuant thereto by the Atomic Energy Commission.

(d) Fertilizing materials regulated by Chapter 5 (commencing with Section 14501), Division 7, of the Agricultural Code.

(e) Livestock remedies regulated by Chapter 3 (commencing with Section 14201), Division 7, of the Agricultural Code.

(f) Economic poisons regulated by Chapter 2 (commencing

with Section 12751), Division 7, of the Agricultural Code, except as provided in Section 28744 1

(g) Economic poisons subject to the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163), except as provided in Section 28744 1

(h) Injurious substances as defined and regulated by Article 85 (commencing with Section 4201), Group 9, Subchapter 7, Chapter 4, Title 8, California Administrative Code.

SEC. 48 Section 28762 of the Health and Safety Code is amended to read:

28762. The packing, selling, offering for sale, or keeping for sale of a hazardous substance in a reused food, drug, or cosmetic container or in a container which, though not a reused container, is identifiable as a food, drug, or cosmetic container by its labeling or by other identification, is unlawful. Such an act shall result in the hazardous substance being in a misbranded package. As used in this section, the terms "cosmetic," "drug" and "food" shall have the same meaning as in Chapter 1 (commencing with Section 26000) of Division 21 of this code.

SEC. 49. Section 28835 of the Health and Safety Code is amended to read:

28835. Ingredients used in the preparation of food, and all foods offered for sale, sold, or served, shall be manufactured, produced, prepared, compounded, packed, stored, transported, kept for sale, and served so as to be pure, free from adulteration and spoilage, and shall conform to the applicable provisions of Division 21 (commencing with Section 26000) of this code.

No food prepared or stored in a private home shall be offered for sale, sold, or given away, in an establishment operating under the provisions of this chapter, without the written approval of the local health officer.

SEC. 50 Sections 17 and 23 of this act shall become operative January 1, 1972.

SEC. 51. If this bill and Assembly Bill No. 1497 are both chaptered, and Assembly Bill No. 1497 repeals Chapter 3 (commencing with Section 27951) of Part 4 of Division 12 of the Agricultural Code, Sections 2, 3, and 4 of this act shall not become operative, whether Assembly Bill No. 1497 is chaptered prior or subsequent to this act

SEC. 52 If this bill and Assembly Bill No. 2832 are both chaptered, and Assembly Bill No. 2832 adds an Article 2.5 (commencing with Section 26576) to Chapter 5 of Division 21 of the Health and Safety Code, relating to enrichment of food and food products, Section 17 of this act shall not become operative whether Assembly Bill No. 2832 is chaptered prior or subsequent to this act

CHAPTER 647

An act to amend Sections 25100, 28002, 28007, 28103, 28104, and 28105 of, and to repeal Section 28102 of the Corporations Code, relating to entities.

[Approved by Governor August 19, 1971 Filed with
Secretary of State August 19, 1971]

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

SECTION 1. Section 25100 of the Corporations Code is amended to read:

25100. The following securities are exempted from the provisions of Sections 25110, 25120, and 25130:

(a) Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any city, county, city and county, public district, public authority, public corporation, public entity, or political subdivision of a state or any agency or corporate or other instrumentality of any one or more of the foregoing; or any certificate of deposit for any of the foregoing.

(b) Any security issued or guaranteed by the Dominion of Canada, any Canadian province, any political subdivision or municipality of any such province, or by any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor, or any certificate of deposit for any of the foregoing.

(c) Any security issued or guaranteed by and representing an interest in or a direct obligation of a national bank or a bank or trust company incorporated under the laws of this state, and any security issued by a bank to one or more other banks and representing an interest in an asset of the issuing bank.

(d) Any security issued or guaranteed by a federal savings and loan association or federal land bank or joint land bank or national farm loan association or by any savings and loan association which is subject to the supervision and regulation of the Savings and Loan Commissioner of this state.

(e) Any security (other than an interest in a real estate development), the issuance of which is subject to authorization by the Insurance Commissioner, the Public Utilities Commissioner, or the Real Estate Commissioner of this state.

(f) Any security consisting of any interest in all or portions of a parcel or parcels of real property which are subdivided lands or a subdivision or in a real estate development; provided that the exemption in this subdivision shall not be applicable to any investment contract sold or offered for sale with, or as part of, any such interest, or to any corporation engaged in the business of selling, distributing or supplying water for irrigation purposes or domestic use which is not a public utility.

(g) Any shares, investment certificates or borrower's membership certificates (as defined in the Savings and Loan Association Law) issued by a savings and loan association holding a license then in force from the Savings and Loan Commissioner of this state.

(h) Any security issued or guaranteed by any federal credit union, or by any credit union organized and supervised under the laws of this state.

(i) Any security issued or guaranteed by any railroad, other common carrier, public utility, or public utility holding company which is (1) subject to the jurisdiction of the Interstate Commerce Commission or (2) a holding company registered with the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935 or a subsidiary of such a company within the meaning of that act or (3) regulated in respect of the issuance or guarantee of the security by a governmental authority of the United States, of any state, of Canada or of any Canadian province; and the security is subject to registration with or authorization of issuance by such authority.

(j) Any security (except evidences of indebtedness, whether interest bearing or not) of an issuer (1) organized exclusively for educational, benevolent, fraternal, religious, charitable, social, or reformatory purposes and not for pecuniary profit, if no part of the net earnings of the issuer inures to the benefit of any private shareholder or individual, or (2) organized as a chamber of commerce or trade or professional association. The fact that amounts received from memberships or dues or both will or may be used to construct or otherwise acquire facilities for use by members of the nonprofit organization does not disqualify the organization for this exemption. This exemption does not apply to the securities of any nonprofit organization if any promoter thereof expects or intends to make a profit directly or indirectly from any business or activity associated with the organization or operation of such nonprofit organization or from remuneration received from such nonprofit organization.

(k) Any agreement, commonly known as a "life income contract," of an issuer (1) organized exclusively for educational, benevolent, fraternal, religious, charitable, social, or reformatory purposes and not for pecuniary profit and (2) which the commissioner designates by rule or order, with a donor in consideration of a donation of property to such issuer and providing for the payment to the donor or persons designated by him of income or specified periodic payments from the donated property or other property for the life of the donor or such other persons.

(l) Any note, draft, bill of exchange, or banker's acceptance which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace, or any re-

renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal; except such promissory notes offered to the public in amounts of less than five thousand dollars (\$5,000) in the aggregate to any one purchaser.

(m) Any security issued by any corporation organized and existing under the provisions of Chapter 1 (commencing with Section 54001) of Division 20 of the Agricultural Code.

(n) Any beneficial interest in a retirement system as defined in subdivision (a) of Section 28002 of this code.

(o) Any security listed or approved for listing upon notice of issuance on the New York Stock Exchange; and any warrant or right to purchase or subscribe to any such security.

(p) A promissory note secured by a lien on real property, which is not one of a series of notes secured by interests in the same real property.

SEC. 2. Section 28002 of the Corporations Code is amended to read:

28002 (a) "Retirement system" means any employees' pension, profit-sharing, stock bonus or similar benefit plan which meets the requirements for qualification under Section 401 of the Federal Internal Revenue Code or any statute amendatory thereof or supplementary thereto. A determination letter from the Internal Revenue Service stating that an employees' pension, profit-sharing, stock bonus or similar benefit plan meets the requirements for qualification under Section 401 of the Internal Revenue Code shall be conclusive evidence that such plan is a retirement system until the date such determination letter is revoked in writing by the Internal Revenue Service, regardless of whether such revocation is retroactive in effect. Insofar as applicable to any retirement system, the terms "trust," "trust agreement," and "trust instrument" include the formal plan or plan description excluding any summary thereof, the trust instrument or agreement, the policy of insurance or related contract, if any, and any written administrative rules, regulations and interpretations governing the operation of the retirement system

(b) "Employer" means any person acting directly as an employer or indirectly in the interest of an employer in relation to a retirement system, and includes a group or association of employers acting for an employer in such capacity.

(c) "Employee" means any individual employed by an employer.

(d) "Participant" means any employee or former employee of an employer or any member of an employee organization who is or may become eligible to receive a benefit of any type from a retirement system, or whose beneficiaries may be eligible to receive any such benefit.

(e) "Beneficiary" means a person designated by a participant or by the terms of a retirement system who is or may become entitled to a benefit thereunder.

(f) "Fiduciary" means any person who exercises any power of control, or management with respect to the investment of any moneys or other property of a retirement system, or has authority or responsibility to do so. Fiduciary does not mean any person who has the power to appoint or remove a fiduciary provided that such person cannot exercise any direction or control over the fiduciary in the exercise of its functions. The commissioner may establish rules or regulations exempting any person as a fiduciary whose functions do not involve any significant risk that the moneys or other property of a retirement system will be applied for any purpose other than the exclusive benefit of the participants therein or the beneficiaries of such participants.

(g) "Party in interest" means any administrator, officer, trustee, custodian, counsel or employee of any retirement system, or a person providing services to any such system or an employer any of whose employees are covered by such a system or any person controlling, controlled by, or under common control with, such employer or officer or employee or agent of such employer, or such person, or a relative, partner, or joint venturer of any of the above-described persons.

(h) "Relative" means a spouse, ancestor, descendant, brother, sister, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law or sister-in-law.

(i) "Administrator" means: (1) the person specifically so designated by the terms of the plan, trust agreement, contract, or other instrument under which the retirement system is operated; or (2) in the absence of such designation, the employer.

(j) "Participant account" means an account established or maintained by the administrator of a retirement system under which a participant's own contributions or his share of the employer's contributions, together with the income, gains, and losses from investment thereof, whether or not realized, are charged or credited. Nothing contained herein shall be deemed to require the administrator of any retirement system to maintain a participant account if under such system contributions are not specifically allocated to participants therein.

(k) "Person" means an individual, partnership, joint venture, corporation, mutual company, joint-stock company, trust, unincorporated organization, association, or employee organization.

(l) "Commissioner" means the Commissioner of Corporations.

SEC. 3. Section 28007 of the Corporations Code is amended to read:

28007. No fiduciary shall be relieved from any responsibility, obligation or duty under this law or any rule or order hereunder by agreement or otherwise. Nothing herein shall preclude any agreement allocating specific duties or responsibilities among fiduciaries, or bar any agreement of insurance coverage or indemnification affecting fiduciaries, but no such

agreement shall restrict the obligations of any fiduciary to a retirement system or to any participant or beneficiary. This section shall apply only to retirement systems created after December 31, 1970, but it is not intended to change any law as it may apply to retirement systems created prior to January 1, 1971.

SEC. 4. Section 28102 of the Corporations Code is repealed.

SEC. 5. Section 28103 of the Corporations Code is amended to read:

28103. The commissioner may by rule or regulation specify the form of the reports required pursuant to this chapter. In lieu of such form, the administrator may complete and publish any form or forms containing substantially the information prescribed by Sections 28100 and 28101 required to be filed by the employer with the federal government to satisfy any federal tax or welfare and pension plan disclosure and reporting requirements. Retirement systems which are required to file and file annual reports pursuant to the Federal Welfare and Pension Plans Disclosure Act (Pub L. 85-836; 72 Stat. 997), as amended, containing substantially the information required by subdivision (a) of Section 28100, shall be exempt from the requirement of preparing any other annual report pursuant to subdivision (a) of Section 28100 and from the requirement of filing the report required by Section 28105.

SEC. 6. Section 28104 of the Corporations Code is amended to read:

28104. Publication of the annual report required by Section 28100 shall be made as follows:

(a) The administrator shall make a copy of such annual report available for examination by any participant or beneficiary in the principal office of the administrator, if situated in this state, and otherwise in the principal branch office situated in this state, and if no office is situated in this state, the administrator shall mail a copy of such report to any participant or beneficiary who requests such copy in writing.

(b) The administrator, upon request of the commissioner, shall file with him a copy of such annual report and of any report required to be furnished pursuant to Section 28101.

(c) Whenever any administrator of a retirement system publishes as part of his annual report a detailed statement as required by subdivision (b) of Section 28100, a copy of that portion of the annual report shall be filed with the commissioner no later than the date for publication of the annual report of the retirement system; in lieu of such a filing a copy of the statement required under Section 17637 of the Revenue and Taxation Code or of an equivalent filing required by the United States Internal Revenue Service may be filed.

SEC. 7. Section 28105 of the Corporations Code is amended to read:

28105 The administrator of every retirement system shall annually file with the commissioner a report setting forth all investment transactions conducted during the preceding calendar or fiscal year, and at the time of such filing pay to the commissioner a filing fee of twenty-five dollars (\$25). The commissioner shall receive these reports and hold them available for inspection by participants and beneficiaries of the retirement system.

The provisions of this section shall not apply to any of the following:

(a) A retirement system in which all such contributions are paid to a trustee or cotrustee qualified and doing business in this state and subject to the supervision of the Superintendent of Banks or the Comptroller of the Currency, or in which all such contributions are paid to a trustee or cotrustee that is a bank and a member of a Federal Reserve Bank.

(b) A retirement system in which all contributions are paid to an insurer authorized to do business in this state

(c) A retirement system which furnishes to all of its participants annually a statement in writing setting forth all investment transactions conducted during the preceding calendar or fiscal year.

(d) A retirement system in which all contributions are paid to a trustee or cotrustee qualified and doing business in this state and subject to the supervision of the Savings and Loan Commissioner or the Federal Home Loan Bank Board.

(e) A retirement system in which a portion of the contributions are paid to a trustee or cotrustee or an insurer designated in subdivision (a) or (b) of this section and the remaining portion of the contributions are paid to another trustee or cotrustee or insurer who is also designated in subdivision (a) or (b).

CHAPTER 648

An act to amend Sections 74002, 74003, 74004, and 74005 of, and to repeal Section 74007 of, the Government Code, relating to the Orange County municipal courts.

[Approved by Governor August 19, 1971. Filed with Secretary of State August 19, 1971.]

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

SECTION 1. Section 74002 of the Government Code is amended to read:

74002. There shall be one clerk and administrative officer for each court who shall be appointed by, and serve at the pleasure of, a majority of the judges of the court, or in the case of an equal division of the court, the senior judge of the court, and who shall receive a biweekly salary as provided by the following range numbers of Section 74005:

For the North Orange County, Central Orange County, and West Orange County Municipal Courts	67
For the Orange County Harbor Municipal Court and South Orange County Municipal Court	65

SEC. 2. Section 74003 of the Government Code is amended to read:

74003. (a) There shall be one Marshal of the County of Orange appointed by, and serving at the pleasure of, a majority of the judges of the municipal courts in the county. The marshal initially appointed pursuant to this section shall be selected from those individuals who presently hold the position of marshal of one of the municipal courts of Orange County immediately prior to the effective date of this section. The deputies and other employees of the incumbent marshals of each superseded marshal's office shall become employees of the Marshal of Orange County at classifications and salaries determined by this article, but in no event shall the salaries be less than those received by such personnel on the effective date of this section.

(b) A branch office of the Marshal of Orange County shall be maintained in each judicial district.

(c) The marshal shall appoint one assistant marshal. The initial selection of the assistant marshal shall be from one of the individuals who is a marshal of one of the municipal courts of Orange County just prior to the effective date of this section.

(d) The marshal shall appoint three inspectors. The appointments shall be of individuals who are marshals of municipal courts in Orange County just prior to the effective date of this section. Upon each occurrence of a vacancy of an inspector, the position shall cease to exist.

(e) In no event shall the compensation of the marshal be less than 13 ranges above that set for the position of lieutenant, marshal's office. In no event shall the compensation for the position of assistant marshal be less than nine ranges above that set for the position of lieutenant, marshal's office. In no event shall the compensation for the position of inspector be less than seven ranges above that set for the position of lieutenant, marshal's office.

(f) Notwithstanding the provisions of Section 31662.6, the marshal of all municipal courts within the County of Orange who is a safety member, and all ex-marshals of a municipal court within the County of Orange who are reclassified to other positions within a marshal's office due to the establishment of one marshal for all the municipal courts within Orange County, shall be retired as of the first day of the calendar month next succeeding that in which he attains age 65, or at the expiration of the term to which he was elected, whichever term may be longer.

(g) The number of positions within each job classification which shall be appointed by the marshal and the number of

the salary range set forth in Section 74005 which constitutes the compensation for each job classification are shown in the table below:

Title of job classification	Applicable salary range number	Number of positions authorized
Marshal -----	76	1
Assistant marshal -----	72	1
Inspector marshal -----	70	1
Lieutenant, marshal's office -----	63	5
Sergeant, marshal's office -----	59	12
Deputy marshal II -----	51	42
Deputy marshal I -----	49	43
Chief clerk II, marshal's office -----	43	3
Chief clerk I, marshal's office -----	41	2
Secretary II -----	39	1
Clerk III, marshal's office -----	35	5
Clerk II, marshal's office -----	31	14
Clerk I, marshal's office -----	29	13

Sec 3. Section 74004 of the Government Code is amended to read:

74004. (a) The number of positions within each job classification which may be filed by appointment by the clerk and administrative officer, respectively, of each such court, and the number of the salary range set forth in Section 74005 which constitutes the compensation for each job classification, are shown in the table below, in which the various municipal courts are designated by column headings from left to right in the same order as that in which their judicial districts are named in Section 74000:

Title of job classification	Applicable salary range number	Number of positions authorized in each court				
		NOC	COC	WOC	OCH	SOC
Appointed by the clerk and administrative officer.						
Chief deputy clerk II, municipal court -----	59	1	1	1	0	0
Chief deputy clerk I, municipal court -----	57	0	0	0	1	1
Division head II, municipal court -----	50	4	4	4	0	0
Division head I, municipal court -----	48	0	0	0	4	1
Municipal court clerk --	46	9	10	9	4	3
Deputy clerk V, municipal court -----	42	2	2	1	1	1
Deputy clerk IV, municipal court -----	37	2	1	1	1	1
Deputy clerk III, municipal court -----	35	7	7	6	2	2

Deputy clerk II, municipal court -----	31	12	13	13	5	3
Deputy clerk I, municipal court -----	29	27	26	24	15	11
Legal stenographer I ---	35	2	2	2	1	1
Secretary II -----	39	1	1	1	1	1
Secretary I -----	33	0	0	0	0	0
Systems and pro- cedures analyst II ---	59	0	1	0	0	0
Detention Release officer -----	54	0	1	0	0	0
Data input operator -----	29	6	7	7	3	3
Interpreter -----	38	1	1	1	0	0

(b) The Legislature finds and declares that the matter of appointing, promoting, demoting and dismissing persons in positions with the municipal courts and all other aspects of the personnel management of municipal courts of Orange County is one for local concern. It further finds and declares that wherever possible such personnel management shall grant to persons in positions with the municipal courts equality of treatment with persons in positions with the County of Orange who are performing similar duties and who possess similar qualifications.

(c) To achieve the legislative intent expressed in subdivision (a), the municipal courts of Orange County may create a personnel committee consisting of five judges selected one from each court by a majority vote of the judges of the respective courts, or where there is an equal division of the judges of a court, by the senior judge of that court. The personnel committee may adopt rules and regulations providing for a personnel system for all municipal courts of Orange County which shall provide for equal treatment concerning methods and conditions of employment for employees and attachés of the several courts and the marshal's office and which shall provide equal treatment for such employees as is provided for Orange County employees generally. In so providing for a personnel system, the judges may adopt all or any part of the personnel and salary resolution of the County of Orange.

(d) With the approval of the board of supervisors, the personnel system adopted by the personnel committee and made applicable to all the municipal courts of Orange County may be administered by the County of Orange through its personnel department. The board of supervisors may withdraw its approval at any time.

(e) If an increase in the business of the court or any other emergency requires a greater number of attachés or employees for the prompt and faithful discharge of the business of the court than the number expressly provided in this article or requires the performance of duties of positions in a class not expressly provided in this article, a majority of the judges of

any of the courts, with the approval of the board of supervisors, may establish additional titles, pay rates, and positions as they deem necessary for the performance of the duties and exercise of the powers conferred by law upon the courts. Rates of compensation of all officers, attachés, and employees may be adjusted by joint action and approval of the board of supervisors and a majority of the municipal court judges of Orange County. The establishment of additional titles, positions, and pay rates and changes in compensation made pursuant to this subdivision shall be on an interim basis and shall expire 90 days after adjournment of the next regular session of the Legislature. The provisions of this section are directory only and are not intended to affect the application of Section 72150.

SEC. 4. Section 74005 of the Government Code is amended to read:

74005. The schedule of biweekly salary ranges referred to in Sections 74002, 74003, and 74004 are those ranges set forth in the 1971-72 Personnel and Salary Resolution adopted by the Orange County Board of Supervisors.

Notwithstanding any other provisions of law, the salaries of municipal court officers, attachés, and employees may upon the joint approval of the personnel committee and the board of supervisors be increased or decreased in order to provide compensation that is comparable to county employees of similar qualifications and experience holding equal or comparable positions in the Orange County classified service as the comparability is determined jointly by the personnel committee and the board of supervisors, except that any such increase or decrease shall be effective only until the 91st day after the adjournment of the next regular session of the Legislature.

In the event that the board of supervisors adopts a revised salary schedule for county employees, the board shall confer with the personnel committee, and if both are agreed that the new schedule shall apply also to the officers, attachés, and employees of the municipal courts and marshal's office, the revised salary schedule shall apply equally to the officers, attachés, and employees of municipal courts and marshal's office in the same manner and date as for county employees, except that any such salary adjustment shall only be effective until the 91st day following the next regular session of the Legislature.

SEC. 5. Section 74007 of the Government Code is repealed.

CHAPTER 649

An act to amend Section 789.5 of the Civil Code, relating to mobilehome parks.

[Approved by Governor August 19, 1971. Filed with
Secretary of State August 19, 1971.]

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

SECTION 1. Section 789.5 of the Civil Code is amended to read:

789.5. (a) No tenancy or other estate at will or lease, however created on or after the effective date of this section, in a mobilehome park may be terminated except upon the landlord's giving notice in writing to the tenant, in the manner prescribed by Section 1162 of the Code of Civil Procedure, to remove from the premises within a period of not less than 60 days, to be specified in the notice. No lease shall contain any provision by which the tenant waives his rights under this section, and any such waiver shall be deemed contrary to public policy and shall be unenforceable and void. However, any lease may provide that the tenancy may be terminated upon the landlord's giving notice in writing to the tenant, in such prescribed manner, to remove from the premises within a period of more than 60 days, to be specified in the notice.

(b) This section shall only apply to mobilehomes or trailer coaches which are required to be moved under permit.

(c) This section shall not affect any rights or proceedings set forth in Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure.

(d) After the effective date of this subdivision, a tenancy shall be terminated pursuant to this section only for one or more of the following reasons:

(1) Failure of the tenant to comply with local ordinances and state laws and regulations relating to mobilehomes.

(2) Conduct of the tenant, upon the mobilehome park premises, which constitutes an annoyance to other tenants or interference with park management.

(3) Failure of the tenant to comply with rules and regulations of the mobilehome park as established by the management in the rental agreement at the inception of the tenancy or as amended subsequently with the consent of the tenant, or without his consent upon six months written notice. However, regulations applicable to recreational facilities may be amended at the discretion of the management.

(4) Nonpayment of rent, utility charges, or reasonable incidental service charges.

(5) Condemnation or change of use or ownership of the mobilehome park.

(e) Meetings by tenants relating to mobilehome living and affairs in the park community or recreation hall shall not be subject to prohibition by the park management if such meetings are held at reasonable hours and when the facility is not otherwise in use.

(f) The management of a mobilehome park shall specify, in the notice required by this section, the reason for the termination of any tenancy in such mobilehome park.

CHAPTER 650

An act to amend Sections 23509 and 23557 of the Elections Code and Sections 578113 and 57836 of the Public Resources Code, relating to elections.

[Approved by Governor August 19, 1971 Filed with
Secretary of State August 19, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 23509 of the Elections Code is amended to read:

23509 Unless otherwise provided in the principal act of a district, a general district election shall be held in each district on the first Tuesday after the first Monday in November in each odd-numbered year to choose a successor for each elective officer the term of whose office will expire on the following last Friday in November.

SEC. 2 Section 23557 of the Elections Code is amended to read:

23557. An election conducted by a district subject to the provisions of this part may be consolidated with any other election pursuant to the provisions of Chapter 4 (commencing with Section 23300) of Part 2 of this division.

SEC 3. Section 578113 of the Public Resources Code is amended to read:

578113 Any vacancy in the office of a member elected to the district board shall be filled by appointment by the remaining members for the unexpired term

A vacancy in the office of a member appointed shall be filled by the appointing authority.

SEC 4 Section 57836 of the Public Resources Code is amended to read:

5783.6 Except as otherwise provided in this chapter, all district elections shall be called, held, and conducted in all respects as nearly as practicable in conformity with the Uniform District Election Law; provided, however, that the board of directors of a district may, by resolution, provide that henceforth the general district election, required to be held pursuant to the Uniform District Election Law, shall be held in that district on the first Tuesday after the first Monday in November in each even-numbered year, rather than in each odd-numbered year as provided in the Uniform District Election Law. In that event the term of persons holding district office on the date of the adoption of the resolution shall terminate one year earlier on the last Friday of November of the even-numbered year preceding the odd-numbered year in which the term would otherwise terminate. Such resolution changing the election date must be adopted, and a certified copy of such resolution shall be delivered to the county clerk of the county in which the district is located, at least 60 days prior to the new election date in the even-numbered year pre-

ceding the odd-numbered year in which the term of office would otherwise expire. A general district election shall thereafter be held in that district on the first Tuesday after the first Monday in November of each even-numbered year to choose a successor for each elective officer the term of whose office will expire on the following last Friday in November. An election conducted by a district under this provision may be consolidated with any other election pursuant to the provisions of Chapter 4 (commencing with Section 23300) of Part 2 of this division.

SEC 5. This act shall become operative on January 1, 1972.

CHAPTER 651

An act to amend Sections 18001, 68811, and 68901 of the Government Code and to amend Sections 25051, 28850, 50120, and 95650 of the Public Utilities Code, relating to judicial officers

[Approved by Governor August 19, 1971. Filed with
Secretary of State August 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 18004 of the Government Code is amended to read:

18004 (a) Unless the Legislature specifically provides that approval of the Department of Finance is not required, whenever any state agency is authorized by special or general statute to fix the salary or compensation of an employee or officer, which salary is payable in whole or in part out of state funds, the salary is subject to the approval of the Department of Finance before it becomes effective and payable, except as provided in subdivision (b).

(b) Whenever any state court or other judicial agency is authorized by statute to fix the salary of an employee or officer who is exempt from civil service under subdivision (b) of Section 4 of Article XXIV of the Constitution, the salary is subject to the approval of the Chairman of the Judicial Council before it becomes effective and payable.

SEC 2. Section 68841 of the Government Code is amended to read:

68841 The annual salary of the Clerk of the Supreme Court is twenty-six thousand five hundred sixty-five dollars (\$26,565).

SEC. 3. Section 68901 of the Government Code is amended to read:

68901. The annual salary of the reporter of the decisions of the Supreme Court and of the courts of appeal is twenty-three thousand five hundred forty-six dollars (\$23,546).

SEC 4 Section 25051 of the Public Utilities Code is amended to read:

25051 Whenever a majority of the employees employed by said transit district in a unit appropriate for collective bargaining indicate a desire to be represented by a labor organization, the board, upon determining as provided in Section 25052 that said labor organization represents the employees in the appropriate unit, and the accredited representative shall bargain in good faith and make all reasonable efforts to reach agreement on the terms of a written contract governing wages, salaries, hours, working conditions and grievance procedures. In case of a dispute over the terms of a written contract governing wages, salaries, hours or working conditions, which is not resolved by negotiations in good faith between the board and the representatives of the employees, upon the agreement of both, the board and the representatives of the employees may submit said dispute to the decision of the majority of an arbitration board, and the decision of a majority of such arbitration board shall be final. The arbitration board shall be composed of two representatives of the transit board, two representatives of the labor organization, and they shall endeavor to agree upon the selection of the fifth member. If they are unable to agree, the names of five persons experienced in labor arbitration shall be obtained from the Supervisor of Conciliation of the Division of Conciliation, Department of Industrial Relations. The labor organization and the district shall, alternately, strike a name from the list so supplied, and the name remaining after the labor organization and the district have stricken four names, shall be designated as the arbitrator. The labor organization and the district shall determine by lot who shall first strike from the list. The expenses of such impartial arbitrator shall be provided half by the transit board and half by the labor organization.

No contract or agreement shall be made with any labor organization, association, group or individual where such organization, association, group or individual denies membership on the grounds of race, creed or color, provided such organization may preclude from membership any individual who advocates the overthrow of the government by force or violence.

SEC 5 Section 28850 of the Public Utilities Code is amended to read:

28850. Whenever a majority of the employees employed by the district in a unit appropriate for collective bargaining indicate a desire to be represented by a labor organization, the board, upon determining as provided in Section 28851 that said labor organization represents the employees in the appropriate unit, and the accredited representative shall bargain in good faith and make all reasonable efforts to reach agreement on the terms of a written contract governing wages, salaries, hours, working conditions and grievance procedures. In case of a dispute over the terms of a written contract governing wages, salaries, hours or working conditions,

which is not resolved by negotiations in good faith between the board and the representatives of the employees, upon the agreement of both, the board and the representatives of the employees may submit said dispute to the decision of the majority of an arbitration board, and the decision of a majority of such arbitration board shall be final. The arbitration board shall be composed of two representatives of the district and two representatives of the labor organization, and they shall endeavor to agree upon the selection of a fifth member. If they are unable to agree, the names of five persons experienced in labor arbitration shall be obtained from the Supervisor of Conciliation of the Division of Conciliation, Department of Industrial Relations. The labor organization and the district shall, alternately, strike a name from the list so supplied, and the name remaining after the labor organization and the district have stricken four names, shall be designated as the arbitrator. The labor organization and the district shall determine by lot who shall first strike from the list. The expenses of such impartial arbitrator shall be provided half by the district and half by the labor organization.

No contract or agreement shall be made with any labor organization, association, group or individual where such organization, association, group or individual denies membership on the grounds of race, creed or color; provided, such organization may preclude from membership any individual who advocates the overthrow of the government by force or violence.

SEC 6. Section 50120 of the Public Utilities Code is amended to read:

50120. Whenever a majority of the employees employed by said transit district in a unit appropriate for collective bargaining indicate a desire to be represented by a labor organization, the board, upon determining as provided in Section 50121 that said labor organization represents the employees in the appropriate unit, and the accredited representative shall bargain in good faith and make all reasonable efforts to reach agreement on the terms of a written contract governing wages, salaries, hours, working conditions and grievance procedures. In case of a dispute over the terms of a written contract governing wages, salaries, hours or working conditions, which is not resolved by negotiations in good faith between the board and the representatives of the employees, the board and the representatives of the employees shall submit said dispute to the decision of the majority of an arbitration board, and the decision of a majority of such arbitration board shall be final. The arbitration board shall be composed of two representatives of the transit board and two representatives of the labor organization, and they shall endeavor to agree upon the selection of a fifth member. If they are unable to agree, the names of five persons experienced in labor arbitration shall be obtained from the Supervisor of Conciliation of the Division of Conciliation, Department of Industrial Relations. The

labor organization and the district shall, alternately, strike a name from the list so supplied, and the name remaining after the labor organization and the district have stricken four names, shall be designated as the arbitrator. The labor organization and the district shall determine by lot who shall first strike from the list. The expenses of such impartial arbitrator shall be provided half by the transit board and half by the labor organization.

No contract or agreement shall be made with any labor organization, association, group or individual where such organization, association, group or individual denies membership on the grounds of race, creed or color, provided such organization may preclude from membership any individual who advocates the overthrow of the government by force or violence.

SEC. 7. Section 95650 of the Public Utilities Code is amended to read:

95650. Whenever a majority of the employees employed by said transit district in a unit appropriate for collective bargaining indicate a desire to be represented by a labor organization, the board, upon determining as provided in Section 95651 that said labor organization represents the employees in the appropriate unit, and the accredited representative shall bargain in good faith and make all reasonable efforts to reach agreement on the terms of a written contract governing wages, salaries, hours, working conditions and grievance procedures. In case of a dispute over the terms of a written contract governing wages, salaries, hours or working conditions, which is not resolved by negotiations in good faith between the board and the representatives of the employees, the board and the representatives of the employees shall submit said dispute to the decision of the majority of an arbitration board, and the decision of a majority of such arbitration board shall be final. The arbitration board shall be composed of two representatives of the transit board and two representatives of the labor organization, and they shall endeavor to agree upon the selection of a fifth member. If they are unable to agree, the names of five persons experienced in labor arbitration shall be obtained from the Supervisor of Conciliation of the Division of Conciliation, Department of Industrial Relations. The labor organization and the district shall, alternately, strike a name from the list so supplied, and the name remaining after the labor organization and the district have stricken four names, shall be designated as the arbitrator. The labor organization and the district shall determine by lot who shall first strike from the list. The expenses of such impartial arbitrator shall be provided half by the transit board and half by the labor organization.

No contract or agreement shall be made with any labor organization, association, group or individual where such organization, association, group or individual denies membership on the grounds of race, creed or color, provided such organization may preclude from membership any individual who advocates the overthrow of the government by force or violence.

CHAPTER 652

An act to amend Section 601 of the Business and Professions Code, relating to illegal advertising.

[Approved by Governor August 19, 1971. Filed with
Secretary of State August 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 601 of the Business and Professions Code is amended to read:

601. Every person who willfully writes, composes or publishes any notice or advertisement of any medicine or means for producing or facilitating a miscarriage or abortion, or who offers his services by any notice, advertisement, or otherwise, to assist in the accomplishment of any such purpose is guilty of a felony and shall be punished as provided in the Penal Code.

CHAPTER 653

An act to amend Section 11517 of the Government Code, relating to administrative hearings.

[Approved by Governor August 19, 1971. Filed with
Secretary of State August 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 11517 of the Government Code is amended to read:

11517. (a) If a contested case is heard before an agency itself the hearing officer who presided at the hearing shall be present during the consideration of the case and, if requested, shall assist and advise the agency. Where a contested case is heard before an agency itself, no member thereof who did not hear the evidence shall vote on the decision.

(b) If a contested case is heard by a hearing officer alone, he shall prepare a proposed decision in such form that it may be adopted as the decision in the case. A copy of the proposed decision shall be filed by the agency as a public record and a copy of the proposed decision shall be served by the agency on each party in the case and his attorney. The agency itself may adopt the proposed decision in its entirety, or may reduce the proposed penalty and adopt the balance of the proposed decision.

(c) If the proposed decision is not adopted as provided in subdivision (b), the agency itself may decide the case upon the record, including the transcript, with or without taking additional evidence, or may refer the case to the same hearing officer to take additional evidence. If the case is so assigned to a hearing officer he shall prepare a proposed decision as pro-

vided in subdivision (b) upon the additional evidence and the transcript and other papers which are part of the record of the prior hearing. A copy of such proposed decision shall be furnished to each party and his attorney as prescribed in subdivision (b). The agency itself shall decide no case provided for in this subdivision without affording the parties the opportunity to present either oral or written argument before the agency itself. If additional oral evidence is introduced before the agency itself no agency member may vote unless he heard the additional oral evidence.

CHAPTER 654

An act to amend Section 5784.26 of the Public Resources Code, relating to recreation and park districts.

[Approved by Governor August 19, 1971. Filed with Secretary of State August 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5784.26 of the Public Resources Code is amended to read:

5784.26. Bonds issued pursuant to this chapter shall be issued as follows:

(a) The district board may fix a date, not more than five years from the date of issuance, for the earliest maturity of each issue or series of bonds. Beginning with the date of the earliest maturity of each issue or series, a part, to be determined by the district board, which shall be not less than one-fortieth of the indebtedness of such issue or series shall be payable annually at a date and place specified; provided, however, the bonds or any issue or series may be made to mature and become payable in approximately equal total annual installments of interest and principal, during the term of the bonds computed from the first year in which any part of the principal shall mature to the date of final maturity which annual installments may vary one from the other in amounts not exceeding in any year more than 5 percent of the total amount of the bonds of such issue or of the series thereof then proposed to be issued. The final maturity date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series.

(b) The district board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this chapter.

(c) The interest to be paid shall be stated upon the bond and shall not exceed the rate specified in the notice of election on the issuance of such bonds.

(d) The denomination of the bonds shall be fixed by the district board.

(e) The bonds shall be signed by the presiding officer of the district board and by the treasurer. Signatures may be facsimile by use of an engraved or lithographed signature.

(f) Interest coupons shall be numbered consecutively and signed by the treasurer in like manner as the bonds.

(g) The district board may provide for the call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

CHAPTER 655

An act to amend Section 13443 of the Education Code, relating to school certificated employees.

[Approved by Governor August 19, 1971 Filed with
Secretary of State August 19, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 13443 of the Education Code is amended to read:

13443 (a) No later than March 15 and before an employee is given notice by the governing board that his services will not be required for the ensuing year, the governing board and the employee shall be given written notice by the superintendent of the district or his designee, or in the case of a district which has no superintendent by the clerk or secretary of the governing board, that it has been recommended that such notice be given to the employee, and stating the reasons therefor. If a probationary employee has been in the employ of the district for less than 45 days on March 15, the giving of such notice may be deferred until the 45th day of employment and all time periods and deadline dates herein prescribed shall be coextensively extended.

(b) The employee may request a hearing to determine if there is cause for not reemploying him for the ensuing year. A request for a hearing must be in writing and must be delivered to the person who sent the notice pursuant to subdivision (a), on or before a date specified therein, which shall not be less than seven days after the date on which the notice is served upon the employee. If an employee fails to request a hearing on or before the date specified, his failure to do so shall constitute his waiver of his right to a hearing. The notice provided for in subdivision (a) shall advise the employee of the provisions of this subdivision.

(c) In the event a hearing is requested by the employee, the proceeding shall be conducted and a decision made in

accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the governing board shall have all the power granted to an agency therein, except that: (1) the respondent shall file his notice of defense, if any, within five days after service upon him of the accusation and he shall be notified of such five-day period for filing in the accusation; (2) the discovery authorized by Section 11507.6 of the Government Code shall be available only if request is made therefor within 15 days after service of the accusation, and the notice required by Section 11505 of the Government Code shall so indicate; and (3) the hearing shall be conducted by a hearing officer who shall prepare a proposed decision, containing findings of fact and a determination as to whether the charges sustained by the evidence are related to the welfare of the schools and the pupils thereof, but the proposed decision shall not contain a determination as to the sufficiency of the cause or a recommendation as to disposition, which sufficiency and disposition shall be determined by the governing board. The proposed decision shall be submitted to the governing board on or before May 7 of the year in which the proceeding is commenced. All expenses of the hearing, including the cost of the hearing officer, shall be paid by the governing board from the district funds. The board may adopt from time to time such rules and procedures not inconsistent with provisions of this section, as may be necessary to effectuate this section.

(d) The governing board's determination not to reemploy a probationary employee for the ensuing school year shall be for cause only. The determination of the governing board as to the sufficiency of the cause pursuant to this section shall be conclusive, but the cause shall relate solely to the welfare of the schools and the pupils thereof and provided that cause shall include termination of services for the reasons specified in Section 13447. The decision made after the hearing shall be effective on May 15 of the year the proceeding is commenced.

(e) Notice to the probationary employee by the governing board that his service will not be required for the ensuing year, shall be given no later than May 15.

(f) If a governing board notifies a probationary employee that his services will not be required for the ensuing year, the board shall, within 10 days after delivery to it of the employee's written request, provide him with a statement of its reasons for not reemploying him for the ensuing school year.

(g) Any notice or request shall be deemed sufficient when it is delivered in person to the employee to whom it is directed, or when it is deposited in the United States registered mail, postage prepaid and addressed to the last known address of the employee.

(h) In the event that the governing board does not give notice provided for in subdivision (e) of this section on or before May 15, the employee shall be deemed reemployed for the ensuing school year.

(i) If after request for hearing pursuant to subdivision (b) any continuance is granted pursuant to Government Code Section 11524, the dates prescribed in subdivisions (c), (d), (e) and (h) which occur on or after the date of granting the continuance shall be extended for a period of time equal to such continuance.

SEC. 2. Section 13443 of the Education Code is amended to read:

13443. (a) No later than March 15 and before an employee is given notice by the governing board that his services will not be required for the ensuing year, the governing board and the employee shall be given written notice by the superintendent of the district or his designee, or in the case of a district which has no superintendent by the clerk or secretary of the governing board, that it has been recommended that such notice be given to the employee, and stating the reasons therefor.

If a probationary employee has been in the employ of the district for less than 45 days on March 15, the giving of such notice may be deferred until the 45th day of employment and all time periods and deadline dates herein prescribed shall be coextensively extended.

Until the employee has requested a hearing as provided in subdivision (b) or has waived his right to a hearing, the notice and the reasons therefor shall be confidential and shall not be divulged by any person, except as may be necessary in the performance of duties; however, the violation of this requirement of confidentiality, in and of itself, shall not in any manner be construed as affecting the validity of any hearing conducted pursuant to this section.

(b) The employee may request a hearing to determine if there is cause for not reemploying him for the ensuing year. A request for a hearing must be in writing and must be delivered to the person who sent the notice pursuant to subdivision (a), on or before a date specified therein, which shall not be less than seven days after the date on which the notice is served upon the employee. If an employee fails to request a hearing on or before the date specified, his failure to do so shall constitute his waiver of his right to a hearing. The notice provided for in subdivision (a) shall advise the employee of the provisions of this subdivision.

(c) In the event a hearing is requested by the employee, the proceeding shall be conducted and a decision made in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the governing board shall have all the power granted to an agency therein, except that (1) the respondent shall file his notice of defense, if any, within five days after service upon him of the accusation and he shall be notified of such five-day period for filing in the accusation; (2) the discovery authorized by Section 11507 6 of the Government Code shall be available only if request is made therefor within 15 days after

service of the accusation, and the notice required by Section 11505 of the Government Code shall so indicate; and (3) the hearing shall be conducted by a hearing officer who shall prepare a proposed decision, containing findings of fact and a determination as to whether the charges sustained by the evidence are related to the welfare of the schools and the pupils thereof, but the proposed decision shall not contain a determination as to the sufficiency of the cause or a recommendation as to disposition, which sufficiency and disposition shall be determined by the governing board. The proposed decision shall be submitted to the governing board on or before May 7 of the year in which the proceeding is commenced. All expenses of the hearing, including the cost of the hearing officer, shall be paid by the governing board from the district funds. The board may adopt from time to time such rules and procedures not inconsistent with provisions of this section, as may be necessary to effectuate this section.

(d) The governing board's determination not to reemploy a probationary employee for the ensuing school year shall be for cause only. The determination of the governing board as to the sufficiency of the cause pursuant to this section shall be conclusive, but the cause shall relate solely to the welfare of the schools and the pupils thereof and provided that cause shall include termination of services for the reasons specified in Section 13447. The decision made after the hearing shall be effective on May 15 of the year the proceeding is commenced.

(e) Notice to the probationary employee by the governing board that his service will not be required for the ensuing year, shall be given no later than May 15.

(f) If a governing board notifies a probationary employee that his services will not be required for the ensuing year, the board shall, within 10 days after delivery to it of the employee's written request, provide him with a statement of its reasons for not reemploying him for the ensuing school year.

(g) Any notice or request shall be deemed sufficient when it is delivered in person to the employee to whom it is directed, or when it is deposited in the United States registered mail, postage prepaid and addressed to the last known address of the employee.

(h) In the event that the governing board does not give notice provided for in subdivision (e) of this section on or before May 15, the employee shall be deemed reemployed for the ensuing school year.

(i) If after request for hearing pursuant to subdivision (b) any continuance is granted pursuant to Government Code Section 11524, the dates prescribed in subdivisions (c), (d), (e) and (h) which occur on or after the date of granting the continuance shall be extended for a period of time equal to such continuance.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 1316 are both chaptered and amend Section 13443 of the Education Code, and this bill is chaptered after

Senate Bill No. 1316, that the amendments to Section 13443 proposed by both bills be given effect and incorporated in Section 13443 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 1316 are both chaptered, both amend Section 13443, and Senate Bill No. 1316 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 656

*An act to amend Section 1327 of the Education Code,
relating to school board elections.*

[Approved by Governor August 19, 1971. Filed with
Secretary of State August 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1327 of the Education Code is amended to read:

1327. If, immediately following the last time for filing pursuant to Section 1114 of the Education Code, only one person has been nominated for each position of governing board member to be filled at that election or no person has been nominated for any such position, and a petition signed by 25 voters of the district indicating that a write-in campaign will be conducted has not been presented to the county superintendent by the 40th day prior to the election, an election shall not be held

For purposes of this section it shall be deemed that there is only one candidate for each position of governing board member to be filled when there is more than one such position to be filled from a list of candidates for all such positions collectively and the number of candidates does not exceed the number of positions to be filled; to the extent that the number of such positions exceeds the number of candidates therefor, it shall be deemed that no person has been nominated.

The provisions of this section shall apply to elections for membership on the county board of education.

For purposes of this section and Sections 1328, 1329 and 1330 of the Education Code, "nominated" or "nomination" includes becoming a candidate by a declaration of candidacy.

CHAPTER 657

*An act to add Section 6755.2 to the Education Code, relating
to educationally handicapped minors.*

[Approved by Governor August 19, 1971. Filed with
Secretary of State August 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 6755.2 is added to the Education Code, to read:

6755.2. Whenever any minor is being evaluated for placement in a program for the educationally handicapped by an admission committee pursuant to Section 6755 or a review and recommendation procedure is being conducted by an admission committee pursuant to Section 6755.1, the parent or guardian of the minor shall have the right to have a physician, optometrist, psychologist, social worker, or teacher, whether certificated or not, represent the minor and present additional material, if any, to assist the admission committee in its determination with respect to the minor.

The representative so selected shall have no decisionmaking power with respect to any determination to be made by the admission committee. The representative so selected may be an employee of the school district.

CHAPTER 658

An act to amend Section 11708 of the Education Code, relating to health services.

[Approved by Governor August 19, 1971. Filed with Secretary of State August 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 11708 of the Education Code is amended to read:

11708. No person shall be initially employed by a school district in a certificated or classified position unless the person has submitted to an examination within the past 60 days to determine that he is free of active tuberculosis, by a physician and surgeon licensed under Chapter 5 (commencing at Section 2000) of Division 2 of the Business and Professions Code. This examination shall consist of an X-ray of the lungs, or an approved intradermal tuberculin test, which, if positive, shall be followed by an X-ray of the lungs.

The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a physician and surgeon licensed under Chapter 5 of Division 2 of the Business and Professions Code.

Thereafter all employees shall be required to undergo the foregoing examination at least once each four years or more often if directed by the governing board upon recommendation of the local health officer.

After such examination, each employee shall cause to be on file with the district superintendent of schools a certificate

from the examining physician and surgeon showing the employee was examined and found free from active tuberculosis. The county board of education may require, by rule, that all such certificates be filed in the office of the county superintendent of schools or shall require such files be maintained in the office of the county superintendent of schools if a majority of the governing boards of the districts within such county so petition the county board of education, except that in either case a district or districts with a common board having an average daily attendance of 60,000 or more may elect to maintain the files for its employees in that district. "Certificate" as used herein means a certificate signed by the examining physician and surgeon or a notice from a public health agency or unit of the Tuberculosis Association which indicates freedom from active tuberculosis. The latter, regardless of form, will constitute evidence of compliance with this section. Nothing in this section shall prevent the governing board from establishing a rule requiring a more extensive physical examination than required by this section but such rule shall provide for reimbursement on the same basis as hereinafter required.

This examination is a condition of initial employment and the expense incident thereto shall be borne by the applicant unless otherwise provided by rules of the governing board. However, the board may, if an applicant is accepted for employment, reimburse such person in a like manner hereinafter prescribed for employees.

The governing board of each district shall reimburse the employee for the cost, if any, of this examination. The board may provide for the examination required by this section or may establish a reasonable fee for such examination that is reimbursable to employees of the district complying with the provisions of this section.

At the discretion of the governing board this section shall not apply to those employees not requiring certification qualifications who are employed for any period of time less than a school year whose functions do not require frequent or prolonged contact with pupils.

The governing board may, however, require such examination and may as a contract condition require the examination of persons employed for construction or repair work if the board believes the presence of such persons in and around school premises would constitute a health hazard to pupils.

If the governing board of a school district determines by resolution, after hearing, that the health of pupils in the district would not be jeopardized thereby, the provisions of this section shall not apply to any employee of the district who files an affidavit stating that he adheres to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion and that to the best of his knowledge and belief he is free from active tuberculosis. If at any time there should be probable

cause to believe that such affiant is afflicted with active tuberculosis, he may be excluded from service until the governing board of the employing district is satisfied that he is not so afflicted.

CHAPTER 659

An act to amend Section 13443 of the Education Code, relating to certificated employees.

[Approved by Governor August 19, 1971 Filed with
Secretary of State August 19, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 13443 of the Education Code is amended to read:

13443. (a) No later than March 15 and before an employee is given notice by the governing board that his services will not be required for the ensuing year, the governing board and the employee shall be given written notice by the superintendent of the district or his designee, or in the case of a district which has no superintendent by the clerk or secretary of the governing board, that it has been recommended that such notice be given to the employee, and stating the reasons therefor. Until the employee has requested a hearing as provided in subdivision (b) or has waived his right to a hearing, the notice and the reasons therefor shall be confidential and shall not be divulged by any person, except as may be necessary in the performance of duties; however, the violation of this requirement of confidentiality, in and of itself, shall not in any manner be construed as affecting the validity of any hearing conducted pursuant to this section.

(b) The employee may request a hearing to determine if there is cause for not reemploying him for the ensuing year. A request for a hearing must be in writing and must be delivered to the person who sent the notice pursuant to subdivision (a), on or before a date specified therein, which shall not be less than seven days after the date on which the notice is served upon the employee. If an employee fails to request a hearing on or before the date specified, his failure to do so shall constitute his waiver of his right to a hearing. The notice provided for in subdivision (a) shall advise the employee of the provisions of this subdivision.

(c) In the event a hearing is requested by the employee, the proceeding shall be conducted and a decision made in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the governing board shall have all the power granted to an agency therein, except that: (1) the respondent shall file his notice of defense, if any, within five days after service upon him of the accusation and he shall be notified of such five-day

period for filing in the accusation; (2) the discovery authorized by Section 11507.6 of the Government Code shall be available only if request is made therefor within 15 days after service of the accusation, and the notice required by Section 11505 of the Government Code shall so indicate; and (3) the hearing shall be conducted by a hearing officer who shall prepare a proposed decision, containing findings of fact and a determination as to whether the charges sustained by the evidence are related to the welfare of the schools and the pupils thereof, but the proposed decision shall not contain a determination as to the sufficiency of the cause or a recommendation as to disposition, which sufficiency and disposition shall be determined by the governing board. The proposed decision shall be submitted to the governing board on or before May 7 of the year in which the proceeding is commenced. All expenses of the hearing, including the cost of the hearing officer, shall be paid by the governing board from the district funds. The board may adopt from time to time such rules and procedures not inconsistent with provisions of this section, as may be necessary to effectuate this section.

(d) The governing board's determination not to reemploy a probationary employee for the ensuing school year shall be for cause only. The determination of the governing board as to the sufficiency of the cause pursuant to this section shall be conclusive, but the cause shall relate solely to the welfare of the schools and the pupils thereof and provided that cause shall include termination of services for the reasons specified in Section 13447. The decision made after the hearing shall be effective on May 15 of the year the proceeding is commenced.

(e) Notice to the probationary employee by the governing board that his service will not be required for the ensuing year, shall be given no later than May 15.

(f) If a governing board notifies a probationary employee that his services will not be required for the ensuing year, the board shall, within 10 days after delivery to it of the employee's written request, provide him with a statement of its reasons for not reemploying him for the ensuing school year.

(g) Any notice or request shall be deemed sufficient when it is delivered in person to the employee to whom it is directed, or when it is deposited in the United States registered mail, postage prepaid and addressed to the last known address of the employee.

(h) In the event that the governing board does not give notice provided for in subdivision (e) of this section on or before May 15, the employee shall be deemed reemployed for the ensuing school year.

(i) If after request for hearing pursuant to subdivision (b) any continuance is granted pursuant to Government Code Section 11524, the dates prescribed in subdivisions (c), (d), (e) and (h) which occur on or after the date of granting the continuance shall be extended for a period of time equal to such continuance.

SEC. 2. Section 13443 of the Education Code is amended to read:

13443. (a) No later than March 15 and before an employee is given notice by the governing board that his services will not be required for the ensuing year, the governing board and the employee shall be given written notice by the superintendent of the district or his designee, or in the case of a district which has no superintendent by the clerk or secretary of the governing board, that it has been recommended that such notice be given to the employee, and stating the reasons therefor.

If a probationary employee has been in the employ of the district for less than 45 days on March 15, the giving of such notice may be deferred until the 45th day of employment and all time periods and deadline dates herein prescribed shall be coextensively extended.

Until the employee has requested a hearing as provided in subdivision (b) or has waived his right to a hearing, the notice and the reasons therefor shall be confidential and shall not be divulged by any person, except as may be necessary in the performance of duties; however, the violation of this requirement of confidentiality, in and of itself, shall not in any manner be construed as affecting the validity of any hearing conducted pursuant to this section.

(b) The employee may request a hearing to determine if there is cause for not reemploying him for the ensuing year. A request for a hearing must be in writing and must be delivered to the person who sent the notice pursuant to subdivision (a), on or before a date specified therein, which shall not be less than seven days after the date on which the notice is served upon the employee. If an employee fails to request a hearing on or before the date specified, his failure to do so shall constitute his waiver of his right to a hearing. The notice provided for in subdivision (a) shall advise the employee of the provisions of this subdivision.

(c) In the event a hearing is requested by the employee, the proceeding shall be conducted and a decision made in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the governing board shall have all the power granted to an agency therein, except that: (1) the respondent shall file his notice of defense, if any, within five days after service upon him of the accusation and he shall be notified of such five-day period for filing in the accusation; (2) the discovery authorized by Section 11507.6 of the Government Code shall be available only if request is made therefor within 15 days after service of the accusation, and the notice required by Section 11505 of the Government Code shall so indicate; and (3) the hearing shall be conducted by a hearing officer who shall prepare a proposed decision, containing findings of fact and a determination as to whether the charges sustained by the evidence are

related to the welfare of the schools and the pupils thereof, but the proposed decision shall not contain a determination as to the sufficiency of the cause or a recommendation as to disposition, which sufficiency and disposition shall be determined by the governing board. The proposed decision shall be submitted to the governing board on or before May 7 of the year in which the proceeding is commenced. All expenses of the hearing, including the cost of the hearing officer, shall be paid by the governing board from the district funds. The board may adopt from time to time such rules and procedures not inconsistent with provisions of this section, as may be necessary to effectuate this section.

(d) The governing board's determination not to reemploy a probationary employee for the ensuing school year shall be for cause only. The determination of the governing board as to the sufficiency of the cause pursuant to this section shall be conclusive, but the cause shall relate solely to the welfare of the schools and the pupils thereof and provided that cause shall include termination of services for the reasons specified in Section 13447. The decision made after the hearing shall be effective on May 15 of the year the proceeding is commenced.

(e) Notice to the probationary employee by the governing board that his service will not be required for the ensuing year, shall be given no later than May 15.

(f) If a governing board notifies a probationary employee that his services will not be required for the ensuing year, the board shall, within 10 days after delivery to it of the employee's written request, provide him with a statement of its reasons for not reemploying him for the ensuing school year.

(g) Any notice or request shall be deemed sufficient when it is delivered in person to the employee to whom it is directed, or when it is deposited in the United States registered mail, postage prepaid and addressed to the last known address of the employee.

(h) In the event that the governing board does not give notice provided for in subdivision (e) of this section on or before May 15, the employee shall be deemed reemployed for the ensuing school year.

(i) If after request for hearing pursuant to subdivision (b) any continuance is granted pursuant to Government Code Section 11524, the dates prescribed in subdivision (c), (d), (e) and (h) which occur on or after the date of granting the continuance shall be extended for a period of time equal to such continuance.

SEC 3. It is the intent of the Legislature, if this bill and Senate Bill No. 1169 are both chaptered and amend Section 13443 of the Education Code, and this bill is chaptered after Senate Bill No. 1169, that the amendments to Section 13443 proposed by both bills be given effect and incorporated in Section 13443 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if

this bill and Senate Bill No. 1169 are both chaptered, both amend Section 13443, and Senate Bill No. 1169 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 660

An act to add Chapter 7.5 (commencing with Section 13371) to Division 6 of the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor August 19, 1971 Filed with
Secretary of State August 19, 1971]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7.5 (commencing with Section 13371) is added to Division 6 of the Public Utilities Code, to read:

CHAPTER 7.5. SHORT-TERM BORROWING

Article 1. Proceedings for Incurring Short-Term Indebtedness

13371. A district may borrow money and incur indebtedness by the issuance of bonds, notes or other securities as provided in this chapter by a four-fifths vote of its board of directors and without the necessity of calling and holding an election in the district. Such evidences of indebtedness shall constitute general obligations of the district. Such indebtedness may be incurred for the purchase or processing of fuel or fuel assemblies or components thereof for a nuclear electric generating facility, for the reprocessing of used fuel for such a facility, for expenses and charges incurred in connection therewith or incidental thereto, and to reimburse the district for expenditures incurred for any of such purposes. The indebtedness incurred under this chapter shall be evidenced by bonds, notes or other evidences of indebtedness maturing in not to exceed five years from their date, shall bear interest at such rate or rates as may be fixed by the board, and shall be sold at public sale. All other terms and conditions of such evidences of indebtedness shall be fixed by the board. The maximum principal amount of all indebtedness outstanding under this chapter shall not at any one time exceed fifty million dollars (\$50,000,000) in the aggregate.

13372. The district may issue refunding bonds, notes, or other securities for the purpose of paying and redeeming at or before maturity any bonds, notes, or other securities issued under this chapter, provided that such refunding bonds, notes, or other securities shall not be in excess of the limitation of indebtedness authorized under this chapter and shall mature

in not to exceed five years from the date of the original indebtedness. Such refunding bonds, notes, or other securities may in turn be refunded under like terms and conditions, provided that in no event shall such refunding notes mature in excess of five years from the date of the original indebtedness.

13373 Such evidences of indebtedness shall be payable from any sources of available funds, including revenues or taxes. The board is hereby authorized to levy and collect taxes upon all property in the district subject to taxation by the district without limitation of rate or amount for the payment of the evidences of indebtedness and the interest thereon. Such taxes shall be in addition to all other taxes levied for district purposes and shall be levied at the same time and in the same manner as other district taxes are levied and when collected shall be deposited in a special fund and shall be used for no purpose other than the payment of the principal of and interest on such indebtedness.

13374 This chapter shall be applicable only to districts which have owned and operated an electric distribution system for at least eight years and which contain a population of 250,000 or more.

CHAPTER 661

An act to amend Section 11258 of the Education Code, relating to school attendance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 19, 1971. Filed with
Secretary of State August 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1 Section 11258 of the Education Code is amended to read:

11258 (a) Notwithstanding any other provision of law, except subdivision (b) of this section, the average daily attendance of pupils enrolled in summer schools shall be credited to the school district in the fiscal year in which the last day of the summer school falls.

(b) The average daily attendance of pupils enrolled in summer schools during the month of June 1971 shall be appropriately allocated and credited to both the 1970-1971 fiscal year and the 1971-1972 fiscal year for the purposes of determining the total fiscal year average daily attendance for those fiscal years.

SEC 2 Section 11258 of the Education Code, as amended by Section 1 of this act, shall be deemed operative with respect to the computation of average daily attendance in summer schools for the 1970-1971 fiscal year as though it had been enacted into law and became operative on July 1, 1970. The

Superintendent of Public Instruction shall, for such purposes, have authority to take all necessary steps to effect the mid-fiscal-year transition involved, including the authority to adjust State School Fund apportionments, allowances, and disbursements on the basis of the revised computation procedures.

SEC. 3 This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The enactment in 1970 of Chapter 997 revising the method of crediting average daily attendance in summer schools will result in an amount of loss of State School Fund apportionments, allowances, and disbursements to school districts in the 1971-1972 fiscal year which could not have been anticipated. Such loss, in conjunction with the other financial problems of financially overburdened school districts, would cause a substantial reduction in the quality of education in this state. This act provides a reasonable method of effecting the transition between different methods of crediting average daily attendance in summer schools. In order to effectuate such transition and avoid such loss in the 1971-1972 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 662

An act to add Section 874.5 to the Education Code, relating to county boards of education, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 19, 1971. Filed with
Secretary of State August 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 874.5 is added to the Education Code, to read:

874.5. The county board of education may grant to employees whose salaries are paid from the county school service fund any employee benefit which the board of supervisors provides for county employees.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Employees of counties whose boards of supervisors have transferred certain functions and duties to the county boards of education, have, by the operation of that transfer, become employees of the county superintendents of schools and subject to certain control by the county boards of education. The

boards of education, however, do not appear to have similar powers to confer employee benefits upon such employees as are possessed by county boards of supervisors. It was only after such transfers that the question of the lack of such powers in county boards of education arose and such transferred employees apparently became ineligible for certain employee benefits which were being granted to county employees by county boards of supervisors. In order that the authority provided by this act for county boards of education to confer such benefits may be exercised in the current 1970-1971 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 663

An act to repeal Section 261 of the Education Code, relating to the Superintendent of Public Instruction.

[Approved by Governor August 19, 1971 Filed with
Secretary of State August 19, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 261 of the Education Code is repealed.

CHAPTER 664

An act to amend Section 31130 of the Water Code, relating to county water districts.

[Approved by Governor August 19, 1971 Filed with
Secretary of State August 19, 1971]

The people of the State of California do enact as follows:

SECTION 1 Section 31130 of the Water Code is amended to read:

31130. A district may use any water or land under its control for recreational purposes and in connection therewith may construct, maintain, and operate any works or facilities appropriate or ancillary to such recreational use; provided, that recreational use of water shall be subject to the approval of the public health authority having jurisdiction.

CHAPTER 665

An act to provide health science facilities by the adoption of a construction program therefor, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California, and by providing for the handling and

disposition of said funds, making an appropriation therefor, and providing for the submission of the measure to the people at a special election to be consolidated with the general election of 1972.

[SB 281 having remained with the Governor 10 days (Sundays excepted), and the Legislature being in session, it became law without his signature (See Section 9516, Government Code) Filed with Secretary of State August 19, 1971]

The people of the State of California do enact as follows:

SECTION 1. It is the intention of the Legislature in adopting this act to increase to the maximum extent possible the output of health professionals, the training of new categories of health personnel, the production of new knowledge on the prevention and care of disease, the efficiency of health care delivery systems, and the utilization of available federal funds, and, in so doing, to thereby minimize the cost of meeting the health care needs of the people of California.

SEC. 2. This act shall be known and may be cited as the Health Science Facilities Construction Program Bond Act of 1971.

SEC. 3 The purpose of this act is to provide the necessary funds to meet the construction, equipment, and site acquisition needs of the state for purposes of providing health science facilities at the University of California.

Proceeds of the bonds authorized to be issued under this act, in an amount or amounts which the Legislature shall determine, shall be used for the construction, equipment, and site acquisition of health science facilities at the University of California as are approved and authorized by the Legislature.

SEC 4. Bonds in the total amount of two hundred ninety-four million dollars (\$294,000,000), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in Section 3 of this act, and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Government Code Section 16724.5. Said bonds shall be known and designated as Health Science Facilities Construction Program Bonds and, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest on said bonds as said principal and interest become due and payable.

SEC. 5. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, such sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on said bonds maturing in said year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum.

SEC. 6. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this act, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal and interest on bonds issued and sold pursuant to the provisions of this act, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 9 of this act, which sum is appropriated without regard to fiscal years.

SEC. 7. The proceeds of bonds issued and sold pursuant to this act, together with interest earned thereon, if any, shall be deposited in the Health Science Facilities Construction Program Fund. The money so deposited in the fund shall be reserved and allocated solely for expenditure for the purposes specified in this act and only pursuant to appropriation by the Legislature in the manner hereinafter prescribed.

SEC. 8. A section shall be included in the Budget Bill for each fiscal year bearing the caption "Health Science Facilities Construction Bond Act Program." Said section shall contain proposed appropriations only for the program contemplated by this act, and no funds derived from the bonds authorized by this act may be expended pursuant to an appropriation not contained in said section of the Budget Act. The Department of Finance, which is hereby designated as the board for the purposes of this act, shall annually total the Budget Act appropriations referred to in this section and, pursuant to Section 16730 of the Government Code, request the Health Science Facilities Construction Program Committee to cause bonds to be issued and sold in quantities sufficient to carry out the projects for which such appropriations were made.

SEC. 9. For the purposes of carrying out the provisions of this act the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this act. Any amounts withdrawn shall be deposited in the Health Science Facilities Construction Program Fund, and shall be reserved, allocated for expenditure, and expended as specified in Section 7 of this act. Any moneys made available under this section to the board shall be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this act, together with interest at the rate of interest fixed in the bonds so sold.

SEC. 10. The bonds authorized by this act shall be prepared, executed, issued, sold, paid and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3, Division 4, Title 2 of the Government Code), and all of the provisions of said law are applicable to said bonds and to this act and are hereby incorporated in this act as though set forth in full herein.

SEC 11. The Health Science Facilities Construction Program Committee is hereby created. The committee shall consist of the Governor, the State Controller, the State Treasurer, the Director of Finance, and the Chairman of the Regents of the University of California. For the purpose of this act, the Health Science Facilities Construction Program Committee shall be the "committee" as that term is used in the State General Obligation Bond Law.

SEC. 12 Sections 1 to 11 of this act shall take effect upon the adoption by the people of the Health Science Facilities Construction Program Bond Act of 1971, as set forth in Sections 1 to 11 of this act. Sections 12 to 19 of this act contain provisions relating to and necessary for the submission of the Health Science Facilities Construction Program Bond Act of 1971 to the people and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC 13 A special election is hereby called to be held throughout the state on November 7 1972. The special election shall be consolidated with the general election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used. Except as otherwise provided in this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to the measure submitted pursuant to this act, and only one form of ballot and ballot pamphlet shall be used. The distribution of ballot pamphlets in all respects shall be conducted in accordance with the provisions of Section 3573 of the Elections Code.

SEC. 14. At the special election called by this act there shall be submitted to the electors Sections 1 to 11 of this act.

SEC 15. Upon the effective date of this section, the author of the measure submitted pursuant to this act and two members of the other house who voted with the majority on the measure, shall be appointed by the presiding officers of the respective houses to draft the arguments for the adoption of the measure. If the measure is not adopted unanimously by the house in which it originated, one member of the house in which it originated, who voted against it, shall be appointed by the presiding officer of that house to write an argument against it. If there are no negative votes on the measure in the house in which it originated, the presiding officer of that house shall appoint some qualified person to draft an argument against it. Each argument shall consist of not more than 500 words and shall be submitted to the Secretary of State on or before the fifth day after this section takes effect.

SEC 16. The special election provided for in this act shall be proclaimed, held, conducted; the ballots shall be prepared, marked, collected, counted and canvassed, and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the law governing general elections insofar as pro-

visions thereof are applicable to the election provided for in this act.

SEC. 17. All ballots at said election shall have printed thereon in boldface type and in a square thereof, the words: "For bonds to provide health science facilities" In the square immediately below the square containing such words there shall be printed on said ballot in boldface type the words: "Against bonds to provide health science facilities" In each square containing the language specified above, immediately below that language and enclosed in parenthesis there shall be printed, in eight-point type, the words: "This act provides for a bond issue of two hundred ninety-four million dollars (\$294,000,000)." Opposite the words: "For bonds to provide health science facilities," and the language immediately following such statement, and "Against bonds to provide health science facilities," and the language immediately following such statement, there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act. Those voting for said bonds shall do so by placing a cross opposite the words: "For bonds to provide health science facilities," and those voting against said bonds shall do so by placing a cross opposite the words: "Against bonds to provide health science facilities"; provided that where the voting of said election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, the use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The measures shall appear on the ballot and in the ballot pamphlets in substantially the following form:

<p>FOR BONDS TO PROVIDE HEALTH SCIENCE FACILITIES (This act provides for a bond issue of two hundred ninety-four million dollars (\$294,000,000.)</p>	
<p>AGAINST BONDS TO PROVIDE HEALTH SCIENCE FACILITIES. (This act provides for a bond issue of two hundred ninety-four million dollars (\$294,000,000)</p>	

The Governor of this state shall include the submission of the measure to the people, as aforesaid, in his proclamation calling for said election.

SEC. 18 If it appears that the measure shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepeatable until the principal and interest of the liabilities herein created shall

be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against the measure then the same shall be and become void.

SEC 19 Upon the effective date of this section the Secretary of State shall request the Legislative Counsel to prepare an analysis of the measure in accordance with Section 3566 of the Elections Code.

CHAPTER 666

An act to amend Section 27706 of the Government Code, relating to public defenders.

[Approved by Governor August 20, 1971. Filed with Secretary of State August 20, 1971.]

The people of the State of California do enact as follows:

SECTION 1 Section 27706 of the Government Code is amended to read:

27706 The public defender shall perform the following duties:

(a) Upon request of the defendant or upon order of the court, he shall defend, without expense to the defendant, any person who is not financially able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior, municipal or justice courts at all stages of the proceedings, including the preliminary examination. The public defender shall, upon request, give counsel and advice to such person about any charge against him upon which the public defender is conducting the defense, and shall prosecute all appeals to a higher court or courts of any person who has been convicted, where, in his opinion, the appeal will or might reasonably be expected to result in the reversal or modification of the judgment of conviction.

(b) Upon request, he shall prosecute actions for the collection of wages and other demands of any person who is not financially able to employ counsel, where the sum involved does not exceed one hundred dollars (\$100), and where, in the judgment of the public defender, the claim urged is valid and enforceable in the courts.

(c) Upon request, he shall defend any person who is not financially able to employ counsel in any civil litigation in which, in the judgment of the public defender, the person is being persecuted or unjustly harassed.

(d) Upon request, or upon order of the court, he shall represent any person who is not financially able to employ counsel in proceedings under Part I (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code.

(e) Upon order of the court, he shall represent any person who is entitled to be represented by counsel but is not finan-

cially able to employ counsel in proceedings under Chapter 2 (commencing with Section 500) of Part 1 of Division 2 of the Welfare and Institutions Code when such proceedings are concerned with a person alleged to be or who has been found to be within the description of Section 601 or 602 of the Welfare and Institutions Code.

CHAPTER 667

An act to amend Section 27706 of the Government Code, and to amend Section 631 of the Welfare and Institutions Code, relating to counsel in juvenile court

[Approved by Governor August 20, 1971. Filed with Secretary of State August 20, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 27706 of the Government Code is amended to read

27706. The public defender shall perform the following duties:

(a) Upon request of the defendant or upon order of the court, he shall defend without expense to the defendant, any person who is not financially able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior, municipal or justice courts at all stages of the proceedings, including the preliminary examination. The public defender shall, upon request, give counsel and advice to such person about any charge against him upon which the public defender is conducting the defense and shall prosecute all appeals to a higher court or courts of any person who has been convicted where, in his opinion, the appeal will or might reasonably be expected to result in the reversal or modification of the judgment of conviction.

(b) Upon request, he shall prosecute actions for the collection of wages and other demands of any person who is not financially able to employ counsel, where the sum involved does not exceed one hundred dollars (\$100), and where, in the judgment of the public defender, the claim urged is valid and enforceable in the courts.

(c) Upon request, he shall defend any person who is not financially able to employ counsel in any civil litigation in which, in the judgment of the public defender, the person is being persecuted or unjustly harassed.

(d) Upon order of the court, he shall represent any person who is not financially able to employ counsel in proceedings under Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code.

(e) Upon order of the court, he shall represent any person who is entitled to be represented by counsel but is not financially able to employ counsel in proceedings under Chapter 2

(commencing with Section 500) of Part 1 of Division 2 of the Welfare and Institutions Code.

Sec 2 Section 634 of the Welfare and Institutions Code is amended to read:

634. When it appears to the court that the minor or his parent or guardian desires counsel but is unable to afford and cannot for that reason employ counsel, the court may appoint counsel. In a case in which the minor is alleged to be a person described in Section 601 or 602, the court shall appoint counsel for the minor if he appears at the hearing without counsel, whether he is unable to afford counsel or not, unless there is an intelligent waiver of the right of counsel by the minor; and, in the absence of such waiver, if the parent or guardian does not furnish counsel and the court determines that the parent or guardian has the ability to pay for counsel, the court shall appoint counsel at the expense of the parent or guardian. In any case in which it appears to the court that there is such a conflict of interest between a parent or guardian and child that one attorney could not properly represent both, the court shall appoint counsel, in addition to counsel already employed by a parent or guardian or appointed by the court to represent the minor or parent or guardian. In a county where there is no public defender the court may fix the compensation to be paid by the county for service of such appointed counsel.

CHAPTER 668

An act to amend Section 13350 of the Water Code, relating to water quality.

[Approved by Governor August 23, 1971 Filed with
Secretary of State August 23, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 13350 of the Water Code is amended to read:

13350. (a) Any person who (1) intentionally or negligently violates any cease and desist order hereafter issued, reissued, or amended by a regional board or the state board, or (2) in violation of any waste discharge requirement or other order issued, reissued, or amended by a regional board or the state board, intentionally or negligently discharges waste or causes or permits waste to be deposited where it is discharged into the waters of the state and creates a condition of pollution or nuisance, or (3) causes or permits any oil or any residuary product of petroleum to be deposited in or on any of the waters of the state, except in accordance with waste discharge requirements or other provisions of this division, may be liable civilly in a sum of not to exceed six thousand dollars

(\$6,000) for each day in which such violation or deposit occurs.

(b) The Attorney General, upon request of a regional board or the state board, shall petition the superior court to impose, assess and recover such sums. Except in the case of a violation of a cease and desist order, a regional board or the state board shall make such request only after a hearing, with due notice of the hearing given to all affected persons. In determining such amount, the court shall take into consideration all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, taken by the discharger.

(c) The provisions of Articles 3 (commencing with Section 13330) and 6 (commencing with Section 13360) of this chapter shall apply to proceedings to impose, assess and recover an amount pursuant to this article.

(d) Remedies under this section are in addition to, and do not supersede or limit, any and all other remedies, civil or criminal.

CHAPTER 669

An act to amend Sections 7071.6 and 7071.9 of, and to add Section 7071.14 to, the Business and Professions Code, relating to Contractors License Law.

[Approved by Governor August 23, 1971. Filed with
Secretary of State August 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 7071.6 of the Business and Professions Code is amended to read:

7071.6. (a) Except as provided in Section 7071.8, the board shall require on or after July 1, 1969, and until and including December 31, 1971, as a condition precedent to the issuance, reinstatement, reactivation, or renewal of a license that the applicant file or have on file a contractor's bond in the sum of one thousand dollars (\$1,000), or in lieu thereof, a cash deposit in the sum of one thousand dollars (\$1,000).

(b) Except as provided in Section 7071.8, the board shall require on or after January 1, 1972, as a condition precedent to the issuance, reinstatement, reactivation, or renewal of a license, that the applicant file or have on file a contractor's bond in the sum of two thousand five hundred dollars (\$2,500), or in lieu thereof, a cash deposit in the sum of two thousand five hundred dollars (\$2,500).

SEC. 2. Section 7071.9 of the Business and Professions Code is amended to read:

7071.9. (a) In addition to the contractor's bond or cash deposit required pursuant to Sections 7071.5 to 7071.8, in-

clusive, the board shall require on or after July 1, 1969 and until and including December 31, 1971, as a condition precedent to the issuance, reinstatement, reactivation or reissuance of a license and on or after July 1, 1971, as a condition precedent to the renewal of a license that the qualifying individual as referred to in Sections 7068 and 7068.1 when he is not himself either the proprietor, a general partner, joint licensee, or the responsible managing officer, shall file or have on file a qualifying individual's bond as provided in Section 7071.10 in the sum of one thousand dollars (\$1,000), or in lieu thereof, a cash deposit in the sum of one thousand dollars (\$1,000).

(b) In addition to the contractor's bond or cash deposit required pursuant to Sections 7071.5 to 7071.8, inclusive, the board shall require on or after January 1, 1972, as a condition precedent to the issuance, reinstatement, reactivation or reissuance of a license and on or after January 1, 1972, as a condition precedent to the renewal of a license that the qualifying individual as referred to in Sections 7068 and 7068.1 when he is not himself either the proprietor, a general partner, joint licensee, or the responsible managing officer, shall file or have on file a qualifying individual's bond as provided in Section 7071.10 in the sum of two thousand five hundred dollars (\$2,500), or in lieu thereof, a cash deposit in the sum of two thousand five hundred dollars (\$2,500).

SEC. 3. Notwithstanding Sections 7071.6 and 7071.9, and except as provided in Section 7071.8, the board shall require that on or after January 1, 1972, the holder of a license file or have on file a contractor's bond in the sum of two thousand five hundred dollars (\$2,500) or, in lieu thereof, a cash deposit in the sum of two thousand five hundred dollars (\$2,500).

SEC. 4. Section 7071.14 is added to the Business and Professions Code, to read:

7071.14. No licensee or applicant for a license under this chapter shall be denied a contractor's license bond solely because of his race, religious creed, color, national origin, ancestry, or sex. Whoever denies a contractor's license bond solely on the grounds specified herein is liable for each and every such offense for the actual damages, and two hundred fifty dollars (\$250) in addition thereto, suffered by the licensee or applicant for a license.

CHAPTER 670

An act to amend Sections 21626 and 21628 of the Business and Professions Code, relating to secondhand dealers.

[Approved by Governor August 23, 1971. Filed with Secretary of State August 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 21626 of the Business and Professions Code is amended to read:

21626 (a) A "secondhand dealer," as used in this article, means and includes any person, copartnership, firm, or corporation whose principal business is primarily that of engaging in buying, selling, trading, taking in pawn, accepting for sale on consignment, accepting for auctioning or auctioning secondhand personal property.

(b) "Secondhand dealer" also includes any person who owns or operates an auction or any other event at which two or more persons offer secondhand personal property for sale or exchange and where a fee is charged for the privilege either of offering or displaying such property for sale or exchange or for admission of prospective buyers to the area where such property is offered or displayed for sale or exchange, but does not include any person acting as such dealer for the exclusive benefit of any community chest, fund, foundation, or corporation organized and operated for religious, hospital, or charitable purposes, and not conducted for profit, where no part of the gross receipts or net earnings of such sale or exchange, whether in the form of a percentage thereof or salary or otherwise, inures to the benefit of any private shareholder or person participating in the organization or conduct of the sale or exchange, and does not include a person who owns the land on which the auction or event occurs if he has no control over such auction or event and has no personal knowledge of any facts arising from such auction or event which constitute a violation of any provisions of this article. A person who is a secondhand dealer under the provisions of this subdivision is subject to all the provisions of this article except Section 21636.

SEC 2. Section 21628 of the Business and Professions Code is amended to read:

21628 (a) Every secondhand dealer described in subdivision (a) of Section 21626 shall report all identifiable secondhand tangible personal property which he has purchased, taken in trade, taken in pawn, accepted for sale on consignment, or accepted for auctioning to the chief of police or to the sheriff, in accordance with the provisions of Section 21630, not later than 12 noon of the day following the acquisition of such property.

(b) Every secondhand dealer described in subdivision (b) of Section 21626 shall, prior to the time any identifiable secondhand personal property is offered for sale or exchange, notify each person intending to sell or exchange secondhand goods that a list describing all identifiable secondhand personal property shall be filed with the secondhand dealer. The list shall show all of the following information:

(1) The name and address of the proposed seller of the property.

(2) A complete and accurate description of such property, including serial numbers or other identifying marks or symbols.

(3) A certification by the proposed seller that to his knowledge and belief the information is true and complete.

(4) The make, year, model, color, and license number of the vehicle in which the property is transported to the auction or event.

Every person of whom such list is required shall file it with the secondhand dealer prior to the sale of any property. The secondhand dealer shall provide such list upon demand of any peace officer, and shall deliver all such lists to the chief of police or to the sheriff in accordance with the provisions of Section 21630 within 24 hours

CHAPTER 671

An act to amend Section 4205 of the Civil Code, and to amend Section 94.5 of the Penal Code, relating to court commissioners and assistant commissioners

[Approved by Governor August 23, 1971. Filed with Secretary of State August 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 4205 of the Civil Code is amended to read:

4205. Marriage may be solemnized by any judge, commissioner, or assistant commissioner of a court of record or justice court in this state or by any priest, minister or rabbi of any religious denomination, of the age of 21 years or over.

SEC 1.3 Section 4205 of the Civil Code is amended to read:

4205. Marriage may be solemnized by any judge or retired judge, commissioner, or assistant commissioner of a court of record or justice court in this state or by any priest, minister or rabbi of any religious denomination, of the age of 21 years or over.

SEC. 1.5 Section 4205 of the Civil Code is amended to read:

4205. Marriage may be solemnized by any judge, commissioner, or assistant commissioner of a court of record or justice court in this state or by any priest, minister, or rabbi of any religious denomination, of the age of 18 years or over.

SEC 1.7. Section 4205 of the Civil Code is amended to read:

4205 Marriage may be solemnized by any judge or retired judge, commissioner, or assistant commissioner of a court of record or justice court in this state or by any priest, minister, or rabbi of any religious denomination, of the age of 18 years or over.

SEC 2. Section 94.5 of the Penal Code is amended to read:

94.5. Every judge or justice, or commissioner or assistant commissioner of a court of this state, except a judge of a

justice court, who accepts any money or other thing of value for performing any marriage, including any money or thing of value voluntarily tendered by the persons about to be married or who have been married by such judge or justice, or commissioner or assistant commissioner, whether the acceptance occurs before or after performance of the marriage and whether or not performance of the marriage is conditioned on the giving of such money or the thing of value by the persons being married, is guilty of a misdemeanor

It is not a necessary element of the offense described by this section that the acceptance of the money or other thing of value be committed with intent to commit extortion or with other criminal intent.

This section does not apply to the request for or acceptance of a fee expressly imposed by law for performance of a marriage.

This section does not apply to an acceptance of a fee for performing a marriage on Saturday, Sunday or a legal holiday.

SEC. 2.5. Section 94.5 of the Penal Code is amended to read:

94.5. Every judge, justice, retired judge, retired justice, commissioner, or assistant commissioner of a court of this state, except a judge of a justice court, who accepts any money or other thing of value for performing any marriage, including any money or thing of value voluntarily tendered by the persons about to be married or who have been married by such judge, justice, retired judge, retired justice, commissioner, or assistant commissioner, whether the acceptance occurs before or after performance of the marriage and whether or not performance of the marriage is conditioned on the giving of such money or the thing of value by the persons being married, is guilty of a misdemeanor

It is not a necessary element of the offense described by this section that the acceptance of the money or other thing of value be committed with intent to commit extortion or with other criminal intent.

This section does not apply to the request for or acceptance of a fee expressly imposed by law for performance of a marriage.

This section does not apply to an acceptance of a fee for performing a marriage on Saturday, Sunday or a legal holiday.

SEC. 3. It is the intent of the Legislature that if this bill and Senate Bill No. 475 or Assembly Bill No. 2887, or both, are chaptered and amend Section 4205 of the Civil Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Senate Bill No. 475 are both chaptered and amend Section 4205 of the Civil Code, but Assembly Bill No. 2887 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No.

475, the amendments proposed by both bills shall be given effect and incorporated in Section 4205 in the form set forth in Section 1.3 of this act. Therefore, if Senate Bill No. 475 is chaptered before this bill and both bills amend Section 4205, and Assembly Bill No. 2887 is not chaptered or as chaptered does not amend that section, Section 1.3 of this act shall be operative and Sections 1, 1.5, and 1.7 of this act shall not become operative.

(b) If this bill and Assembly Bill No. 2887 are both chaptered and amend Section 4205 of the Civil Code, but Senate Bill No. 475 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 2887, the amendments proposed by both bills shall be given effect and incorporated in Section 4205 in the form set forth in Section 1.5 of this act. Therefore, if Assembly Bill No. 2887 is chaptered before this bill and both bills amend Section 4205, and Senate Bill No. 475 is not chaptered or as chaptered does not amend that section, Section 1.5 shall be operative and Sections 1, 1.3, and 1.7 of this act shall not become operative.

(c) If this bill and Senate Bill No. 475 and Assembly Bill No. 2887 are all chaptered, and all three bills amend Section 4205 of the Civil Code, and this bill is chaptered after Senate Bill No. 475 and Assembly Bill No. 2887, the amendments proposed by all three bills shall be given effect and incorporated in Section 4205 in the form set forth in Section 1.7 of this act. Therefore, if Senate Bill No. 475 and Assembly Bill No. 2887 are both chaptered before this bill and all three bills amend Section 4205 of the Civil Code, Section 1.7 of this act shall be operative and Sections 1, 1.3, and 1.5 of this act shall not become operative.

SEC. 4. It is the intent of the Legislature, if this bill and Senate Bill No. 475 are both chaptered and amend Section 94.5 of the Penal Code, and this bill is chaptered after Senate Bill No. 475, that the amendments to Section 94.5 proposed by both bills be given effect and incorporated in Section 94.5 in the form set forth in Section 2.5 of this act. Therefore, Section 2.5 of this act shall become operative only if this bill and Senate Bill No. 475 are both chaptered, both amend Section 94.5, and Senate Bill No. 475 is chaptered before this bill, in which case Section 2 of this act shall not become operative.

CHAPTER 672

An act to amend Section 76030, as added to the Government Code by Assembly Bill No. 1267 of the 1971 Regular Session of the Legislature, and to amend Section 76031 of the Government Code, relating to courts.

The people of the State of California do enact as follows:

SECTION 1. Section 76030, as added to the Government Code by Assembly Bill No. 1267 of the 1971 Regular Session of the Legislature, is amended to read:

76030 In a county of the 30th class, trial jurors in the superior court and the justice courts shall receive five dollars (\$5) for each day's attendance and ten cents (\$.10) per mile for each mile necessarily traveled in such attendance. Grand jurors shall receive six dollars (\$6) for each day's attendance on regularly called grand jury meetings and for each day's active and necessary services as a member of any committee appointed by the foreman of the grand jury, and ten cents (\$.10) per mile for each mile necessarily traveled in attendance on regularly called grand jury meetings and meetings of grand jury committees of which the juror is a member.

SEC. 2. Section 76031 of the Government Code is amended to read:

76031 In a county of the 31st class, trial jurors in the superior court and the justice courts shall receive five dollars (\$5) for each day's attendance and ten cents (\$.10) per mile for each mile necessarily traveled in such attendance. Grand jurors shall receive six dollars (\$6) for each day's attendance on regularly called grand jury meetings and for each day's active and necessary services as a member of any committee appointed by the foreman of the grand jury, and ten cents (\$.10) per mile for each mile necessarily traveled in attendance on regularly called grand jury meetings and meetings of grand jury committees of which the juror is a member.

SEC. 3. As a result of the 1970 federal decennial census, the counties in California are in the process of being reclassified on the basis of population, and Shasta County will become a county of the 30th, rather than the 31st, class if Assembly Bill No. 1267 is enacted into law at the 1971 Regular Session of the Legislature. It is the purpose of Sections 1 and 4 of this act to insure that the proper sections are amended, if Assembly Bill No. 1267 becomes law and reclassifies California's counties.

SEC. 4. If this bill and Assembly Bill No. 1267 are both chaptered, and Assembly Bill No. 1267 reclassifies Shasta County to a county of the 30th, rather than the 31st, class, and this bill is chaptered after Assembly Bill No. 1267, it is the intent of the Legislature that the changes in the law proposed by both bills be given effect as incorporated in Section 76030 of the Government Code as set forth in Section 1 of this act. Therefore, Section 1 of this act shall only become operative if this bill and Assembly Bill No. 1267 are both chaptered, and Assembly Bill No. 1267 is chaptered before this bill; in which case, Section 2 of this act shall not become operative.

CHAPTER 673

An act to amend Section 7.6 of, and to repeal Section 18592 of, the Government Code, relating to the Attorney General.

[Approved by Governor August 23, 1971 Filed with
Secretary of State August 23, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 7.6 of the Government Code is amended to read:

7.6. Whenever, by any law, any officer whose office is created by the Constitution is made a member of a state board, commission, or committee, or of the governing body of any state agency or authority, such officer may designate a deputy of his office holding a position specified in subdivision (c) of Section 4 of Article XXIV of the Constitution to act as such member in his place and stead, to all intents and purposes as though he were personally present, including the right of the deputy to be counted in constituting a quorum, to participate in the proceedings of the board, commission, committee or other governing body, and to vote upon any and all matters. The constitutional officer so designating a deputy shall be responsible for the acts of the deputy acting under such designation in the same manner and to the same extent that the constitutional officer is responsible for the acts of the deputy performing his official duties as a deputy of the office of the constitutional officer.

The Lieutenant Governor may designate any person in his office holding a position specified in subsection (5) of subdivision (a) of Section 4 of Article XXIV of the Constitution to act as a deputy for the purposes of this section only, provided that the Lieutenant Governor may not appoint a person to act as a deputy for him at meetings of the Senate, or the State Lands Commission, or of the Regents of the University of California, or of the Trustees of the California State Colleges.

The Attorney General may also designate any person in his office holding a position specified in subdivision (m) of Section 4 of Article XXIV of the Constitution to act as a deputy for the purpose of this section; provided, that no person designated by the Attorney General pursuant to this section to act as a member on any state board, commission, committee or governing body of which the Attorney General is presiding officer shall act as presiding officer in his place.

The Superintendent of Public Instruction may designate any person in his office holding a position specified in Section 2.1 of Article IX of the California Constitution to act as a deputy for the purposes of this section, provided that the Superintendent of Public Instruction may not appoint a person to act as a deputy for him at meetings of the State Board

of Education, of the Regents of the University of California, or of the Trustees of the California State Colleges.

Notwithstanding the foregoing provisions of this section, not more than one officer subject to this section shall be represented by a deputy subject to this section at any meeting or session of the State Lands Commission.

SEC. 2. Section 18592 of the Government Code is repealed

CHAPTER 674

An act to amend Sections 55301, 55305, 55332, 55350, 55355, 55502, 55503, 55503.5, 55503.6, 55520, 55525, 55528, and 55659 of, and to add Sections 55305.5 and 55506 to, the Water Code, relating to county waterworks districts.

[Approved by Governor August 23, 1971 Filed with
Secretary of State August 23, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 55301 of the Water Code is amended to read:

55301. The board of supervisors of the county is the governing board of the district unless a board of directors has been appointed under the provisions of this chapter as they existed prior to their repeal at the 1967 Regular Session of the Legislature. Each member of an appointed board of directors in existence on the effective date of the amendment of this section at the 1967 Regular Session of the Legislature shall continue to serve at the pleasure of the board of supervisors of the county, rather than for the term for which he was appointed.

Where the district becomes a subsidiary district of a city pursuant to the District Reorganization Act of 1965, the city council of such city is the governing board of the district, as provided in Section 56539 of the Government Code. If, on the date the district becomes a subsidiary district of a city, there is an appointed board of directors, such appointed board of directors is automatically dissolved as of that date. The term "board of supervisors," as used in this division, shall in regard to any such district which has become a subsidiary district of a city, refer to the city council of such city.

SEC. 2. Section 55305 of the Water Code is amended to read:

55305. The board of directors may fix the compensation of its members for their services as such directors not to exceed ten dollars (\$10) for each meeting attended, not exceeding two meetings in any calendar month. If allowed by the board, a director shall also receive for performing duties for the district other than attending board meetings the following:

(a) An amount not to exceed fifty dollars (\$50) for each day performing such duties.

(b) Traveling and other expenses incurred by him in performing his duties.

SEC. 2.5. Section 55305.5 is added to the Water Code, to read:

55305.5. Where the district is a subsidiary district of a city, no member of the city council receiving compensation as a member of the city council shall receive any compensation pursuant to Section 55305.

SEC. 3. Section 55332 of the Water Code is amended to read:

55332. The district may appoint or employ and prescribe the authorities and duties of a general manager, auditor, treasurer, and other officers, employees, attorneys, and engineers necessary or convenient for the business of the district, each of whom shall serve at the pleasure of the board.

SEC. 4. Section 55350 of the Water Code is amended to read:

55350. All contracts in excess of three thousand five hundred dollars (\$3,500) shall be let to the lowest responsible bidder, except that contracts under seven thousand five hundred dollars (\$7,500) may be let pursuant to informal bidding procedures established by the board, and except that county waterworks districts may contract with each other, with the county, or, where the district is a subsidiary district of a city, with the city, for furnishing labor, materials, or supplies required for any improvement mentioned in this division upon such terms and conditions as their boards may elect. With the approval of the board of supervisors and the board of directors of the district, if any, or, where the district is a subsidiary district of a city, with the approval of the city council, and upon the terms and conditions they may determine, all contracts, including those under three thousand five hundred dollars (\$3,500), may be let by the county or city purchasing agent, as applicable.

SEC. 5. Section 55355 of the Water Code is amended to read:

55355. Nothing contained in this chapter shall be construed as prohibiting the county when ordered by the board of supervisors, or the city when ordered by the city council where the district is a subsidiary district of the city, to make the proposed improvement without a contractor therefor, and to purchase the materials and supplies, and employ the labor necessary for the purpose.

SEC. 6. Section 55502 of the Water Code is amended to read:

55502. The receipts from the rates or charges may also be used to reduce the principal or interest of any bonded indebtedness that the waterworks district may have.

SEC. 7. Section 55503 of the Water Code is amended to read:

55503. The board may borrow funds from the county, other waterworks districts, and, where the district is a subsidiary

district, the city, not to exceed 85 percent of the district's anticipated revenue for the fiscal year in which they are borrowed or for the next ensuing fiscal year. In levying taxes as authorized by this division, the board may raise sufficient revenues to repay such loans.

The board may lend available district funds to another waterworks district, subject to the terms and conditions set forth in this section.

Nothing contained in this section shall prohibit the board from borrowing such funds from banks or other financial institutions when the best interests of the district are served thereby.

SEC. 8. Section 55503.5 of the Water Code is amended to read:

55503.5. Notwithstanding any other provisions of law, such funds, when so borrowed by a waterworks district, shall forthwith increase the appropriations of the district for which they are needed. The governing body of the entity from which the funds are borrowed may specify the date and manner in which the funds shall be repaid. In no case shall repayment of the loan be deferred longer than 10 calendar years.

SEC. 9. Section 55503.6 of the Water Code is amended to read:

55503.6. The district shall pay interest on all funds borrowed from the county, at the same rate that the county applies to funds of the district on deposit with the county.

SEC. 10. Section 55506 is added to the Water Code, to read:

55506. Any money belonging to the district or paid into the county treasury to the credit of the district may be deposited by the officer of the district who has legal custody of the money, in accordance with the general laws governing the deposit of public money.

SEC. 11. Section 55520 of the Water Code is amended to read:

55520. The board may issue and sell the bonds of the district, when authorized, at not less than par value, and the proceeds of the sale shall be placed in the county treasury or other depository for the district's fund to the credit of the proper district fund and shall be applied exclusively to the purposes and objects mentioned in the ordinance or resolution ordering the holding of the bond election; provided, however, that when said purposes and objects have been accomplished any moneys remaining in said fund shall be transferred to the general fund of the district and may be used by the board for any lawful purpose of the district.

SEC. 12. Section 55525 of the Water Code is amended to read:

55525. The bonds shall be signed by the chairman of the board and countersigned by the auditor of the district, or if one has not been appointed, the auditor of the county and the seal of the district shall be affixed thereto. All such signatures and countersignatures, except one, may be printed, litho-

graphed, engraved, or otherwise mechanically reproduced. Any such signature may be affixed in accordance with the provisions of the Uniform Facsimile Signatures of Public Officials Act, Chapter 6 (commencing with Section 5500) of Title 1 of the Government Code.

SEC. 13. Section 55528 of the Water Code is amended to read:

55528. The principal and interest on the bonds shall be paid by the district treasurer, or if one has not been appointed, the county treasurer, in the manner provided by law for the payment of principal and interest on bonds of the county.

SEC. 14. Section 55659 of the Water Code is amended to read:

55659. A copy of the petition shall be filed with the county engineer of waterworks districts, or district engineer if one has been appointed, at least two weeks before the petition is presented to the board. The county engineer of waterworks districts or district engineer, as the case may be, shall prepare and file with the board, at least one week before the date set for the hearing on the petition, a report containing cost estimates and preliminary plans and specifications for the proposed improvements, together with any recommendations as to the boundaries of the proposed zone, and any other pertinent information relating to the feasibility of the proposed improvements or proposed zone. The engineer's report shall be available in the office of the board for public inspection, and may be considered by the board at the hearing on the petition.

CHAPTER 675

An act to amend Section 15150 of the Financial Code, relating to credit unions.

[Approved by Governor August 23, 1971. Filed with Secretary of State August 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 15150 of the Financial Code is amended to read:

15150. Every credit union shall create and maintain a guaranty fund as follows.

(a) All entrance fees and transfer fees remaining after the payment of organization expenses shall be set aside to such fund.

(b) At the close of each accounting period, 10 percent of the gross income of the corporation shall be transferred to such fund until the fund equals or exceeds 20 percent of the credit union's gross assets. When the fund falls below 20 percent of the credit union's gross assets, it shall be replenished by contributions of 10 percent of the gross income of the corporation

or in such lesser amounts as may be needed to maintain a level of 20 percent of gross assets.

(c) Any sums recovered on items previously charged to it shall be credited to such fund.

CHAPTER 676

An act to amend Sections 3100.2 and 3100.7 of the Education Code, relating to school district reorganization.

[Approved by Governor August 23, 1971. Filed with Secretary of State August 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 3100.2 of the Education Code is amended to read:

3100.2. When a proposal to unify a high school district has been defeated by the electors of a district three or more times, the county committee on school district organization may, within 18 months of the last election at which a unification proposal was defeated, submit to the State Board of Education a plan to divide such high school district into two or more unified districts, provided that such plan meets the criteria of Section 3100.

SEC. 2. Section 3100.7 of the Education Code is amended to read:

3100.7. On or before June 4, 1968, an election shall be held within any school district territory which has not been included within a unified school district and within which no such election was held after July 1, 1964, on the question of the approval of a master plan developed under Chapter 9 of this division or plans and recommendations developed under this chapter, which will effect the reorganization of the territory involved to comply with standards prescribed. Like elections may be held in such territory at any time in odd-numbered years, and on the date of each presidential or gubernatorial primary election. Such like elections shall be called upon order of the county committee on school district organization, upon order resulting from the action of the governing boards of a majority of the school districts in the territory proposed to be reorganized, or by order resulting from the action of the governing boards of school districts which have enrolled in the schools under their collective jurisdictions a majority of the pupils in grades kindergarten through 12, inclusive, enrolled in all of the schools within the territory.

The county committee on school district organization shall, for purposes of any such election, develop any necessary master plan or plans and recommendations. In the event the county committee fails to do so, the election shall be based upon the

master plan or plans and recommendations for the territory most recently approved by the State Board of Education.

A unified school district formed by operation of Section 1976 shall not be deemed to be unified for purposes of exemption from the requirements prescribed by the preceding provisions of this section, unless district conforms to the requirements prescribed by Section 17672 or Section 17673.

It is the intent and purpose of the Legislature that eligibility for the increase in foundation program provided for pursuant to Section 17676 of this code for any school district shall be determined, for the fiscal year in which this act becomes effective, and fiscal years thereafter, on the basis of whether elections have been held within the time limits specified by this section.

On and after the effective date of this section, as enacted at the 1967 Regular Session of the Legislature, this section shall supersede the provisions of Section 3100.5 and all other provisions of Chapter 143 of the Statutes of 1967.

With the approval of the State Board of Education, any school district territory in which, after June 1, 1964, and prior to July 1, 1971, two unification elections were conducted pursuant to this section within a 12-month period, both of which elections were defeated, shall be exempt from the mandatory election provisions of this section.

SEC. 3. The amendments made to Section 3100.7 of the Education Code by Section 2 of this act shall become operative July 1, 1972.

SEC. 4. In the event both this bill and Assembly Bill No. 358 are enacted at the 1971 Regular Session of the Legislature and amend Section 3100.7 of the Education Code, the amendments made by each of such bills shall, notwithstanding Section 9605 of the Government Code, become effective, in which case Section 3100.7 of the Education Code as amended by Assembly Bill No. 358 shall be operative until July 1, 1972 and shall have no force or effect after that date at which time Section 3100.7 of the Education Code, as amended by this bill, shall become operative.

CHAPTER 677

An act to amend Sections 16618.5, 16645.2, 16645.7, 16645.10, and 16645.23 of the Education Code, relating to development centers for handicapped minors.

[Approved by Governor August 23, 1971 Filed with
Secretary of State August 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 16618.5 of the Education Code is amended to read:

16618 5 Whenever a school district or county superintendent of schools is required to temporarily close a children's center maintained under this article or a development center for handicapped minors maintained under Article 2 of this chapter, because of fire, flood, epidemic, an order described in Section 17553, or other emergency, the Superintendent of Public Instruction shall determine the approximate amounts of state funds which would have been apportioned under the applicable provisions of this chapter to the school district or county superintendent for the period involved if there had been no such closure. The amount so determined shall be apportioned to the school district or county superintendent of schools, provided that the fact of such closure has been established to the satisfaction of the Superintendent of Public Instruction by the affidavits of the county superintendent of schools and of the members of the governing board of any school district involved. The amount so determined shall be apportioned to the school district or county superintendent of schools even though no fee is charged or collected from parents of children who attend such center.

SEC. 2. Section 16645 2 of the Education Code is amended to read:

16645 2 The governing body of any school district or a county superintendent of schools with the approval of the county board of education is authorized to establish and maintain, upon the approval of the Superintendent of Public Instruction, one or more development centers for handicapped minors between 3 years and 21 years of age residing in, and in the custody of persons residing in, the district or county. The governing body or county superintendent shall determine the hours, days, and months during which the development center is to be maintained.

The establishment and maintenance of any development center for handicapped minors by the county superintendent of schools shall be undertaken subject to the prior approval of the county board of education, upon the application of one or more school districts under his jurisdiction, and such establishment and maintenance shall be upon such terms and conditions as may be provided for in a written contract between the county superintendent of schools and the governing body of any school district.

SEC. 3. Section 16645.7 of the Education Code is amended to read:

16645 7 The governing board may enter into agreements with any city, county, or city and county or other public agency for the furnishing to, or use by, the governing board in carrying out the provisions of this article (commencing at Section 16645.1) of property, facilities, personnel, supplies, equipment and other necessary items, and such city, county, city and county, or other public agency is authorized to enter into such agreements.

Agreements for the furnishing of property, facilities, supplies, equipment, and other necessary items may be entered into between governing boards and private nonprofit entities.

SEC. 4. Section 16645.10 of the Education Code is amended to read:

16645.10. Any school district which has entered into a contract with a county superintendent of schools or with another school district and any county superintendent of schools who has entered into a contract with a school district or another county superintendent of schools for services of a development center for handicapped minors shall be deemed for the purpose of Section 16645.9 to be maintaining a development center.

SEC. 5. Section 16645.23 of the Education Code is amended to read:

16645.23. An Advisory Committee on Development Centers for Handicapped Minors shall be established to aid in setting standards for admission to centers, and to advise the Department of Education in the administration and operation of centers. The advisory committee shall consist of one member from the Department of Social Welfare to be appointed by the Director of Social Welfare, one member from the Department of Mental Hygiene to be appointed by the Director of Mental Hygiene, one member from the Department of Public Health to be appointed by the Director of Public Health, one member from the Department of Education to be appointed by the Director of Education, one lay member from the general public and one parent of a handicapped minor to be appointed by the Director of Education, and four members each from a school district or a county superintendent of schools office participating in the program to be appointed by the Director of Education. The member from the Department of Education shall serve as secretary of the committee.

CHAPTER 678

An act to amend Section 1128 of the Education Code, relating to governing boards of school districts.

[Approved by Governor August 23, 1971. Filed with
Secretary of State August 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1 Section 1128 of the Education Code is amended to read:

1128. Except as provided in Sections 1126 and 1127, when trustee areas are established or rearranged in a district, provision shall be included for the election of members of the governing board by the registered voters of the entire school district or for the election of the member or members residing in each trustee area by the registered voters of that particular area.

In counties with a population of less than 25,000, the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require the alternate method for electing board members to be utilized.

CHAPTER 679

An act to amend Section 31203 of the Education Code, relating to scholarships.

[Approved by Governor August 23, 1971 Filed with
Secretary of State August 23, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 31203 of the Education Code is amended to read:

31203. No person shall be awarded a scholarship unless:

(a) He is a resident of California as determined under the provisions of this code for determining the resident status of a student of a state college for the purposes of state college admission fees and rates of tuition. Wherever such provisions refer to the trustees the reference shall, for the purposes of this section, be deemed to be to the commission, any reference to "the opening day of a semester during which a person proposes to attend a state college" shall be deemed to be the day upon which a person will receive a scholarship as determined by the commission, and any reference to "immediately prior to first entering any California institution of higher learning" shall be deemed to be immediately prior to the day upon which a person will receive a scholarship, as determined by the commission.

(b) He has not attained his 30th birthday. This age limitation does not apply in the case of renewed scholarship awards or for veterans as defined by the commission.

(c) He has graduated from high school or has been accepted for admission by an accredited college.

(d) He has demonstrated his financial need for such scholarship. The financial status of his parents shall be taken into consideration in determining his financial need.

(e) He has demonstrated high moral character, good citizenship, and dedication to American ideals.

(f) He has applied for a state competitive scholarship and has, by competitive examination, been determined to be eligible for such scholarship

(g) He has complied with all of the rules and regulations adopted by the commission for the award, regulation, and ad-

ministration of state competitive scholarships adopted pursuant to this chapter (commencing at Section 31201).

(h) He is a citizen of the United States or, if he is under 21 years of age and is not a citizen of the United States either he or his parent or parents were admitted to the United States on a permanent resident visa.

CHAPTER 680

An act to amend Section 23754 of, and to add Section 23754.4 to, the Education Code, relating to state colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 23, 1971 Filed with
Secretary of State August 23, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 23754 of the Education Code is amended to read:

23754. (a) Except as otherwise specially provided, an admission fee and rate of tuition fixed by the trustees shall be required of each nonresident student. The rate of tuition to be paid by each nonresident student shall not be less than three hundred sixty dollars (\$360) per year, except that the rate of tuition to be paid by each nonresident student who is a citizen and resident of a foreign country and not a citizen of the United States shall be two hundred fifty-five dollars (\$255) per year through the 1969-70 academic year. Commencing with the 1970-71 academic year, the rate of tuition paid by each nonresident student who is a citizen and resident of a foreign country and not a citizen of the United States, except as otherwise specifically provided, shall be fixed by the trustees and shall not be less than three hundred sixty dollars (\$360) per year. The tuition fee for a nonresident student who is a citizen and resident of a foreign country and who was in attendance at a state college during the fall term of 1969, may be waived by the trustees if they determine that the increased tuition fee will cause a severe financial hardship on the student. Such waivers may be granted through the spring term of 1973 or until the student receives a baccalaureate degree, whichever occurs first.

(b) The trustees may waive entirely, or reduce below the rate, or the minimum rate, fixed by this section, the tuition fee of a nonresident student who is a citizen and resident of a foreign country and not a citizen of the United States and who attends a state college under an agreement entered into by a governmental agency or a nonprofit corporation or organization with a similar agency, or corporation or association, domiciled in and organized under the laws of a foreign country, where a principal purpose of the agreement is to en-

courage the exchange of students with the view of enhancing international good will and understanding. The trustees shall, in each instance, determine whether the conditions for such exemption from fees exist and may prescribe appropriate procedures to be complied with in obtaining the exemption.

No admission fee or tuition fee shall be required of any nonresident student who is a full-time employee of the California State Colleges or who is the child or spouse of a full-time employee of the California State Colleges.

SEC. 2. Section 23754.4 is added to the Education Code, to read:

23754.4. Notwithstanding any provision in this chapter to the contrary, the trustees may defer the collection of tuition charged to nonresident students who are citizens and residents of a foreign country as follows:

(a) The amount which may be deferred may not exceed the excess in the amount of tuition required which is in excess of an annual rate of six hundred dollars (\$600) per academic year.

(b) No payment may be deferred beyond a date 30 days prior to the end of the academic term for which it is due, and payment of the deferred amount shall be a condition to the student's completion of that academic term.

(c) In order to qualify for the deferment authorized by this section, a student must have been enrolled in the California State Colleges during the fall term of the 1970-1971 college year or have been accepted for admission on or before November 24, 1970, to a state college for a subsequent term during the 1970-1971 college year, and must remain in continuous attendance as a full-time student making normal progress toward a degree objective, and must not have been awarded a baccalaureate degree or graduate degree from the California State Colleges subsequent to the fall term of the 1970-1971 college year.

This section shall remain in effect until June 30, 1974, and shall have no force or effect after this date.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Unless this act is immediately effective, its provisions will not be operative for the fall term of 1971. This would result in a reduction in the quality of the state college educational program due to the necessity of granting tuition exemptions to certain foreign students even though money to fund such exemptions is no longer provided, and would also result in a serious hardship to many foreign students attending the California State Colleges due to the necessity of paying an increase in fees at the beginning of the fall term of 1971.

CHAPTER 681

*An act to amend Sections 956, 1182, and 12485 of the
Insurance Code, relating to insurers.*

[Approved by Governor August 23, 1971 Filed with
Secretary of State August 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 956 of the Insurance Code is amended to read:

956. An account or accounts in one or more banks or savings and loan associations the accounts of which are insured by an agency or instrumentality of the federal government shall be accepted as securities comprising any part of any deposit made with the commissioner.

SEC. 2. Section 1182 of the Insurance Code is amended to read:

1182. Such insurers may invest in an account or accounts in one or more banks or savings and loan associations the accounts of which are insured by an agency or instrumentality of the federal government.

SEC. 3. Section 12485 of the Insurance Code is amended to read:

12485. Mortgage insurers may make deposits with any bank or savings and loan associations the accounts of which are insured by an agency or instrumentality of the federal government. The making and maintenance of such deposits and investments is not subject to restrictions relating to investments.

CHAPTER 682

*An act to add Section 17507 to the Business and Professions
Code, relating to false advertising.*

[Approved by Governor August 23, 1971 Filed with
Secretary of State August 23, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 17507 is added to the Business and Professions Code, to read:

17507. It is unlawful for any person, firm, corporation or association to make an advertising claim or representation pertaining to more than one article of merchandise or type of service, within the same class of merchandise or service, if any price set forth in such claim or representation does not clearly and conspicuously identify the article of merchandise or type of service to which it relates. Disclosure of the relationship between the price and particular article of merchan-

dise or type of service by means of an asterisk or other symbol, and corresponding footnote, does not meet the requirement of clear and conspicuous identification when the particular article of merchandise or type of service is not represented pictorially.

CHAPTER 683

An act to amend Section 779.9 of, and to add Section 779.26 to, the Insurance Code, relating to insurance.

[Approved by Governor August 23, 1971. Filed with Secretary of State August 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 779 9 of the Insurance Code is amended to read:

779.9. The commissioner shall within 30 days after the filing of any such policies, certificates of insurance, notices of proposed insurance, applications for insurance, endorsements and riders, disapprove any such form if the benefits provided therein are not reasonable in relation to the premium charge, or if it contains provisions which are unjust, unfair, inequitable, misleading, deceptive or encourage misrepresentation of the coverage, or are contrary to any provision of the Insurance Code or of any rule or regulation promulgated thereunder.

SEC. 2. Section 779 26 is added to the Insurance Code, to read:

779.26. Credit life insurance and credit disability insurance within the scope of this article, where the form of policy including the premium rates pertaining thereto have been filed with the commissioner and not disapproved by him or the premiums charged have been in accordance with those provided by any law of this state or regulation of the commissioner promulgated thereunder, are not subject to the provisions of Section 10214 or Section 10270.65 of the Insurance Code.

CHAPTER 684

An act to amend Sections 13510 and 13520.2 of the Education Code, relating to certificated employees.

[Approved by Governor August 23, 1971 Filed with Secretary of State August 23, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 13510 of the Education Code is amended to read:

13510. The governing board of a school district may at any time during any school year increase the salaries of persons

employed by the district in positions requiring certification qualifications, such increase to be effective on any date ordered by the governing board.

SEC. 2. Section 13520.2 of the Education Code is amended to read:

13520.2. Whenever a salary schedule increasing the salaries of its certificated employees is adopted by a school district to be effective at the commencement of the second semester of a school year:

(a) The compensation of such employees shall not exceed one-half of the annual compensation for their positions under the former salary schedule for services during the first semester.

(b) The compensation of such employees shall not be less than one-half of the annual compensation for their positions under the newly adopted salary schedule for services during the second semester.

This section shall not be construed to limit the time at which any salary increase ordered by the governing board shall become effective.

CHAPTER 685

An act to amend Section 31680.2 of the Government Code, relating to retirement of county employees.

[Approved by Governor August 23, 1971 Filed with
Secretary of State August 23, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 31680 2 of the Government Code is amended to read:

31680 2. This section shall apply in any county having a population of less than 5,000,000 as ascertained and determined in Section 28020. Any person who retired for service and who has not attained the age of compulsory retirement for the position from which he retired may be employed in a position requiring special skills or knowledge, as determined by the county or district employing him, for not to exceed 90 working days in any one fiscal year and may be paid for such employment. Such employment shall not operate to reinstate the person as a member of this system or to terminate or suspend his retirement allowance, and no deductions shall be made from his salary as contributions to this system.

CHAPTER 686

An act to amend Section 1216 of the Business and Professions Code, relating to clinical laboratory technology.

[Approved by Governor August 23, 1971 Filed with
Secretary of State August 23, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 1246 of the Business and Professions Code is amended to read:

1246. Except as provided in Section 13354 of the Vehicle Code, an unlicensed person employed by a licensed clinical laboratory may perform venipuncture or skin puncture for the purpose of withdrawing blood for test purposes upon specific authorization from a licensed physician and surgeon provided that he meets all the following requirements:

(a) He works under the direct supervision of a person licensed under this chapter or of a licensed physician or surgeon.

(b) He has been trained by a licensed physician and surgeon or by a clinical laboratory bioanalyst in the proper procedure to be employed when withdrawing blood in accordance with training requirements established by the State Board of Public Health and has a statement signed by the instructing physician and surgeon or by the instructing clinical laboratory bioanalyst that such training has been successfully completed.

CHAPTER 687

An act to amend Section 21670 of the Public Utilities Code, relating to airport land-use commissions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 23, 1971. Filed with
Secretary of State August 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 21670 of the Public Utilities Code is amended to read:

21670. There is hereby created in each county subject to this article and containing at least one airport operated for the benefit of the general public and served by an air carrier certified by the Public Utilities Commission or the Civil Aeronautics Board, an airport land-use commission, hereinafter referred to as the "commission." Each commission shall consist of seven members to be selected as follows:

(a) Two representing the cities in the county, appointed by a selection committee comprised of the mayors of all the cities within that county; provided, however, that if there are any cities contiguous or adjacent to the qualifying airport, at least one such representative shall be appointed therefrom. If there are no cities within a county, the number of representatives provided for by subdivisions (b) and (c) shall each be increased by one.

(b) Two representing the county, appointed by the board of supervisors.

(c) Two representing the airports within that county, appointed by a selection committee comprised of the managers of all of the public airports within that county; however, one such representative shall be appointed from an airport operated for the benefit of the general public.

(d) One representing the general public, appointed by the other six members of the commission.

Each commission shall file a certificate of formation with the Secretary of State on or prior to January 1, 1971.

Public officers, whether elected or appointed, may be appointed and serve as members of the commission during their terms of public office.

Each member shall promptly appoint a single proxy to represent him in commission affairs and to vote on all matters when the member is not in attendance. The proxy shall be designated in a signed written instrument which shall be kept on file at the commission offices, and the proxy shall serve at the pleasure of the member who appointed him. A vacancy in the office of proxy shall be filled promptly by appointment of a new proxy.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

An ambiguity is present in the law relating to airport land-use commissions as to whether members representing cities or counties may hold another office of such city or county, with the result that competent persons holding such city or county offices are not seeking membership on airport land-use commissions.

In order that this ambiguity may be resolved and that persons of the highest degree of competence will be available for membership on airport land-use commissions, it is necessary that this act take effect at once.

CHAPTER 688

An act to amend Section 31789.1 of the Government Code, relating to county employeers' retirement.

[Approved by Governor August 23, 1971 Filed with
Secretary of State August 23, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 31789.1 of the Government Code is amended to read:

31789.1. Upon the death of any member after retirement and while receiving a retirement allowance from this system, or any superseded system, there shall be paid to his estate or to such beneficiary as he shall nominate by written designation duly executed and filed with the board, the sum of seven hundred fifty dollars (\$750)

This section applies to every member who dies after this section becomes operative whether he has retired before or after the operative date or effective date of this section

This section shall not become operative in any county until such time as the board of retirement determines that its benefits may be financed from surplus earnings of the retirement fund. Upon this determination by the retirement board, the provisions of this section shall become operative

CHAPTER 689

An act to amend Section 2984 2 of the Civil Code, relating to automobile sales financing.

[Approved by Governor August 23, 1971 Filed with
Secretary of State August 23, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 2984 2 of the Civil Code is amended to read:

2984.2. No agreement in connection with a conditional sale of a motor vehicle for the inclusion of title to or a lien upon any personal or real property, other than the motor vehicle which is the subject matter of the conditional sale, or accessories therefor or special and auxiliary equipment used in connection therewith, or in substitution, in whole or in part, for any therefor, as security for payment of the contract balance, shall be enforceable. No agreement between a buyer and seller in connection with a sale of a motor vehicle which provides for the inclusion of title to or a lien upon any personal or real property, other than the motor vehicle which is the subject matter of the sale, or accessories therefor or special and auxiliary equipment used in connection therewith, as security for payment of the contract balance, shall be enforceable. This section shall not apply to: (1) any agreement which meets the requirements of Section 2982 5 and otherwise complies with this chapter; or, (2) any agreement relating to any insurance policies upon the motor vehicle which are required by the seller, or to proceeds from such policies, or to return of insurance premiums on any such policies which are financed by the seller.

CHAPTER 690

An act to add Section 18660.5 to the Financial Code, relating to loans.

[Approved by Governor August 23, 1971. Filed with Secretary of State August 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 18660.5 is added to the Financial Code, to read.

18660.5 On any loan made which is secured in whole or in part by real property, an escrow fee of a reasonable amount may be charged when such services are actually performed. Such fee shall be considered reasonable when paid to a company licensed to do business under the Escrow Law, Division 6 (commencing with Section 17000), or any person exempted by the Escrow Law, provided that such fees are comparable to fees being charged by escrow companies so authorized to do business in this state. Such fee is not included in charges as defined in this article or in determining the maximum charges which may be made under this article.

CHAPTER 691

An act to amend and renumber Section 31900 of the Education Code, and amend Section 10020 of the Elections Code, relating to elections.

[Approved by Governor August 23, 1971. Filed with Secretary of State August 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1 Section 31900 of the Education Code is amended and renumbered to read:

1345.5 (a) The officer charged with the duty of providing sample ballots for any election at which absent voter ballots may be cast shall cause to be printed on the envelope containing the sample ballot in heavy-faced gothic type, not smaller than 10-point, the following.

Notice: If you find that for any reason you will be unable to vote in person on election day, promptly contact the office of the _____ (county clerk or equivalent official, address, and phone number) for information regarding your right to vote by absent voter's ballot.

(b) In counties in which an application for absent voter's ballot is provided within the sample ballot envelope, such notice shall state, instead, the following:

Notice: If you find that for any reason you will be unable to vote in person on election day, promptly complete and sign

the enclosed application for absent voter's ballot and return to ----- (county clerk or equivalent official, address and phone number).

Your application may be submitted not more than ----- days before the day of election but must reach the office of the ----- (county clerk or equivalent official) not less than ----- days before the day of election

SEC. 2 Section 10020 of the Elections Code is amended to read:

10020 (a) The officer charged with the duty of providing sample ballots for any election at which absent voter ballots may be cast shall cause to be printed on the envelope containing the sample ballot in heavy-faced gothic type, not smaller than 10-point, the following:

Notice. If you find that for any reason you will be unable to vote in person on election day, promptly contact the office of the ----- (county clerk or equivalent official, address, and phone number) for information regarding your right to vote by absent voter's ballot.

(b) In counties in which an application for absent voter's ballot is provided within the sample ballot envelope, such notice shall state, instead, the following:

Notice: If you find that for any reason you will be unable to vote in person on election day, promptly complete and sign the enclosed application for absent voter's ballot and return to ----- (county clerk or equivalent official, address and phone number). Your application may be submitted not more than ----- days before the day of election but must reach the office of the ----- (county clerk or equivalent official) not less than ----- days before the day of election

CHAPTER 692

An act to amend Sections 13518 and 13520 of the Education Code, relating to teachers' salaries.

[Approved by Governor August 23, 1971 Filed with
Secretary of State August 23, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 13518 of the Education Code is amended to read:

13518. Where the governing board of any school district arranges to pay persons employed by it in 12 equal payments for the year, it may pay each monthly installment at the end of each calendar month whether or not the persons are actually engaged in teaching during the month.

SEC. 2. Section 13520 of the Education Code is amended to read:

13520. A person in a position requiring certification qualifications who serves less than a full school year shall receive as salary only an amount that bears the same ratio to the established annual salary for the position as the number of working days he serves bears to the total number of working days plus institutes in the annual school term, and any other day when the employee is required by the governing board to be present at the schools of the district. Notwithstanding any provisions of this section to the contrary, a person in a position requiring certification qualifications who serves a complete semester shall receive not less than one-half of the established annual salary for the position. This section shall not be so construed as to prevent the payment of compensation to a person while on leave of absence when the payment of the compensation is authorized by law.

In the event any such person dies during the school year, his estate shall be entitled to receive, as salary owed to the decedent, an amount that bears the same ratio to the established annual salary for the position as the number of working days he served bears to the total number of working days plus institutes in the annual school term, and any other day when the employee was required by the governing board to be present at the schools of the district, less any salary paid to the decedent prior to his death.

SEC. 3. This act shall become operative on July 1, 1972

CHAPTER 693

An act to add Section 65906.5 to the Government Code, relating to zoning, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 23, 1971 Filed with
Secretary of State August 23, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 65906.5 is added to the Government Code, to read:

65906.5. Notwithstanding the provisions of Section 65906, a county planning agency may extend a variance which had been granted for the purpose of authorizing an interim use of property if all of the following conditions are met:

(1) The variance which authorized the interim use was granted prior to 1965 and has a 1971 termination date.

(2) The variance authorizing the interim use had been granted to a lessee of property.

(3) Application for the extension of the variance is made by the lessee of the property to the county planning agency within 60 days of the effective date of this section.

(4) The county planning agency finds that the extension of the variance does not alter the character of the use which is

extended and that the extension is compatible with existing conditions in the immediate neighborhood and is not in any way detrimental to adjacent property

The maximum period for which any variance may be extended pursuant to this section shall be five years.

SEC 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act is necessary to prevent severe economic losses to holders of existing and recently expired variances which may not be renewed or extended under current law.

SEC. 3. This section shall remain in effect until January 1, 1972, after which time it shall cease to have any force or effect.

CHAPTER 694

An act to amend Section 7538 of the Business and Professions Code and to add Section 646 5 and 646 6 to the Penal Code, relating to personal injury investigations.

[Approved by Governor August 24, 1971 Filed with
Secretary of State August 24, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 7538 of the Business and Professions Code is amended to read:

7538. (a) Any licensee or officer, director, partner, or manager of a licensee may divulge to any law enforcement officer or district attorney, or his representative, any information he may acquire as to any criminal offense but he shall not divulge to any other person, except as he may be required by law so to do, any information acquired by him except at the direction of the employer or client for whom the information was obtained.

(b) No licensee or officer, director, partner, manager, or employee of a licensee shall knowingly make any false report to his employer or client for whom information was being obtained.

(c) No written report shall be submitted to a client except by the licensee, qualifying manager, or a person authorized by one or either of them, and such person submitting the report shall exercise diligence in ascertaining whether or not the facts and information in such a report are true and correct.

(d) No licensee, or officer, director, partner, manager, or employee of private investigator, insurance adjuster, and repossessor licensees, shall use a badge in connection with the official activities of the licensee's business.

(e) No licensee, or officer, director, partner, manager, or employee of a licensee, shall use a title, or wear a uniform,

or use an insignia, or use an identification card, or make any statement with the intent to give an impression that he is connected in any way with the federal government, a state government, or any political subdivision of a state government.

(f) No licensee, or officer, director, partner, manager, or employee of a reposessor licensee, shall use an alias in connection with the official activities of the licensee's business.

(g) No licensee, or officer, director, partner, manager, or employee of a licensee, shall enter any private building or portion thereof without the consent of the owner or of the person in legal possession thereof.

(h) No private patrol licensee, or officer, director, partner, manager, or employee of a private patrol licensee shall use a badge, except while engaged in guard or patrol work and while wearing a uniform.

(i) No licensee shall appear as an assignee party in any proceeding involving claim and delivery, replevin, or other possessory action, action to foreclose a chattel mortgage, mechanic's lien, materialman's lien, or any other lien.

(j) No licensee shall permit an employee or agent in his own name to advertise, engage clients, furnish reports or present bills to clients, or in any manner whatever conduct business for which a license is required under this chapter. All business of the licensee shall be conducted in the name of and under the control of the licensee.

(k) No licensee, officer, director, partner, manager, or employee of a private investigator shall knowingly and directly solicit employment from any injured person or from any other person to obtain authorization on behalf of the injured person, as an investigator to investigate the accident or act which resulted in injury or death to such person or damage to the property of such person. Nothing in this subdivision shall prohibit the soliciting of employment from such injured person's attorney. This subdivision shall not apply to any business agent or attorney employed by a labor organization.

SEC 2. Section 646.5 is added to the Penal Code, to read:

646.5. No person shall knowingly and directly solicit employment from any injured person or from any other person to obtain authorization on behalf of the injured person, as an investigator to investigate the accident or act which resulted in injury or death to such person or damage to the property of such person. Nothing in this section shall prohibit the soliciting of employment as an investigator from such injured person's attorney.

Any person violating any provision of this section is guilty of a misdemeanor.

This section shall not apply to any business agent or attorney employed by a labor organization.

SEC 3. Section 646.6 is added to the Penal Code, to read:

646.6. No person shall knowingly and directly solicit any injured person, or anyone acting on behalf of any injured

person, for the sale or use of photographs relating to the accident which resulted in the injury or death of such injured person.

Any person violating any provision of this section is guilty of a misdemeanor.

CHAPTER 695

An act to amend Section 3271 of the Unemployment Insurance Code, relating to unemployment compensation disability insurance.

[Approved by Governor August 24, 1971 Filed with
Secretary of State August 24, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 3271 of the Unemployment Insurance Code is amended to read:

3271. (a) Until January 1, 1974, the director shall approve any amendment to a voluntary plan adjusting the provisions thereof as to periods after the effective date of the amendment as to which he finds that the plan, as amended, will conform to the standards set forth in Section 3254, and that any of the following exist:

(1) A majority of the employees covered by the plan have consented in writing to the amendment.

(2) All of the employees covered by the plan who are adversely affected by the amendment have consented in writing to the amendment.

(3) The insurer of such plan, if any, has certified to the director that notice of the amendment either separately or as a part of a new certificate or statement of coverage, has, at least 10 days prior to the effective date of the proposed amendment, been delivered to the employer for distribution to his employees within 10 days thereafter and has further certified that such notice specifically included notification to the employees covered by the plan of their right to withdraw from the plan.

(b) Nothing contained in this section is intended to deny or limit the right of the director to make regulations supplementary thereto, nor on the general subject of requirements for amendments of voluntary plans subsequent to January 1, 1974.

CHAPTER 696

An act to amend Section 25232 of the Education Code, relating to public works.

[Approved by Governor August 24, 1971 Filed with
Secretary of State August 24, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 25232 of the Education Code is amended to read:

25232 Work on all projects shall be done under contract awarded to the lowest responsible bidder pursuant to this chapter, except that it may be done by day's labor under the direction of the trustees, by contract upon informal bids, or by a combination thereof.

(a) In case of emergency due to an act of God, earthquake, flood, storm, fire, landslide, public disturbance, or vandalism which causes damage to a state-owned building, state-owned real property or any improvements thereon, for work and remedial measures which are required immediately and which are necessary to protect the public health, safety, and welfare.

(b) At any time after the approval of plans, specifications and estimates of cost, if the trustees deem the advertising or award of a contract, the acceptance of any bid, or the acceptance of any further bids after the rejection of all submitted bids, is not in the best interests of the state.

CHAPTER 697

An act to amend Sections 1529 and 1534 of the Penal Code, relating to search warrants.

[Approved by Governor August 24, 1971 Filed with
Secretary of State August 24, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 1529 of the Penal Code is amended to read:

1529. The warrant shall be in substantially the following form:

County of _____.

The people of the State of California to any sheriff, constable, marshal, or policeman in the County of _____:

Proof, by affidavit, having been this day made before me by (naming every person whose affidavit has been taken), that (stating the grounds of the application, according to Section 1524, or, if the affidavit be not positive, that there is probable cause for believing that _____ stating the ground of the application in the same manner), you are therefore commanded, in the daytime (or at any time of the day or night, as the case may be, according to Section 1533), to make search on the person of C D (or in the house situated _____, describing it or any other place to be searched, with reasonable particularity, as the case may be) for the following property (describing it with reasonable particularity); and if you find the same or any part thereof, to bring it forthwith before me (or this court) at (stat ug the place).

Given under my hand, and dated this ----- day of -----, A.D. 19--.

E. F., Judge of the Justice Court (or as the case may be).

SEC. 2. Section 1534 of the Penal Code is amended to read:

1534. (a) A search warrant shall be executed and returned within 10 days after date of issuance. A warrant executed within the 10-day period shall be deemed to have been timely executed and no further showing of timeliness need be made. After the expiration of 10 days, the warrant, unless executed, is void. The documents and records of the court relating to the warrant need not be open to the public until the execution and return of the warrant or the expiration of the 10-day period after issuance. Thereafter, if the warrant has been executed, the documents and records shall be open to the public as a judicial record.

(b) If a duplicate original search warrant has been executed, the peace officer who executed the warrant shall enter the exact time of its execution on its face.

(c) A search warrant may be made returnable before the issuing magistrate or his court.

CHAPTER 698

An act to amend Sections 558 and 559 of, and to add Sections 682 and 700.5 to, the Welfare and Institutions Code, relating to minors.

[Approved by Governor August 24, 1971. Filed with Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 558 of the Welfare and Institutions Code is amended to read:

558. At any time prior to the expiration of 10 days after service of a written copy of the order and findings of a referee, a minor or his parent or guardian may apply to the juvenile court for a rehearing. Such application may be directed to all or to any specified part of the order or findings, and shall contain a statement of the reasons such rehearing is requested. If all of the proceedings before the referee have been taken down by an official reporter, the judge of the juvenile court may, after reading the transcript of such proceedings, grant or deny such application. If proceedings before the referee have not been taken down by an official reporter, such application shall be granted as of right. If an application for rehearing is not granted within 20 days following the date of its receipt, it shall be deemed denied. However, the court, for good cause, may extend such period beyond 20 days, but not in any event beyond 45 days, following the date of receipt of

the application, at which time the application for rehearing shall be deemed denied unless it is granted within such period.

SEC. 2. Section 559 of the Welfare and Institutions Code is amended to read:

559. A judge of the juvenile court may, on his own motion made within 20 judicial days of the hearing before a referee, order a rehearing of any matter heard before a referee.

SEC. 3. Section 682 is added to the Welfare and Institutions Code, to read:

682 (a) Upon request of counsel for the minor, the court may continue any hearing under this chapter beyond the time limit within which the hearing is otherwise required to be held.

(b) In any case in which the minor is represented by counsel and no objection is made to an order continuing any such hearing beyond the time limit within which the hearing is otherwise required to be held, the absence of such an objection shall be deemed a consent to the continuance.

SEC. 4. Section 700.5 is added to the Welfare and Institutions Code, to read:

700.5. Except where a minor is in custody, any hearing on a petition filed pursuant to Article 7 (commencing with Section 650) of this chapter may be continued by the court for not more than 10 days in addition to any other continuance authorized in this chapter whenever the court is satisfied that an unavailable and necessary witness will be available within such time,

CHAPTER 699

An act to add Section 24.5 to the Vehicle Code, relating to service of process.

[Approved by Governor August 24, 1971. Filed with
Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 24.5 is added to the Vehicle Code, to read:

24.5. All civil process in actions brought against the director and the Department of Motor Vehicles and all subpoenas for the production of department records shall be served upon the director or his appointed representatives at the department's headquarters.

CHAPTER 700

An act to amend Sections 1020 and 24001 of, and to add Section 275.2 to, the Government Code, relating to public office

[Approved by Governor August 24, 1971. Filed with
Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 275.2 is added to the Government Code, to read:

275.2 Notwithstanding any other provision of law, a public officer who is a minor shall have the rights and liabilities of an adult, both civil and criminal, with regard to his official duties, and a candidate for nomination or election to public office who is a minor shall have the rights and liabilities of an adult, both civil and criminal, with regard to his activities as a candidate.

SEC. 2. Section 1020 of the Government Code is amended to read:

1020. A person is incapable of holding a civil office if at the time of his election or appointment he is not 18 years of age and a citizen of the state.

SEC. 3. Section 24001 of the Government Code is amended to read:

24001. Except as otherwise provided in Sections 27550 1 and 27641 1 of this code or in this section, a person is not eligible to a county or district office, unless at the time of his election or appointment he is of the age of 18 years or over, a citizen of the state, and an elector of the county or district in which the duties of the office are to be exercised. However, if a duly qualified health officer is not available within a county or district, then it shall not be necessary that any person appointed to any such position be a citizen of the state or an elector of the county or district at the time of his appointment.

The assessor, tax collector, or treasurer of a district formed under the Irrigation District Law (commencing with Section 20500 of the Water Code) need not be a resident of the district in which the duties of the office are to be exercised.

The board of supervisors of any county may, if it finds that the best interests of the county will be served, waive the requirement that the administrative officer be an elector of the county.

The board of supervisors or any other legally constituted appointing authority in a county that is consolidated with a city may, if it finds that the best interests of the county will be served, waive the requirements of this section for an appointment to the office of chief juvenile probation officer or chief adult probation officer that the appointee be a citizen of the state and an elector of the county.

CHAPTER 701

An act to amend Section 95 of the Labor Code, and to amend Section 830.3 of the Penal Code, relating to peace officers.

The people of the State of California do enact as follows:

SECTION 1. Section 95 of the Labor Code is amended to read.

95. (a) The division may enforce the provisions of this code and all labor laws of the state the enforcement of which is not specifically vested in any other officer, board or commission. Except as provided in subdivision (d), in the enforcement of such provisions and laws, the director, deputy director, and such officers and employees as the director may designate, shall only have the authority, as public officers, to arrest without a warrant, any person who, in his presence, has violated or as to whom there is probable cause to believe has violated any of such provisions and laws.

In any case in which an arrest authorized by this subdivision is made for an offense declared to be a misdemeanor, and the person arrested does not demand to be taken before a magistrate, the arresting officer may, instead of taking such person before a magistrate, follow the procedure prescribed by Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of the Penal Code. The provisions of such chapter shall thereafter apply with reference to any proceeding based upon the issuance of a citation pursuant to this authority.

(b) There shall be no civil liability on the part of and no cause of action shall arise against any person, acting pursuant to this section and within the scope of his authority, for false arrest or false imprisonment arising out of any arrest which is lawful or which the arresting officer, at the time of such arrest, had reasonable cause to believe was lawful. No such officer shall be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

(c) The director, deputy director, and such officers and employees as the director may designate, may serve all processes and notices throughout the state.

(d) With respect to the enforcement of the provisions of this code and other labor laws as provided in subdivision (a), all officers and employees designated by the Labor Commissioner as investigators, shall have the authority of peace officers to make arrests, and may serve processes and notices as provided in subdivision (c).

SEC 2. Section 830.3 of the Penal Code is amended to read:

830.3 (a) The Deputy Director and the Assistant Director of the Department of Justice, the Chief, Assistant Chief, and special agents of the Bureau of Criminal Identification and Investigation the Chief, Assistant Chief, and narcotics agents of the Bureau of Narcotic Enforcement, and such investigators who are so designated by the Attorney General, are peace officers.

The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is

probable cause to believe has been committed within the state.

(b) Any inspector or investigator regularly employed and paid as such in the office of a district attorney is a peace officer.

The authority of any such peace officer extends to any place in the state:

(1) As to any public offense committed, or which there is probable cause to believe has been committed, within the county which employs him; or

(2) Where he has the prior consent of the chief of police, or person authorized by him to give such consent, if the place is within a city or of the sheriff, or person authorized by him to give such consent, if the place is within a county; or

(3) As to any public offense committed or which there is probable cause to believe has been committed in his presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of such offense.

(c) The Director of the Department of Alcoholic Beverage Control and persons employed by such department for the enforcement of the provisions of Division 9 (commencing with Section 23000) of the Business and Professions Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the laws relating to alcoholic beverages, as that duty is set forth in Section 25755 of the Business and Professions Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any premises licensed pursuant to the Alcoholic Beverage Control Act.

(d) The Chief and investigators of the Division of Investigation of the Department of Professional and Vocational Standards are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 160 of the Business and Professions Code

(e) Members of the Wildlife Protection Branch of the Department of Fish and Game deputized pursuant to Section 856 of the Fish and Game Code, deputies appointed pursuant to Section 851 of such code, and county fish and game wardens appointed pursuant to Section 875 of such code are peace officers; provided, that the primary duty of deputized members of the Wildlife Protection Branch, and the exclusive duty, except as provided in Section 1509.7 of the Military and Veterans Code, of any other peace officer listed in this subdivision, shall be the enforcement of the provisions of the Fish and Game Code, as such duties are set forth in Sections 856, 851 and 878, respectively, of such code

(f) The State Forester and such employees or classes of employees of the Division of Forestry of the Department of Conservation and voluntary fire wardens as are designated by him pursuant to Section 4156 of the Public Resources

Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 4156 of such code.

(g) Officers and employees of the Department of Motor Vehicles designated in Section 1655 of the Vehicle Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 1655 of such code.

(h) The secretary, chief investigator, and racetrack investigators of the California Horse Racing Board are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code and Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of the Penal Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any horseracing enclosure licensed pursuant to the Horse Racing Law

(i) Police officers of a regional park district, appointed or employed pursuant to Section 5561 of the Public Resources Code, and officers and employees of the Department of Parks and Recreation designated by the director pursuant to Section 5008 of such code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as such duties are set forth in Sections 5561 and 5008, respectively, of such code.

(j) Members of the University of California Police Department appointed pursuant to Section 23501 of the Education Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 23501 of the Education Code.

(k) Policemen of the San Francisco Port Authority are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the laws relating to the San Francisco Harbor, as that duty is set forth in Part 1 (commencing with Section 1690) of Division 6 of the Harbors and Navigation Code

(l) The State Fire Marshal and assistant or deputy state fire marshals appointed pursuant to Section 13103 of the Health and Safety Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 13104 of such code.

(m) Members of an arson-investigating unit, regularly employed and paid as such, of a fire protection agency of the state, of a county, city, or district, and members of a fire department of a local agency regularly paid and employed as such, are peace officers; provided, that the primary duty of arson investigators shall be the detection and apprehension of persons who have violated or who are suspected of having violated any fire law, and the exclusive duty, except as pro-

vided in Section 1509.7 of the Military and Veterans Code, of fire department members other than arson investigators when acting as peace officers shall be the enforcement of laws relating to fire prevention and fire suppression. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, members of fire departments other than arson investigators are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution.

(n) The Chief and such inspectors of the Bureau of Food and Drug Inspections as are designated by him pursuant to subdivision (a) of Section 216 of the Health and Safety Code are peace officers; provided, that the exclusive duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 216 of such code.

(o) Persons designated by a local agency as park rangers, and regularly employed and paid as such, are peace officers; provided, that the primary duty of any such peace officer shall be the protection of park property and preservation of the peace therein. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, such park rangers are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution.

(p) Members of a state college police department appointed pursuant to Section 24651 of the Education Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as prescribed in Section 24651 of the Education Code.

(q) Members of a community college police department appointed pursuant to Section 25429 of the Education Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as prescribed in Section 25429 of the Education Code.

(r) All investigators of the Division of Labor Law Enforcement, as designated by the Labor Commissioner, are peace officers; provided that the primary duty of any such peace officer shall be enforcement of the law as prescribed in Section 95 of the Labor Code.

(s) The authority of any peace officer listed in subdivisions (c) through (r), inclusive, extends to any place in the state; provided, that except as otherwise provided in this section, Section 830.6, or Section 1509.7 of the Military and Veterans Code, any such peace officer shall be deemed a peace officer only for purposes of his primary duty, and shall not act as a peace officer in enforcing any other law except:

(1) When in pursuit of any offender or suspected offender; or

(2) To make arrests for crimes committed, or which there is probable cause to believe have been committed, in his presence while he is in the course of his employment; or

(3) When, while in uniform, such officer is requested, as a peace officer, to render such assistance as is appropriate under the circumstances to the person making such request, or to act upon his complaint, in the event that no peace officer otherwise authorized to act in such circumstances is apparently and immediately available and capable of rendering such assistance or taking such action.

CHAPTER 702

An act to amend Section 1770 of, and to add Section 3074 to, the Government Code, relating to public officers.

[Approved by Governor August 24, 1971. Filed with Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1770 of the Government Code is amended to read:

1770. An office becomes vacant on the happening of any of the following events before the expiration of the term:

(a) The death of the incumbent.

(b) An adjudication pursuant to a quo warranto proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness or accident and that there is reasonable cause to believe that he will not be able to perform the duties of his office for the remainder of his term. This subdivision shall not apply to offices created by the Constitution nor to federal or state legislators.

(c) His resignation.

(d) His removal from office.

(e) His ceasing to be an inhabitant of the state, or if the office be local and one for which local residence is required by law, of the district, county, or city for which he was chosen or appointed, or within which the duties of his office are required to be discharged; provided, however, that the office of judge of a municipal or justice court shall not become vacant when, as a result of a change in the boundaries of a judicial district during an incumbent's term, said incumbent ceases to be an inhabitant of the district for which he was elected or appointed to serve.

(f) His absence from the state without the permission required by law beyond the period allowed by law.

(g) His ceasing to discharge the duties of his office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law.

(h) His conviction of a felony or of any offense involving a violation of his official duties. An officer shall be deemed to have been convicted under this subdivision when trial court judgment is entered.

(i) His refusal or neglect to file his official oath or bond within the time prescribed.

(j) The decision of a competent tribunal declaring void his election or appointment.

(k) The making of an order vacating his office or declaring his office vacant when he fails to furnish an additional or supplemental bond.

(l) His commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate or stimulant addict; but in that event the office shall not be deemed vacant until the order of commitment has become final.

SEC. 2. Section 3074 is added to the Government Code, to read:

3074. Any officer subject to removal pursuant to this article may be removed from office for willful or corrupt misconduct in office occurring at any time within the six years immediately preceding the presentation of an accusation by the grand jury.

CHAPTER 703

An act to amend Section 70141.9 of the Government Code, relating to courts.

[Approved by Governor August 24, 1971. Filed with Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 70141.9 of the Government Code is amended to read:

70141.9. In any county with population exceeding 306,000 and not exceeding 365,000 as determined by the 1960 federal census, the superior court may provide that the commissioner, in addition to the duty prescribed in Section 259 of the Code of Civil Procedure, shall perform the duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner appointed pursuant to Section 69897 of this code. Any commissioner authorized to perform such duties shall receive a salary equal to 75 percent of the salary of a judge of the superior court. The salary shall be automatically increased periodically at the time and in the manner specified by Section 68203.

CHAPTER 704

An act to amend Sections 21114.5 of the Education Code, relating to the compensation of school employees.

[Approved by Governor August 24, 1971. Filed with Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 21114.5 of the Education Code is amended to read:

21114.5. In any unified school district with 100,000 or more average daily attendance as an alternative to the payment procedures prescribed by Section 21114, orders for the payment of wages, and payroll orders for the payment of wages and warrants for the payment of wages of employees employed full time in positions not requiring certification qualifications shall be drawn once each two weeks, twice a month, or once each four weeks on days designated in advance by the governing board of the district. Labor performed during each such payroll period shall be paid for not later than the eighth working day of the following payroll period.

CHAPTER 705

An act to amend Sections 3380, 3381, 3383, 3384, 3385, 3400, 3401, 3403, 3404, and 3405 of the Health and Safety Code, relating to immunizations.

[Approved by Governor August 24, 1971. Filed with
Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 3380 of the Health and Safety Code is amended to read:

3380. No person may be unconditionally admitted as a pupil of a private elementary or secondary school or as a pupil of any school district unless prior to his first admission to school in California he has been immunized against poliomyelitis in the manner and with immunizing agents approved by the State Department of Public Health.

A person who presents evidence that he has received one such immunizing dose of poliomyelitis vaccine may be admitted on condition that within a period designated by regulation of the State Department of Public Health he presents evidence that he has been fully immunized against poliomyelitis.

A person who has not received any poliomyelitis vaccine may be admitted on condition that within two weeks of the date of his admission he shall present evidence that he has obtained his first such immunizing dose and shall thereafter within a period designated by regulation of the State Department of Public Health present evidence that he has been fully immunized against poliomyelitis.

This chapter does not apply to any person over the age of 16 years.

SEC. 2. Section 3381 of the Health and Safety Code is amended to read:

3381. Such immunization shall be evidenced by a written record made on a form prescribed by the department. A copy of the record shall be given to the parent or guardian of the child.

SEC. 3. Section 3383 of the Health and Safety Code is amended to read:

3383. The governing board of each school district and the governing authority of each private school shall cooperate with the county health officer in carrying out the program for immunization of persons applying for admission to any school under its jurisdiction. The governing board of any school district may use any funds, property, and personnel of the district for that purpose. The governing board of any school district and the governing authority of any private school may permit any person licensed as a physician and surgeon to administer immunization agents to children seeking admission to any school under its jurisdiction.

SEC. 4. Section 3384 of the Health and Safety Code is amended to read:

3384. Immunization of a person shall not be required for admission to a public or private elementary or secondary school if the parent or guardian or responsible relative or adult who has assumed responsibility for his care and custody files with the governing board of the school district or the governing authority of the private school, as the case may be, a letter or affidavit provided by the district or authority, stating that such immunization is contrary to his or her beliefs. However, whenever there is good cause to believe that a person is suffering from poliomyelitis, the person may be temporarily excluded from the school until the governing board of the school district or the governing authority of the private school is satisfied that the disease does not exist.

SEC. 5. Section 3385 of the Health and Safety Code is amended to read:

3385. If the parent or guardian files with the governing board of the school district or the governing authority of the private school a written statement by a licensed physician to the effect that the physical condition of the child or adult is such, or medical circumstances relating to the child or adult are such that immunization is not considered safe, indicating the specific nature and probable duration of the medical condition or circumstances which contraindicate immunization, such person shall be exempt from the requirements of this chapter to the extent indicated by the physician's statement.

SEC. 6. Section 3400 of the Health and Safety Code is amended to read:

3400. No person may be unconditionally admitted as a pupil of a private elementary or secondary school or as a pupil of any school district unless prior to his first admission to school in California he has been immunized against measles

(rubeola) in the manner and with immunizing agents approved by the State Department of Public Health.

A person who has not received an immunizing dose of measles (rubeola) vaccine may be admitted on condition that within two weeks of the date of his admission he shall present evidence that he has been fully immunized against measles (rubeola).

This chapter does not apply to any person over the age of 16 years.

SEC. 7. Section 3401 of the Health and Safety Code is amended to read:

3401. Such immunization shall be evidenced by a written record made on a form prescribed by the department. A copy of the record shall be given to the parent or guardian of the child.

SEC. 8. Section 3403 of the Health and Safety Code is amended to read:

3403. The governing board of each school district and the governing authority of each private school shall cooperate with the county health officer in carrying out the program for immunization of persons applying for admission to any school under its jurisdiction. The governing board of any school district may use any funds, property, and personnel of the district for that purpose. The governing board of any school district and the governing authority of any private school may permit any person licensed as a physician and surgeon to administer immunization agents to children seeking admission to any school under its jurisdiction.

SEC. 9. Section 3404 of the Health and Safety Code is amended to read:

3404. Immunization of a person shall not be required for admission to a public or private elementary or secondary school if the parent or guardian or responsible relative or adult who has assumed responsibility for his care and custody files with the governing board of the school district or the governing authority of the private school, as the case may be, a letter or affidavit provided by the district or authority, stating that such immunization is contrary to his or her beliefs. However, whenever there is good cause to believe that a person is suffering from measles (rubeola), the person may be temporarily excluded from the school until the governing board of the school district or the governing authority of the private school is satisfied that the disease does not exist.

SEC. 10. Section 3405 of the Health and Safety Code is amended to read:

3405. If the parent or guardian files with the governing board of the school district or the governing authority of the private school a written statement by a licensed physician to the effect that the physical condition of the child is such, or medical circumstances relating to the child are such that immunization is not considered safe, or reasonably beneficial to the individual, indicating the specific

nature and probable duration of the medical condition or circumstances which contraindicate immunization, such person shall be exempt from the requirements of this chapter to the extent indicated by the physician's statement.

CHAPTER 706

*An act to amend Section 1203 of the Penal Code,
relating to administration of justice.*

[Approved by Governor August 24, 1971. Filed with
Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1203 of the Penal Code is amended to read:

1203. (a) In every case in which a person is convicted of a felony and is eligible for probation, before judgment is pronounced, the court shall immediately refer the matter to the probation officer to investigate and report to the court, at a specified time, upon the circumstances surrounding the crime and the prior history and record of the person, which may be considered either in aggravation or mitigation of the punishment. The probation officer shall immediately investigate and make a written report to the court of his findings and recommendations, including his recommendations as to the granting or denying of probation and the conditions of probation, if granted. The report shall be made available to the court and the prosecuting and defense attorneys at least two days or, upon the request of the person, five days prior to the time fixed by the court for the hearing and determination of the report, and shall be filed with the clerk of the court as a record in the case at the time of the hearing. The time within which the report shall be made available and filed may be waived by written stipulation of the prosecuting and defense attorney which is filed with the court or an oral stipulation in open court which is made and entered upon the minutes of the court. At a time fixed by the court, the court shall hear and determine the application, if one has been made, or, in any case, the suitability of probation in the particular case. At the hearing, the court shall consider any report of the probation officer and shall make a statement that it has considered such report which shall be filed with the clerk of the court as a record in the case. If the court determines that there are circumstances in mitigation of the punishment prescribed by law or that the ends of justice would be subserved by granting probation to the person, it may place him on probation. If probation is denied, the clerk of the court shall immediately send a copy of the report to the Department of Corrections at the prison or other institution to which the person is delivered.

(b) If a defendant is not represented by an attorney, the court shall order the probation officer who makes the probation report to discuss its contents with the defendant.

(c) In every case in which a person is convicted of a misdemeanor, the court may either refer the matter to the probation officer for an investigation and a report or summarily grant or deny probation. If such a case is not referred to the probation officer, in sentencing the person, the court may consider any information concerning him which could have been included in a probation report. The court shall inform the person of the information to be considered and permit him to answer or controvert it. For this purpose, upon the request of the person, the court shall grant a continuance before the judgment is pronounced.

(d) Except in unusual cases where the interests of justice demand a departure, probation shall not be granted to any of the following persons:

(1) Unless he had a lawful right to carry a deadly weapon at the time of the perpetration of the crime or his arrest, any person who has been convicted of robbery, burglary, or arson and was armed with such weapon at either of such times.

(2) Any person who has been previously convicted once in this state of a felony or in any other place of a public offense which, if committed in this state, would have been punishable as a felony.

(e) Except in unusual cases where the interests of justice would best be served if the person is granted probation and where the district attorney concurs, probation shall not be granted to any of the following persons:

(1) Unless he had a lawful right to carry a deadly weapon at the time of the perpetration of the crime or his arrest, any person who has been convicted of burglary with explosives, rape with force or violence, murder, assault with intent to commit murder, attempt to commit murder, trainwrecking, kidnapping, escape from the state prison, or a conspiracy to commit one or more of such crimes and was armed with such weapon at either of such times.

(2) Any person who used or attempted to use a deadly weapon upon a human being in connection with the perpetration of the crime of which he has been convicted.

(3) Any person who willfully inflicted great bodily injury or torture in the perpetration of the crime of which he has been convicted.

(4) Any person who has been previously convicted twice in this state of a felony or in any other place of a public offense which, if committed in this state, would have been punishable as a felony.

(5) Unless he has never been previously convicted once in this state of a felony or in any other place of a public offense which, if committed in this state, would have been punishable as a felony, any person who has been convicted of burglary with explosives, rape with force or violence, murder, attempt

to commit murder, assault with intent to commit murder, trainwrecking, extortion, kidnapping, escape from the state prison, a violation of Section 286, 288, or 288a, or a conspiracy to commit one or more of such crimes.

(6) Any person who has been previously convicted once in this state of a felony or in any other place of a public offense which, if committed in this state, would have been punishable as a felony, if he committed any of the following acts:

(i) Unless he had a lawful right to carry a deadly weapon at the time of the perpetration of such previous crime or his arrest for such previous crime, he was armed with such weapon at either of such times.

(ii) He used or attempted to use a deadly weapon upon a human being in connection with the perpetration of such previous crime.

(iii) He willfully inflicted great bodily injury or torture in the perpetration of such previous crime.

(7) Any public official or peace officer of this state or any city, county, or other political subdivision who, in the discharge of the duties of his public office or employment, accepted or gave or offered to accept or give any bribe, embezzled public money, or was guilty of extortion.

(f) If a person is not eligible for probation, the judge may, in his discretion, refer the matter to the probation officer for an investigation of the facts relevant to the sentencing of the person. Upon such referral, the probation officer shall immediately investigate the circumstances surrounding the crime and the prior record and history of the person and make a written report to the court of his findings.

(g) No probationer shall be released to enter another state unless his case has been referred to the Administrator, Interstate Probation and Parole Compacts, pursuant to the Uniform Act for Out-of-State Probationer or Parolee Supervision (Article 3 (commencing with Section 11175) of Chapter 2 of Title 1 of Part 4).

SEC. 2. Section 1203 of the Penal Code is amended to read:

1203. (a) In every case in which a person is convicted of a felony and is eligible for probation, before judgment is pronounced, the court shall immediately refer the matter to the probation officer to investigate and report to the court, at a specified time, upon the circumstances surrounding the crime and the prior history and record of the person, which may be considered either in aggravation or mitigation of the punishment. The probation officer shall immediately investigate and make a written report to the court of his findings and recommendations, including his recommendations as to the granting or denying of probation and the conditions of probation, if granted. The report shall be made available to the court and the prosecuting and defense attorneys at least two days or, upon the request of the person, five days prior to the time fixed by the court for the hearing and determination of the report, and shall be filed with the clerk of the court as a

record in the case at the time of the hearing. The time within which the report shall be made available and filed may be waived by written stipulation of the prosecuting and defense attorney which is filed with the court or an oral stipulation in open court which is made and entered upon the minutes of the court. At a time fixed by the court, the court shall hear and determine the application, if one has been made, or, in any case, the suitability of probation in the particular case. At the hearing, the court shall consider any report of the probation officer and shall make a statement that it has considered such report which shall be filed with the clerk of the court as a record in the case. If the court determines that there are circumstances in mitigation of the punishment prescribed by law or that the ends of justice would be subserved by granting probation to the person, it may place him on probation. If probation is denied, the clerk of the court shall immediately send a copy of the report to the Department of Corrections at the prison or other institution to which the person is delivered.

(b) If a defendant is not represented by an attorney, the court shall order the probation officer who makes the probation report to discuss its contents with the defendant.

(c) In every case in which a person is convicted of a misdemeanor, the court may either refer the matter to the probation officer for an investigation and a report or summarily grant or deny probation. If such a case is not referred to the probation officer, in sentencing the person, the court may consider any information concerning him which could have been included in a probation report. The court shall inform the person of the information to be considered and permit him to answer or controvert it. For this purpose, upon the request of the person, the court shall grant a continuance before the judgment is pronounced.

(d) Except in unusual cases where the interests of justice demand a departure, probation shall not be granted to any of the following persons:

(1) Unless he had a lawful right to carry a deadly weapon at the time of the perpetration of the crime or his arrest, any person who has been convicted of robbery, burglary, or arson and was armed with such weapon at either of such times.

(2) Any person who has been previously convicted once in this state of a felony or in any other place of a public offense which, if committed in this state, would have been punishable as a felony.

(e) Except in unusual cases where the interests of justice would best be served if the person is granted probation, probation shall not be granted to any of the following persons:

(1) Unless he had a lawful right to carry a deadly weapon at the time of the perpetration of the crime or his arrest, any person who has been convicted of burglary with explosives, rape with force or violence, murder, assault with intent to commit murder, attempt to commit murder, trainwrecking, kidnapping, escape from the state prison, or a conspiracy to

commit one or more of such crimes and was armed with such weapon at either of such times.

(2) Any person who used or attempted to use a deadly weapon upon a human being in connection with the perpetration of the crime of which he has been convicted.

(3) Any person who willfully inflicted great bodily injury or torture in the perpetration of the crime of which he has been convicted.

(4) Any person who has been previously convicted twice in this state of a felony or in any other place of a public offense which, if committed in this state, would have been punishable as a felony.

(5) Unless he has never been previously convicted once in this state of a felony or in any other place of a public offense which, if committed in this state, would have been punishable as a felony, any person who has been convicted of burglary with explosives, rape with force or violence, murder, attempt to commit murder, assault with intent to commit murder, trainwrecking, extortion, kidnapping, escape from the state prison, a violation of Section 286, 288, or 288a, or a conspiracy to commit one or more of such crimes.

(6) Any person who has been previously convicted once in this state of a felony or in any other place of a public offense which, if committed in this state, would have been punishable as a felony, if he committed any of the following acts:

(i) Unless he had a lawful right to carry a deadly weapon at the time of the perpetration of such previous crime or his arrest for such previous crime, he was armed with such weapon at either of such times.

(ii) He used or attempted to use a deadly weapon upon a human being in connection with the perpetration of such previous crime.

(iii) He willfully inflicted great bodily injury or torture in the perpetration of such previous crime.

(7) Any public official or peace officer of this state or any city, county, or other political subdivision who, in the discharge of the duties of his public office or employment, accepted or gave or offered to accept or give any bribe, embezzled public money, or was guilty of extortion.

(f) If a person is not eligible for probation, the judge may, in his discretion, refer the matter to the probation officer for an investigation of the facts relevant to the sentencing of the person. Upon such referral, the probation officer shall immediately investigate the circumstances surrounding the crime and the prior record and history of the person and make a written report to the court of his findings.

(g) No probationer shall be released to enter another state unless his case has been referred to the Administrator, Interstate Probation and Parole Compacts, pursuant to the Uniform Act for Out-of-State Probationer or Parolee Supervision (Article 3 (commencing with Section 11175) of Chapter 2 of Title 1 of Part 4).

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 1516 are both chaptered and amend Section 1203 of the Penal Code, and this bill is chaptered after Senate Bill No. 1516, that the amendments to Section 1203 proposed by both bills be given effect and incorporated in Section 1203 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 1516 are both chaptered, both amend Section 1203, and Senate Bill No. 1516 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 707

An act to add Article 4 (commencing with Section 34898) to Chapter 7 of Part 1 of Division 2 of Title 4 of the Government Code, relating to cities.

[Approved by Governor August 24, 1971. Filed with Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing with Section 34898) is added to Chapter 7 of Part 1 of Division 2 of Title 4 of the Government Code, to read:

Article 4. Chartered Cities

34898. If the members of the governing body of a chartered city are elected by district, such districts shall be of equal population according to the latest federal decennial census.

CHAPTER 708

An act to amend Section 11705 of the Vehicle Code, relating to dealer, manufacturer, or transporter certificates and licenses.

[Approved by Governor August 24, 1971. Filed with Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 11705 of the Vehicle Code is amended to read:

11705. (a) The department, after notice and hearing, may suspend or revoke the license issued to a dealer, transporter, or manufacturer, upon determining that the person to whom the license was issued is not lawfully entitled thereto, or has committed any of the following acts:

(1) Filed an application for the license thereafter issued using a false or fictitious name not registered with the proper authorities, or knowingly made any false statement or know-

ingly concealed any material fact, in the application for such license.

(2) Has made, or knowingly or negligently permitted, any illegal use of the special plates issued to such license.

(3) Has used a false or fictitious name, knowingly made any false statement, or knowingly concealed any material fact, in any application for the registration of a vehicle, or otherwise committed a fraud in such application.

(4) Failed to deliver to a transferee lawfully entitled thereto a properly endorsed certificate of ownership.

(5) Has knowingly purchased, sold, or otherwise acquired or disposed of a stolen motor vehicle.

(6) Failed to provide and maintain a clear physical division between the type of business licensed pursuant to this chapter and any other type of business conducted at the established place of business.

(7) Has violated one or more of the terms and provisions of Division 3 (commencing with Section 4000) or a rule or regulation adopted pursuant thereto, or Section 1651.

(8) Has violated one or more of the terms and conditions of Division 4 (commencing with Section 10500) or the rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651.

(9) Has violated one or more of the provisions of Article 1 (commencing with Section 11700) of Chapter 4 of Division 5 or rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651.

(10) Has violated any of the terms or provisions of Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code or rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651 of this code.

(11) Has violated any of the terms or provisions of Chapter 2b (commencing with Section 2981) of Title 14 of Part 4 of Division 3 of the Civil Code or the rules and regulations adopted pursuant thereto under the authority of Section 1651 of this code.

(12) Has committed and has been convicted of a crime of a felony or a crime of moral turpitude.

(13) Has submitted a check, draft, or money order to the department for any obligation or fee due the state and it is thereafter dishonored or refused payment upon presentation.

(14) Has caused any person to suffer any loss or damage by reason of any fraud or deceit practiced on him or fraudulent representations made to such person in the sale or purchase of a vehicle or parts or accessories thereof.

For the purposes of this subdivision, the term "fraud" includes any act or omission which is included within the definition of either "actual fraud" or "constructive fraud," as defined in Sections 1572 and 1573 of the Civil Code, and the term "deceit" has the same meaning as defined in Section 1710 of the Civil Code. In addition, the terms "fraud" and "deceit" include, but are not limited to, the following: a

misrepresentation in any manner, whether intentionally false or due to gross negligence, of a material fact; a promise or representation not made honestly and in good faith; an intentional failure to disclose a material fact, any act falling within the provisions of Section 484 of the Penal Code.

(b) Any of the causes specified in Section 11703 as a cause for refusal to issue a license and certificate to a transporter, manufacturer, or dealer applicant, shall be cause to suspend or revoke a license and certificate issued to a transporter, manufacturer, or dealer.

(c) Every hearing as provided for in this section shall be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 709

An act to amend Section 17537 of the Business and Professions Code, relating to advertising.

[Approved by Governor August 24, 1971 Filed with Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 17537 of the Business and Professions Code is amended to read:

17537. It is unlawful to notify any person by any means, as a part of an advertising plan or scheme, that he has won a prize and that as a condition of receiving such prize he must purchase or rent any goods or services.

CHAPTER 710

An act to add Section 6157 to the Government Code, relating to payments to public agencies.

[Approved by Governor August 24, 1971 Filed with Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 6157 is added to the Government Code, to read:

6157. The state, and each city, whether general law or chartered, county, city and county, and district, and each subdivision, department, board, commission, body, or agency of the foregoing shall accept personal checks drawn in favor of the public agency in payment for any license, permit, fee or fine, or in payment of any obligation owing to the public agency or trust deposit, if the person issuing the check furnishes to the person authorized to receive payment satisfactory proof of residence in this state and if the personal check is

drawn on a banking institution located in this state. This section shall not be applicable with respect to payment of any bail deposit.

If any personal check offered in payment pursuant to this section is returned to the payee public agency without payment, for any reason, the public agency may impose a reasonable charge for the returned check and prescribe a different method of payment for that payment and future payments by such person.

The acceptance of a personal check pursuant to this section constitutes payment of the obligation owed to the payee public agency to the extent of the amount of the check as of the date of acceptance when, but not before, the check is duly paid.

CHAPTER 711

An act to amend Sections 20820 and 20880 of the Business and Professions Code, and to add Section 24013 to the Vehicle Code, relating to motor vehicle fuel.

[Approved by Governor August 24, 1971 Filed with
Secretary of State August 24, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 20820 of the Business and Professions Code is amended to read:

20820. (a) No person shall sell, offer for sale, or advertise for sale, at retail to the general public, any gasoline or other motor vehicle fuel from any place of business in this state by use of or through or from any dispensing apparatus, unless there is displayed on such dispensing apparatus in a conspicuous place at least one sign showing the actual total price per gallon of, all gasoline or other motor vehicle fuel sold, offered for sale, or advertised for sale therefrom. The actual total price per gallon shall include fuel taxes and where sales tax is to be added the sign shall so state and show the rate and tax base.

(b) No person shall sell, offer for sale, or advertise for sale, at retail to the general public, any gasoline from any place of business in this state by use of or through or from any dispensing apparatus, unless there is displayed on such dispensing apparatus in a conspicuous place at least one sign showing the actual total price per gallon of, and the minimum octane number of, all gasoline sold, offered for sale, or advertised for sale therefrom. The actual total price per gallon shall include fuel taxes and where sales tax is to be added the sign shall so state and show the rate and tax base.

For purposes of this subdivision "gasoline" does not include gasoline sold for aviation purposes.

As used in this subdivision "octane number" means the octane number of the gasoline adopted by the Federal Trade Commission, and if the Federal Trade Commission does not adopt an octane number, then the American Society for Test-

ing Material research octane number of the gasoline as defined by Section 20710.

SEC. 2 Section 20880 of the Business and Professions Code is amended to read:

20880. (a) Nothing in this article shall be construed to apply to the price signs referred to in Article 5 (commencing with Section 20820) of this chapter; provided, however, that any numerals designating the net tax-included price per gallon for a particular brand or trade name of gasoline or motor vehicle fuel permitted under the provisions of Article 5 (commencing with Section 20820) of this chapter, unless otherwise stated herein, shall be identical in numerical value with numerals designating the net tax-included price per gallon for the same brand or trade name of gasoline or other motor vehicle fuel permitted under the provisions of this article.

(b) Nothing in this article shall be construed to apply to the price signs referred to in Article 5 (commencing with Section 20820) of this chapter; provided, however, that any numerals designating the net tax-included price per gallon and the minimum octane number for a particular brand or trade name of gasoline permitted under the provisions of Article 5 (commencing with Section 20820) of this chapter, unless otherwise stated herein, shall be identical in numerical value with numerals designating the net tax-included price per gallon and the minimum octane number for the same brand or trade name of gasoline permitted under the provisions of this article.

For purposes of this subdivision "gasoline" does not include gasoline sold for aviation purposes.

As used in this subdivision "octane number" means the octane number of the gasoline adopted by the Federal Trade Commission, and if the Federal Trade Commission does not adopt an octane number, then the American Society for Testing Materials research octane number of the gasoline as defined by Section 20710.

(c) No person shall keep, maintain or display on or near the premises of any place of business in this state any advertising medium, which indicates or shows or advertises the price of gasoline or other motor vehicle fuel sold, offered for sale or advertised for sale from such premises, unless the actual price per gallon of gasoline or other motor vehicle fuel including taxes is also shown on such advertising medium, together with the word or words "gasoline" or "motor fuel" and the trade name or brand of the gasoline or other motor vehicle fuel product advertised for sale by such advertising medium.

(d) No person offering for sale or selling any gasoline or motor vehicle fuel from any place of business in the State of California shall post or display a sign or statement or other advertising medium reading, in substance, "save" a designated amount, or a designated amount per gallon, such as "save 5 cents" or "save 5 cents per gallon", or using the ex-

pression "off" a designated amount, such as "5 cents off" or "5 cents less", or "discount" of a given amount, such as "5 cents discount", or otherwise using the words "save", "off", "discount", "less", "below", or any of them, or a word or words of similar meaning or other phraseology indicating a reduced price, unless there is posted and displayed in letters and numerals of at least equal size and as part of the same sign, statement or other advertising medium, the total price, or prices per gallon, including all taxes from which such reduction will be made, the reduction given and the total net price per gallon, including all taxes, at which gasoline or other motor vehicle fuel is being sold or offered for sale. Words shall be used to explain the reduced price, the amount of reduction, and the price from which the reduction is made. Such words shall be clearly shown in letters at least half the size of the numerals indicating price.

SEC. 2.5. Section 20880 of the Business and Professions Code is amended to read:

20880. (a) Nothing in this article shall be construed to apply to the price signs referred to in Article 5 (commencing with Section 20820) of this chapter; provided, however, that any numerals designating the net tax-included price per gallon for a particular brand or trade name of gasoline or motor vehicle fuel permitted under the provisions of Article 5 (commencing with Section 20820) of this chapter, unless otherwise stated herein, shall be identical in numerical value with numerals designating the net tax-included price per gallon for the same brand or trade name of gasoline or other motor vehicle fuel permitted under the provisions of this article.

(b) Nothing in this article shall be construed to apply to the price signs referred to in Article 5 (commencing with Section 20820) of this chapter; provided, however, that any numerals designating the net tax-included price per gallon and the minimum research octane number for a particular brand or trade name of gasoline permitted under the provisions of Article 5 (commencing with Section 20820) of this chapter, unless otherwise stated herein, shall be identical in numerical value with numerals designating the net tax-included price per gallon and the minimum research octane number for the same brand or trade name of gasoline permitted under the provisions of this article.

For purposes of this subdivision "gasoline" does not include gasoline sold for aviation purposes.

As used in this subdivision "research octane number" means the American Society for Testing Materials research octane number of the gasoline as defined by Section 20710.

(c) No person shall keep, maintain or display on or near the premises of any place of business in this state any advertising medium, which indicates or shows or advertises the price of gasoline or other motor vehicle fuel sold, offered for sale or advertised for sale from such premises, unless the actual price

per gallon of gasoline or other motor vehicle fuel including taxes is also shown on such advertising medium, together with the word or words "gasoline" or "motor fuel" and the trade name or brand of the gasoline or other motor vehicle fuel product advertised for sale by such advertising medium.

(d) No person offering for sale or selling any gasoline or motor vehicle fuel from any place of business in the State of California shall post or display a sign or statement or other advertising medium reading, in substance, "save" a designated amount, or a designated amount per gallon, such as "save 5 cents" or "save 5 cents per gallon", or using the expression "off" a designated amount, such as "5 cents off" or "5 cents less", or "discount" of a given amount, such as "5 cents discount", or otherwise using the words "save", "off", "discount", "less", "below", or any of them, or a word or words of similar meaning or other phraseology indicating a reduced price, unless there is posted and displayed in letters and numerals of at least equal size and as part of the same sign, statement or other advertising medium, the total price, or prices per gallon, including all taxes from which such reduction will be made, the reduction given and the total net price per gallon, including all taxes, at which gasoline or other motor vehicle fuel is being sold or offered for sale. Words shall be used to explain the reduced price, the amount of reduction, and the price from which the reduction is made. Such words shall be clearly shown in letters at least half the size of the numerals indicating price.

(e) In the event that the same brand or grade of gasoline or motor fuel is sold at different prices from the dispensing devices on the premises of any single place of business, it shall be unlawful for any person to post or display any sign or advertising medium which indicates or shows or advertises a price of such brand or grade unless such sign or advertising medium indicates, shows, or advertises in letters or numerals of equal size each of the higher prices, including all taxes, for which such brand or grade is sold, offered for sale, or advertised for sale and unless such sign or advertising medium explains the conditions under which such brand or grade is advertised for sale, at different prices. The words of explanation shall be clearly shown in letters at least half the size of the numerals indicating the prices.

Sec. 3. Section 24013 is added to the Vehicle Code, to read:

24013. No new motor vehicle shall be sold unless the seller provides the buyer with a statement of the minimum octane number of the gasoline for such vehicle.

As used in this section "octane number" means the octane number of the gasoline adopted by the Federal Trade Commission, and if the Federal Trade Commission does not adopt an octane number, then the American Society for Testing Materials research octane number of the gasoline as defined by Section 20710 of the Business and Professions Code.

SEC. 4. This act shall become operative on January 1, 1972.

SEC. 5. The provisions of this act relating to the posting of octane numbers shall not be operative unless and until the Federal Trade Commission adopts regulations relating to posting of octane numbers, in which case this act shall become operative at the time designated in such regulations.

SEC. 6. It is the intent of the Legislature, if this bill and Assembly Bill 951 are both chaptered and amend Section 20880 of the Business and Professions Code, and this bill is chaptered after Assembly Bill No. 951, that Section 20880 of the Business and Professions Code as amended by Section 3 of Assembly Bill 951, shall be operative until the operative date of this act and, on such date, Section 20880 of the Business and Professions Code, as amended by Section 3 of Assembly Bill 951, be further amended in the form set forth in Section 2.5 of this act to incorporate the changes in Section 20880 proposed by this bill. Therefore, if Assembly Bill No. 951 is chaptered before this bill and amends Section 20880, Section 2.5 of this act shall become operative on the operative date of this act and Section 2 of this act shall not become operative.

CHAPTER 712

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith.

[Approved by Governor August 24, 1971 Filed with
Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.

Air pollution control districts.

Airport districts.

Assessment districts.

Bridge and highway districts.

California water district improvement districts.

California water districts.

Cemetery districts.

Citrus pest control districts.

City general improvement district improvement districts.

City general improvement districts.

City maintenance districts.
Community college districts.
Community facilities districts.
Community service districts.
Conservancy districts.
County boards of education.
County drainage districts.
County fire protection districts.
County flood control and water districts.
County maintenance districts.
County power pumping districts.
County sanitation districts.
County service area improvement areas.
County service areas.
County sewage and water districts.
County water agencies.
County water authorities.
County water district improvement districts.
County water districts.
County waterworks districts.
Department of Water Resources and other agencies acting under and pursuant to Part 3 (commencing with Section 11100), Division 6 of the Water Code.
Drainage districts.
Fire protection districts.
Flood control and water conservation districts.
Flood control districts.
Garbage and refuse disposal districts.
Garbage disposal districts.
Harbor districts.
Harbor improvement districts.
Harbor, recreation, and conservation districts.
Highway districts.
Highway interchange districts.
Highway lighting districts.
Horticultural protection districts.
Horticultural development districts.
Housing authorities.
Irrigation district distribution districts.
Irrigation district improvement districts.
Irrigation districts.
Joint harbor improvement districts.
Joint highway districts.
Joint municipal sewage disposal districts.
Junior college districts.
Levee districts.
Library districts.
Local health districts.
Local hospital districts.
Metropolitan water districts.
Mosquito abatement districts.
Municipal improvement district improvement districts.

Municipal improvement districts.
Municipal improvement assessment districts.
Municipal port districts.
Municipal sewer districts.
Municipal utility districts.
Municipal water district improvement districts.
Municipal water districts of any kind.
Parking authorities.
Parking districts.
Park, recreation and parkway districts.
Permanent road divisions.
Pest abatement districts.
Port districts.
Protection districts.
Public cemetery districts.
Public utility district improvement districts.
Public utility districts.
Rapid transit authorities.
Rapid transit districts.
Reclamation districts.
Recreational harbor districts.
Recreation and park districts.
Recreation, park and parkway districts.
Redevelopment agencies.
Regional park districts.
Regional planning districts.
Resort improvement districts.
River port districts.
Road districts.
Sanitary districts.
Sanitary districts annexed areas.
School districts of any kind or class.
Separation of grade districts.
Sewer maintenance districts.
Soil conservation districts.
Special transit service districts.
Storm water districts.
Transit districts.
Underground utility districts.
Unified air pollution control districts.
Unified port districts.
Urban renewal agencies.
Vehicle parking districts.
Veterans' memorial districts.
Water agencies.
Water authorities.
Water conservation districts.
Water districts.
Water replenishment districts.
Water storage district improvement districts.
Water storage districts.
Weed abatement districts.

Zones of flood control districts.

Zones of flood control and water conservation districts.

Zones of county water agencies.

Zones of county water authorities.

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 4. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body or for the consolidation, merger or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory or the consolidation, merger or dissolution of such public bodies.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All

bonds of any public body heretofore awarded and sold to a purchaser and hereafter issued and delivered in accordance with the contract of sale and other proceedings for the award and sale shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued by ordinance, resolution, order or other action adopted or taken by or on behalf of the public body and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued at an election and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the consolidation, merger or dissolution of any public bodies, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of

limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This section shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the Third Validating Act of 1971.

CHAPTER 713

An act to add Section 7501 to the Education Code, relating to educational opportunities.

[Approved by Governor August 24, 1971 Filed with
Secretary of State August 24, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 7504 is added to the Education Code, to read:

7504. The Legislature hereby recognizes that it is the policy of the people of the State of California to provide an educational opportunity to every individual to the end that every student leaving school should be prepared to enter the world of work; that every student who graduates from any state-supported educational institution should have sufficient marketable skills for legitimate remunerative employment; and that every qualified and eligible adult citizen should be afforded an educational opportunity to become suitably employed in some remunerative field of employment.

CHAPTER 714

An act to amend Sections 27150 and 27160 of the Vehicle Code, relating to noise limits.

[Approved by Governor August 24, 1971 Filed with
Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 27150 of the Vehicle Code is amended to read:

27150. (a) Every motor vehicle subject to registration shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise, and no muffler or exhaust system shall be equipped with a cutout, bypass, or similar device.

(b) Every passenger vehicle operated off the highways shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise, and no muffler or exhaust system shall be equipped with a cutout, bypass, or similar device.

(c) The provisions of subdivision (b) shall not be applicable to passenger vehicles being operated off the highways in an organized racing or competitive event conducted under the auspices of a recognized sanctioning body or by permit issued by the local governmental authority having jurisdiction.

SEC. 2. Section 27160 of the Vehicle Code is amended to read:

27160. (a) No person shall sell or offer for sale a new motor vehicle which produces a maximum noise exceeding the following noise limit at a distance of 50 feet from the centerline of travel under test procedures established by the department:

- | | |
|---|--------|
| (1) Any motorcycle manufactured before January 1, 1970 | 92 dbA |
| (2) Any motorcycle, other than a motor-driven cycle, manufactured on or after January 1, 1970, and before January 1, 1973..... | 88 dbA |
| (3) Any motorcycle, other than a motor-driven cycle, manufactured on or after January 1, 1973 | 86 dbA |
| (4) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured on or after January 1, 1968, and before January 1, 1973 | 88 dbA |
| (5) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured on or after January 1, 1973..... | 86 dbA |
| (6) Any snowmobile manufactured on or after January 1, 1973 | 82 dbA |
| (7) Any other motor vehicle manufactured on or after January 1, 1968, and before January 1, 1973 | 86 dbA |
| (8) Any other motor vehicle manufactured after January 1, 1973..... | 84 dbA |

(b) Test procedures for compliance with this section shall be established by the department, taking into consideration the test procedures of the Society of Automotive Engineers.

CHAPTER 715

An act to amend Sections 34351, 34352, 35101, 35171, 35226, and 35231 of, and to repeal Section 35230 of, the Agricultural Code, relating to licenses and fees.

[Approved by Governor August 24, 1971. Filed with Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 34351 of the Agricultural Code is amended to read:

34351. The following fees shall be paid by the owner to the department for glassware which is examined for compliance with the prescribed standards:

- (a) For Babcock test bottles, four dollars (\$4) a dozen.
- (b) For Babcock pipettes, two dollars and fifty cents (\$2.50) a dozen.
- (c) For lactometers, six dollars (\$6) each.

SEC. 2. Section 34352 of the Agricultural Code is amended to read:

34352. Except as provided in Section 34351, the department shall charge fees for examining glassware and apparatus which is used in methods of testing which are sufficient to cover the actual cost of such examination.

SEC. 3. Section 35101 of the Agricultural Code is amended to read:

35101. It is unlawful for any person, unless he has a license to do so, to engage in the business of manufacturing, freezing, or processing any of the following:

- (a) Oleomargarine, or margarine, colored oleomargarine or colored margarine, renovated butter, or a substitute for butter.
- (b) Imitation cheese or substitute for cheese.
- (c) Imitation ice cream or imitation ice milk.

SEC. 4. Section 35171 of the Agricultural Code is amended to read:

35171. Every license which is issued pursuant to Article 7 (commencing with Section 35131) and this article expires on the 31st day of December of the year during which it is issued. It may be renewed for two-year periods upon payment of the fee which is prescribed by Section 35231 for the renewal of the license if the licensee has complied with all the requirements of the law and regulations applicable to him.

SEC. 5. Section 35226 of the Agricultural Code is amended to read:

35226. The fee for issuing the license required by Section 35101 for any manufacturer or processor within this state is one hundred dollars (\$100) annually.

SEC. 6. Section 35230 of the Agricultural Code is repealed.

SEC. 7. Section 35231 of the Agricultural Code is amended to read:

35231. The initial fee for a tester's, sampler's and weigher's, technician's, pasteurizer's, and butter grader's license is as follows:

- (a) For a tester's license, including a nonfat milk solids tester, ten dollars (\$10).
- (b) For a sampler's and weigher's license, three dollars (\$3).
- (c) For a technician's license, ten dollars (\$10).
- (d) For a pasteurizer's license, three dollars (\$3).
- (e) For a butter grader's license, ten dollars (\$10).
- (f) For the renewal of any such license, two dollars (\$2) which shall be for two-year periods.

CHAPTER 716

An act to amend Sections 23, 23.5, 23.6, 100, 101, 102, 107.5, 130, 150, 155, 158, 160, 160.5, 203, 204, 205, 400, 401, 402, 403, 404, 405, 460, 677, 1601, 1616, 1704, 2100, 2116, 2135, 2136, 2311, 2451.4, 2607, 2632, 2701, 2715, 2742, 2841, 2854, 2857, 2872, 2920, 2933, 3010, 3027, 3055, 3148, 3151, 3305.5, 3330, 4000, 4006, 4010, 4010.5, 4049.5, 4140, 4360, 4380, 4505, 4800, 4847, 4853, 5000, 5001, 5002, 5015, 5017, 5081.3, 5510, 5514, 5515, 5525, 5551, 5620, 5621, 5629, 5652, 6500, 6501, 6502, 6509, 6511, 6553, 6553.5, 6630, 6710, 6711, 6712, 6762, 6861, 6864, 6865, 6901, 6911, 6912, 6951, 7000.5, 7001, 7002, 7003, 7011, 7012, 7075, 7136, 7200, 7301, 7302, 7303, 7309, 7311, 7314, 7375, 7381, 7410, 7501, 7503, 7512, 7513, 7581, 7601, 7602, 7603, 7608, 7628, 7680, 7810, 7813, 7850, 8000, 8005, 8008, 8501, 8509, 8520, 8521, 8522, 8529, 8561, 8612, 8702, 8747, 8775.3, 9001, 9007, 9008, 9530, 9532, 9533.5, 9540.5, 9540.51, 9541, 9541.1, 9597, 9625, 9626, 9628, 9711, 9801, 9810, 9811, 9817, 9870, 9871, 9872, 9874, 9907, 9908, 9920, 9922, 9950, 9992, 17500.1, 17807, 18620, 18626, 18672, 19004, 19030, 19031, 19032, 19035.1, 19035.2, 19035.3, 19052, 19054, 19056, 19058, 19059, 19059.5, and 19206 of, to add Sections 159.5, 164, 6908, 7510, 7531, and 9949 to, and to repeal Sections 6908, 7510, 7531, 9949, and 9996 of, the Business and Professions Code, to amend Sections 11200, 11501, 11554, and 12804 of, and to repeal Article 5 (commencing with Section 12050) of Chapter 1 of Part 2 of Division 3 of Title 2 of, the Government Code, to amend Section 830.3 of the Penal Code, and to amend an initiative act entitled "An act to establish a board of osteopathic examiners, to provide for their appointment, and to prescribe their powers and duties; to regulate the examination of applicants, who are graduates of osteopathic schools, for any form of certificate to treat disease, injuries, deformities or other physical or mental conditions; to regulate the practice of those so licensed, who are graduates of osteopathic schools; to impose upon said board of osteopathic examiners all duties and functions, relating to graduates of osteopathic schools,

holding or applying for any form of certificate or license, heretofore exercised and performed by the board of medical examiners of the State of California under the provisions of the state medical practice act, approved June 2, 1913, and acts amendatory thereof" approved by electors November 7, 1922, by amending Section 1 thereof, relating to the reorganization of the executive branch of the California state government.

[Approved by Governor August 24, 1971. Filed with Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 23 of the Business and Professions Code is amended to read:

23. "Department," unless otherwise defined, refers to the Department of Consumer Affairs.

Wherever the laws of this state refer to the Department of Professional and Vocational Standards, the reference shall be construed to be to the Department of Consumer Affairs.

SEC. 2. Section 23.5 of the Business and Professions Code is amended to read:

23.5. "Director," unless otherwise defined, refers to the Director of Consumer Affairs.

Wherever the laws of this state refer to the Director of Professional and Vocational Standards, the reference shall be construed to be to the Director of Consumer Affairs.

SEC. 3. Section 23.6 of the Business and Professions Code is amended to read:

23.6. "Appointing power," unless otherwise defined, refers to the Director of Consumer Affairs.

SEC. 4. Section 100 of the Business and Professions Code is amended to read:

100. There is in the state government, in the Agriculture and Services Agency, a Department of Consumer Affairs.

SEC. 5. Section 101 of the Business and Professions Code is amended to read:

101. The department is comprised of:

- (a) The Board of Dental Examiners of California.
- (b) The Board of Medical Examiners of the State of California.
- (c) The State Board of Optometry.
- (d) The California State Board of Pharmacy.
- (e) The Board of Examiners in Veterinary Medicine.
- (f) The State Board of Accountancy.
- (g) The California State Board of Architectural Examiners.
- (h) The State Board of Barber Examiners.
- (i) The State Board of Registration for Professional Engineers.
- (j) The Contractors' State License Board.
- (k) The State Board of Cosmetology.
- (l) The State Board of Funeral Directors and Embalmers.
- (m) The Structural Pest Control Board.

- (n) The Bureau of Furniture and Bedding Inspection.
- (o) The California Board of Nursing Education and Nurse Registration.
- (p) The State Board of Dry Cleaners.
- (q) The Board of Chiropractic Examiners.
- (r) The Board of Behavioral Science Examiners.
- (s) The State Athletic Commission.
- (t) The Cemetery Board.
- (u) The State Board of Guide Dogs for the Blind.
- (v) The Bureau of Collection and Investigative Services.
- (w) The Certified Shorthand Reporters Board.
- (x) The Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California.
- (y) The California State Board of Landscape Architects.
- (z) The Bureau of Repair Services.
- (aa) The Bureau of Employment Agencies.
- (ab) The Board of Osteopathic Examiners.
- (ac) The Division of Investigation.
- (ad) Any other boards, offices, or officers subject to its jurisdiction by law.

SEC. 6. Section 102 of the Business and Professions Code is amended to read:

102. Upon the request of any board regulating, licensing, or controlling any professional or vocational occupation created by an initiative act, the Director of Consumer Affairs may take over the duties of the board under the same conditions and in the same manner as provided in this code for other boards of like character. Such boards shall pay a proportionate cost of the administration of the department on the same basis as is charged other boards included within the department. Upon request from any such board which has adopted the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code as rules of procedure in proceedings before it, the director shall assign hearing officers for such proceedings in accordance with Section 110 5.

SEC. 7. Section 107.5 of the Business and Professions Code is amended to read:

107.5. If any board in the department uses an official seal pursuant to any provision of this code, the seal shall contain the words "State of California" and "Department of Consumer Affairs" in addition to the title of the board, and shall be in a form approved by the director.

SEC. 8. Section 130 of the Business and Professions Code is amended to read:

130. (a) Notwithstanding any other provision of law, as the term of office of any member of an agency designated in subdivision (b) of this section expires on or after the effective date of this section, the first appointment to such office thereafter shall be for a term expiring on June 1st of the third year following the year in which such previous term expired.

Thereafter, appointment to such office shall be for a term of four years expiring on June 1st.

(b) Subdivision (a) of this section shall apply to the following boards or committees :

- (1) Board of Medical Examiners of the State of California
- (2) Podiatry Examining Committee
- (3) Physical Therapy Examining Committee
- (4) California Board of Nursing Education and Nurse Registration
- (5) Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California
- (6) State Board of Optometry
- (7) California State Board of Pharmacy
- (8) Board of Examiners in Veterinary Medicine
- (9) California State Board of Architectural Examiners
- (10) Designers' Qualifications Advisory Committee
- (11) California State Board of Landscape Architects
- (12) State Board of Barber Examiners
- (13) State Board of Registration for Professional Engineers
- (14) Contractors' State License Board
- (15) State Board of Cosmetology
- (16) State Board of Guide Dogs for the Blind
- (17) State Board of Funeral Directors and Embalmers
- (18) Board of Behavioral Science Examiners
- (19) Structural Pest Control Board
- (20) Cemetery Board
- (21) Repair Services Advisory Board
- (22) Certified Shorthand Reporters Board
- (23) State Board of Registration for Geologists
- (24) State Athletic Commission
- (25) California Advisory Board to the Bureau of Employment Agencies
- (26) Board of Osteopathic Examiners of the State of California

SEC. 9. Section 150 of the Business and Professions Code is amended to read:

150. The department is under the control of a civil executive officer who is known as the Director of Consumer Affairs.

SEC. 10. Section 155 of the Business and Professions Code is amended to read:

155. In accordance with the provisions of Section 159.5, the director may employ such investigators, inspectors, and deputies as are necessary properly to investigate and prosecute all violations of any law, the enforcement of which is charged to the department or to any board, agency or commission in the department.

SEC. 11. Section 158 of the Business and Professions Code is amended to read:

158. With the approval of the Director of Consumer Affairs, the boards and commissions comprising the department or subject to its jurisdiction may make refunds to applicants who

are found ineligible to take the examinations or whose credentials are insufficient to entitle them to certificates or licenses.

Notwithstanding any other provision of law any application fees, license fees or penalties imposed and collected illegally, by mistake, inadvertence, or error shall be refunded. Claims authorized by the department shall be filed with the State Controller, and the Controller shall draw his warrant against the fund of the agency in payment of such refund.

SEC. 12. Section 159.5 is added to the Business and Professions Code, to read:

159.5. There is in the department the Division of Investigation. The division is in charge of a person with the title of chief of the division.

Except as provided in Section 16 of Chapter 1394 of the Statutes of 1970, all positions for the personnel necessary to provide investigative, inspectional, and auditing services to the agencies in the department shall be in the division and such personnel shall be appointed by the director. However, if, pursuant to the Governor's Reorganization Plan No. 2 of the 1970 Regular Session, any agency has any investigative, inspectional, or auditing positions of its own, the agency shall retain such positions until the director determines, after consultation with and consideration of the views of the particular agency concerned, that the positions should be transferred to the division in the interests of efficient, economical, and effective service to the public, at which time they shall be so transferred.

SEC. 13. Section 160 of the Business and Professions Code is amended to read:

160. The Chief and all investigators of the Division of Investigation of the department have the authority of peace officers while engaged in exercising the powers granted or performing the duties imposed upon them or the division in investigating the laws administered by the various boards comprising the department or commencing directly or indirectly any criminal prosecution arising from any investigation conducted under these laws. All persons herein referred to shall be deemed to be acting within the scope of employment with respect to all acts and matters in this section set forth.

SEC. 14. Section 160.5 of the Business and Professions Code is amended to read:

160.5. Inspectors of the Division of Investigation of the department shall perform the inspections authorized by the agencies within the department. The assignment of inspectors shall be made by the Chief of the Division of Investigation with the approval of the director.

SEC. 15. Section 164 is added to the Business and Professions Code, to read:

164. The form and content of any license, certificate, permit, or similar indicia of authority issued by any agency in the department, including any document evidencing renewal of a license, certificate, permit, or similar indicia of authority, shall

be determined by the director after consultation with and consideration of the views of the agency concerned, except that supplies on hand on the first day after final adjournment of the 1970 Regular Session may be used until they are exhausted or until December 31, 1971, whichever is earlier.

SEC. 16. Section 203 of the Business and Professions Code is amended to read:

203. The amount of the warrant shall be remitted to the State Treasurer by the department for credit to the Consumer Affairs Fund. The department shall pay all of its necessary administrative expenses out of the Consumer Affairs Fund.

SEC. 17. Section 204 of the Business and Professions Code is amended to read:

204. A sum, not to exceed 1 percent of the total amount appropriated for all of the boards herein mentioned may be withdrawn from the Consumer Affairs Fund without at the time furnishing vouchers and itemized statements. This sum shall be used as a revolving fund where cash advances are necessary, and at the close of each biennium, or at any other time, upon demand of the Department of Finance, shall be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the State Controller.

SEC. 17.5. Section 205 of the Business and Professions Code is amended to read:

205. There is in the State Treasury the Professions and Vocations Fund. The fund shall consist of the following special funds:

Accountancy Fund.

California State Board of Architectural Examiners' Fund.

Athletic Commission Fund.

State Board of Barber Examiners' Fund.

Cemetery Fund.

Contractors' License Fund.

Board of Cosmetology's Contingent Fund.

State Dentistry Fund.

Dry Cleaners' Fund.

State Funeral Directors and Embalmers' Fund.

Bureau of Furniture and Bedding Inspection Fund.

State Board of Landscape Architects' Fund.

Contingent Fund of the Board of Medical Examiners.

Board of Nurse Examiners' Fund.

State Optometry Fund.

Pharmacy Board Contingent Fund.

Physical Therapy Fund.

Private Investigator and Adjuster Fund.

Professional Engineers' Fund.

Consumer Affairs Fund.

Behavioral Science Examiners Fund.

Shorthand Reporters' Fund.

Structural Pest Control Fund.

Board of Veterinary Examiners' Contingent Fund.

Vocational Nurse Examiners' Fund.

For accounting and recordkeeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate account in the Professions and Vocations Fund. Each such account or fund shall be available for expenditure only for such purposes as are now or may hereafter be provided by law.

SEC. 18. Section 400 of the Business and Professions Code is amended to read:

400. The Department of Consumer Affairs may, with the approval of the Department of General Services, purchase or otherwise acquire real property and may construct and equip buildings and make improvements thereon for its use and the use of the boards and commissions comprising the department or subject to its jurisdiction and for the use of other departments, boards and agencies of the state, irrespective of the funds from which appropriations are made for their support.

SEC. 19. Section 401 of the Business and Professions Code is amended to read:

401. When there is money in the fund of any board or commission comprising the Department of Consumer Affairs or subject to its jurisdiction, which money, the Director of Consumer Affairs finds, is not required to meet any demand which has accrued or may accrue against the fund, the Controller, upon executive order of the Director of Finance, shall transfer the sum designated by the Director of Consumer Affairs from the fund of the board or commission to the Consumer Affairs Fund to be used for the purposes of this chapter.

No money may be taken from the fund of any board or commission when it will interfere with the administrative duties imposed upon the board or commission. The unencumbered, unexpended money in the fund of any board in division number one of the department shall never be reduced to less than twenty-five thousand dollars (\$25,000) by any transfer ordered by the Director of Consumer Affairs under this chapter.

SEC. 20. Section 402 of the Business and Professions Code is amended to read:

402. The Department of Finance, from funds at its disposal for office and housing facilities for any other department, board, or agency, and any other department, board or agency, supported in whole or in part from the General Fund or special funds, may transfer in the manner authorized by law any money appropriated or made available for their use or investment to the Consumer Affairs Fund for expenditure by the Department of Consumer Affairs for the purposes of this chapter.

SEC. 21. Section 403 of the Business and Professions Code is amended to read:

403. Any building constructed by the Department of Consumer Affairs under this chapter shall be subject to the super-

vision of the Department of Consumer Affairs in accordance with rules and regulations established by the Department of Consumer Affairs and the Department of General Services.

The Department of Consumer Affairs may, with the approval of the Department of General Services, rent the space therein to any other department and to any board or agency for such rentals and upon such terms and conditions as the Department of Consumer Affairs deems fit.

The costs of operation, maintenance, repairs, and other reasonable and necessary expenses shall be paid from rentals. Thereafter, from such net rentals there shall be returned to the General Fund of the state and to such other funds from which contributions were made to the cost of the facilities, amounts commensurate with the financial requirements of the various funds from which contributions were made; the returnable amounts to be determined by the Department of Consumer Affairs, with the approval of the Department of General Services, and not to exceed the amount of the original contributions from the respective funds; provided, however, that interest may be paid on the contributions in the manner and amount determined by the Department of Consumer Affairs with the approval of the Director of General Services.

SEC. 22. Section 404 of the Business and Professions Code is amended to read:

404. The Department of Consumer Affairs and the Department of General Services may establish rules and regulations for the administration of any building constructed under this chapter.

SEC. 23. Section 405 of the Business and Professions Code is amended to read:

405. Rentals received under Section 403 shall be deposited in and disbursed pursuant to that section from the Consumer Affairs Fund.

SEC. 24. Section 460 of the Business and Professions Code is amended to read:

460. No city or county shall prohibit a person, authorized by one of the agencies in the Department of Consumer Affairs by a license, certificate, or other such means to engage in a particular business, from engaging in that business, occupation, or profession or any portion thereof. Nothing in this section shall prohibit any city or county or city and county from levying a business license tax solely for revenue purposes nor any city or county from levying a license tax solely for the purpose of covering the cost of regulation.

SEC. 26. Section 677 of the Business and Professions Code is amended to read:

677. Every person, firm, association, partnership, or corporation subject to the provisions of this article shall maintain records for at least three years, which records shall be open to inspection by investigators of the Division of Investigation of the department and by peace officers acting in their official capacity.

The records shall include the names and address of the persons admitted to the course of instruction and a copy of any written contract signed by such a person or, if no contract is signed, a copy of the written notice given to such person.

A correspondence school whose home office is located outside of this state need maintain the foregoing records only for persons residing in this state.

SEC. 27. Section 1601 of the Business and Professions Code is amended to read:

1601. There is in the Department of Consumer Affairs a Board of Dental Examiners of California in which the administration of this chapter is vested. The board consists of seven practicing dentists and one public member.

SEC. 28. Section 1616 of the Business and Professions Code is amended to read:

1616. Except as provided by Section 159.5, the board shall have full power to employ all necessary clerical and other assistants and appoint its own attorney, prescribe his duties and fix his compensation. Members and employees of the board shall be entitled to other necessary traveling expenses.

SEC. 29. Section 1704 of the Business and Professions Code is amended to read:

1704. Any inspector of the board who has been duly appointed and sworn, when acting under the direction of the board or an officer thereof in the performance of his duties as an inspector, and an inspector of the department's Division of Investigation when engaged on behalf of the board in the performance of his duties as an inspector, has all powers and authority of a peace officer of the State of California.

SEC. 30. Section 2100 of the Business and Professions Code is amended to read:

2100. There is in the Department of Consumer Affairs a Board of Medical Examiners of the State of California which consists of 11 members who shall be appointed by the Governor, one of whom shall be a public member.

SEC. 31. Section 2116 of the Business and Professions Code is amended to read:

2116. The board may prosecute all persons guilty of violating the provisions of this chapter.

It may employ any such clerical assistance as it may deem necessary to carry into effect the provisions of this chapter. The board may fix the compensation to be paid for such service and may incur such other expenses as it may deem necessary.

The Attorney General shall act as the legal counsel for the board and his services shall be a charge against it.

SEC. 32. Section 2135 of the Business and Professions Code is amended to read:

2135. The board shall issue two forms of certificates designated as:

- (a) Physician's and surgeon's certificate.
- (b) Certificate to practice podiatry.

The physician's and surgeon's certificate may also be issued as a reciprocity certificate.

SEC. 33. Section 2136 of the Business and Professions Code is amended to read:

2136. All certificates issued shall state the extent and character of the practice which is permitted.

SEC. 34. Section 2311 of the Business and Professions Code is amended to read:

2311. Except as otherwise required by the director pursuant to Section 164, certificates issued pursuant to this article shall be marked reciprocity certificate.

SEC. 35. Section 2451.4 of the Business and Professions Code is amended to read:

2451.4. (a) On and after January 1, 1969, no certificates or renewals of certificates to practice "chiroprody" will be issued by the board. In place of such term the board shall use the words "podiatry" or "podiatrist" and shall not use the words "chiroprody" or "chiroprpodist." In the case of all applications for renewals of unexpired, expired, or suspended certificates or licenses pursuant to Article 15 (commencing with Section 2450) of Chapter 5 of Division 2, and upon the submission, by the podiatrist, of his existing certificate or license, or an appropriate affidavit as to the loss, mutilation or destruction thereof, together with the application for renewal thereof, the board shall issue a new certificate or license to such podiatrist which shall be identical to the previous certificate or license, except in the following respects:

(1) The words "podiatry" or "podiatrist" shall be used in all places instead of the words "chiroprody" or "chiroprpodist."

(2) If the name of the academic institution from which the podiatrist has graduated and received a degree or diploma has changed, the new name of such academic institution shall be inserted in place and instead of the name on the previous certificate or license.

(3) If the academic institution from which the podiatrist has graduated and received a degree or diploma issues degrees or diplomas of "Doctor of Podiatric Medicine," then upon submission of such proof as the board may require that the podiatrist has been awarded such degree or diploma, the term or suffix "DPM" shall be inserted instead of the term or suffix in the previous certificate or license, notwithstanding any provisions to the contrary in Section 2398.

(4) If a graduate from an approved academic institution, which is no longer in existence, receives a degree or diploma of "Doctor of Podiatric Medicine" from any other approved academic institution, then upon submission of such proof as the board may require that the podiatrist has been awarded such degree or diploma, the term or suffix "DPM" shall be inserted instead of the term or suffix in the previous certificate or license, notwithstanding any provisions to the contrary in Section 2398.

(5) Any such certificate or license shall, at the bottom thereof, state the date upon which it is issued in the following manner: "This Certificate to Practice Podiatry is issued on the _____ day of _____ and replaces the original certificate issued _____."

No action or proceeding commenced before the operative date of this section and no rights given by any certificate issued before the effective date of this section shall be affected by the enactment of this section, but all procedures hereafter taken, and all rights resulting from any such certificates, shall hereafter conform to, and be exercised according to, the provisions of this section as far as possible.

(b) Nothing in this section shall limit the authority of the director, pursuant to Section 164, to determine the form and content of the certificates referred to in this section; except that the director shall not have the authority to require that any certificate contain the terms "chiropody" or "chiropodist."

SEC. 36. Section 2607 of the Business and Professions Code is amended to read:

2607. The board may employ, subject to law, such clerical assistants and, except as provided in Section 159.5, other employees as it may deem necessary to carry out its powers and duties.

SEC. 37. Section 2632 of the Business and Professions Code is amended to read:

2632. All licenses for the practice of physical therapy in this state shall be issued by the board and all applications for such licenses shall be filed with the board. Except as otherwise required by the director pursuant to Section 164, the license issued by the board shall describe the licensee as a "Registered Physical Therapist licensed by the Board of Medical Examiners."

Each application shall be accompanied by the application fee prescribed by Section 2462, shall be signed by the applicant, and shall contain a statement under oath of the facts entitling the applicant to receive a license without examination or to take an examination.

SEC. 38. Section 2701 of the Business and Professions Code is amended to read:

2701. The Board of Nurse Examiners of the State of California, consisting of six members, is continued in existence in the Department of Consumer Affairs as the California Board of Nursing Education and Nurse Registration.

Within the meaning of this chapter, board, or the board, refers to the California Board of Nursing Education and Nurse Registration. Any reference in state law to the Board of Nurse Examiners of the State of California shall be construed to refer to the California Board of Nursing Education and Nurse Registration.

SEC. 39. Section 2715 of the Business and Professions Code is amended to read:

2715. The board shall prosecute all persons guilty of violating the provisions of this chapter.

Except as provided by Section 159.5, the board, in accordance with the provisions of the Civil Service Law, may employ such personnel as it deems necessary to carry into effect the provisions of this chapter.

The board shall have and use a seal bearing the name "California Board of Nursing Education and Nurse Registration." The board may adopt, amend, or repeal, in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of this chapter.

SEC. 40. Section 2742 of the Business and Professions Code is amended to read:

2742. The board shall issue a license to each applicant who passes the examination. The form of the license shall be determined in accordance with Section 164.

SEC. 41. Section 2841 of the Business and Professions Code is amended to read:

2841. There is in the Department of Consumer Affairs a Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, consisting of 11 members.

Within the meaning of this chapter, board, or the board, refers to the Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California.

SEC. 42. Section 2854 of the Business and Professions Code is amended to read:

2854. The board shall prosecute all persons guilty of violating the provisions of this chapter.

It may employ such clerical assistance as it may deem necessary to carry into effect the provisions of this chapter. The board may fix the compensation to be paid for such services and may incur such other expenses as it may deem necessary.

The board may adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of this chapter. Such rules and regulations shall be adopted in accordance with the provisions of the Administrative Procedure Act.

SEC. 43. Section 2857 of the Business and Professions Code is amended to read:

2857. The board shall issue a license designated as licensed vocational nurse license.

SEC. 44. Section 2872 of the Business and Professions Code is amended to read:

2872. The board shall issue a license to each applicant who passes the examination. The form of the license shall be determined in accordance with Section 164.

SEC. 45. Section 2920 of the Business and Professions Code is amended to read:

2920. The present Psychology Examining Committee of the Board of Medical Examiners of the Department of Consumer Affairs shall administer the provisions of this chapter. The committee shall consist of eight members appointed by the Governor, one of whom shall be a public member.

SEC. 46. Section 2933 of the Business and Professions Code is amended to read:

2933. Except as provided by Section 159.5, the board shall employ and shall make available to the committee within the limits of the funds received by the board all personnel necessary to carry out the provisions of this chapter. The board shall make all expenditures to carry out the provisions of this chapter. The board may accept contributions to effectuate the purposes of this chapter.

SEC. 47. Section 3010 of the Business and Professions Code is amended to read:

3010. There is in the Department of Consumer Affairs a State Board of Optometry in which the enforcement of this chapter is vested. The board consists of six members appointed by the Governor, one of whom shall be a public member.

Four members of the board shall constitute a quorum.

SEC. 48. Section 3027 of the Business and Professions Code is amended to read:

3027. Except as provided by Section 159.5, the board may employ necessary assistance in the carrying out of the provisions of this chapter.

The Attorney General shall act as the legal counsel for the board and his services shall be a charge against it.

SEC. 49. Section 3055 of the Business and Professions Code is amended to read:

3055. (a) All applicants, without discrimination, who satisfactorily pass the examination, shall thereupon be registered in the board's register of optometrists and a certificate of registration shall be issued to each one. The certificate shall continue in effect through the date provided in Section 3146 which next occurs after its issuance, when it shall expire unless it is renewed in the manner provided in that section.

(b) Following the effective date of the amendment made to this section at the 1968 Regular Session and upon receipt of such application for the same as the board may prescribe, a certificate of registration shall be issued to every person who has satisfactorily passed the examination during 1963, 1964, 1965, 1966, 1967, or 1968 but who has not, as a condition precedent to the issuance of such certificate, paid the initial certificate fee required by this section and prescribed by this chapter under the provisions of the Statutes of 1961, Chapter 366, provided that:

(1) No fact, circumstance, or condition exists which, if the certificate were issued, would justify its revocation or suspension.

(2) No initial certificate fee required by this section and prescribed by this chapter under the provisions of the Statutes

of 1961, Chapter 366, prior to the effective date of the amendment made to this section at the 1968 Regular Session shall be refunded if paid.

(3) Such application for a certificate of registration by such person shall, except as otherwise provided herein, be filed with the board prior to the time that such person engages in the practice of optometry in this state and not later than on or before December 31, 1969.

(4) If such person is serving in the armed forces of the United States, he may file his application either while still actively engaged in such service or not later than one year from the date of his discharge from active service or return to inactive military status, but he shall not engage in the practice of optometry in this state other than in active military service without first applying to the board for a certificate of registration.

SEC. 50. Section 3148 of the Business and Professions Code is amended to read:

3148. From each fee for the renewal of a certificate of registration for the renewal periods ending on January 31, 1962, and on January 31, 1963, respectively, there shall be paid the sum of eight dollars (\$8), and from each fee for the renewal of a certificate of registration for each biennial renewal period thereafter, there shall be paid the sum of sixteen dollars (\$16) by the Director of Consumer Affairs to the University of California.

This sum shall be used at and by the University of California solely for the advancement of optometrical research and the maintenance and support of the department at the university in which the science of optometry is taught.

The balance of each renewal fee shall be paid into the Optometry Fund.

SEC. 51. Section 3151 of the Business and Professions Code is amended to read:

3151. The Director of Consumer Affairs shall, within 30 days prior to each general session of the Legislature, submit to the Governor a full and true report of transactions under this chapter during the current biennium, including a complete statement of receipts and expenditures during that period.

In addition, the Director of Consumer Affairs, within 10 days after the beginning of each month, shall report to the State Controller all collections and receipts for the preceding month, and at the same time shall pay them into the Optometry Fund in the State Treasury.

SEC. 51.3. Section 3305.5 of the Business and Professions Code is amended to read:

3305.5. "Director," as used in this chapter, means the Director of Consumer Affairs.

SEC. 51.5. Section 3330 of the Business and Professions Code is amended to read:

3330. The committee may recommend to the board and the board may prosecute any and all persons guilty of violating any of the provisions of this chapter. The board may employ the personnel necessary to administer the provisions of this chapter, other than personnel to perform inspections or investigations, and may incur such other expenses as are necessary for the administration of this chapter. All inspections or investigations made pursuant to the provisions of this chapter shall be made by personnel from the Division of Investigations of the Department of Consumer Affairs.

SEC. 52. Section 4000 of the Business and Professions Code is amended to read:

4000. There is in the Department of Consumer Affairs a California State Board of Pharmacy in which the administration and enforcement of this chapter is vested. The board consists of eight members who shall be appointed by the Governor.

SEC. 53. Section 4006 of the Business and Professions Code is amended to read:

4006. The executive secretary shall give receipts for all money received by him and pay it to the Department of Consumer Affairs, taking its receipt therefor. Besides the duties required by this chapter, the executive secretary shall perform such other duties pertaining to his office as may be required of him by the board.

SEC. 54. Section 4010 of the Business and Professions Code is amended to read:

4010. Except as provided by Section 159.5, the board may employ inspectors of pharmacy. The members of the board and inspectors of pharmacy, whether such inspectors are employed by the board or are in the department's Division of Investigation, may inspect, during business hours, all pharmacies, dispensaries, stores or places in which drugs or poisons are compounded, dispensed or sold. Inspectors of pharmacy, except inspectors of pharmacy who are in the employ of the board on July 15, 1955, whose principal duties are the inspection of pharmacies, and premises operated or conducted by a wholesaler, shall be registered pharmacists.

SEC. 55. Section 4010.5 of the Business and Professions Code is amended to read:

4010.5. (a) The supervising pharmacy inspector and any pharmacy inspector employed by the board or the department's Division of Investigation shall have the authority, as a public officer, to arrest, without a warrant, any person whenever such officer has reasonable cause to believe that the person to be arrested has, in his presence, violated any provision of this chapter or of Division 10.5 (commencing with Section 11901) of the Health and Safety Code, the violation of which is declared to be a public offense. If such violation is a felony, or if the arresting officer has reasonable cause to believe that the person to be arrested has violated any such provision which is declared to be a felony, although no felony has in fact been

committed, he may make an arrest although the violation or suspected violation did not occur in his presence.

In any case in which an arrest authorized by this subdivision is made for an offense declared to be a misdemeanor, and the person arrested does not demand to be taken before a magistrate, the arresting inspector may, instead of taking such person before a magistrate, follow the procedure prescribed by Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of the Penal Code. The provisions of such chapter shall thereafter apply with reference to any proceeding based upon the issuance of a citation pursuant to this authority.

(b) There shall be no civil liability on the part of, and no cause of action shall arise against, any person, acting pursuant to subdivision (a) and within the scope of his authority, for false arrest or false imprisonment arising out of any arrest which is lawful, or which the arresting officer, at the time of such arrest, had reasonable cause to believe was lawful. No such inspector shall be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

(c) Any such inspector may serve all processes and notices throughout the state.

SEC. 56. Section 4049.5 of the Business and Professions Code is amended to read:

4049.5. "Authorized officers of the law" means legally empowered peace officers, inspectors of the State Board of Pharmacy or the department's Division of Investigation, and inspectors of the State Bureau of Food and Drug Inspection.

SEC. 57. Section 4140 of the Business and Professions Code is amended to read:

4140. The board may, upon written application, on a form furnished by the board, and in its discretion, issue a permit to any person, permitting and authorizing such person to sell and dispense hypodermic syringes and hypodermic needles for the purposes and uses specified by the board.

Separate certificates, licenses, permits or registrations, shall be required for each of the premises of any business establishment having more than one location. Such certificate, license, permit or registration shall be renewed, annually on or before January 1 of each year and shall not be transferable.

SEC. 58. Section 4360 of the Business and Professions Code is amended to read:

4360. A person whose certificate, license, permit, registration or exemption has been revoked or suspended for more than one year, may petition the board to reinstate the certificate, license, permit, registration or exemption after a period of not less than one year has elapsed from the date of the revocation or suspension.

The petition shall state such facts as may be required by the board. The petition shall be accompanied by two or more verified recommendations from holders of certificates, licenses, permits, registrations or exemptions issued by the board to

which the petition is addressed and by two or more recommendations from citizens each having personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed. The petition shall be heard at the next regular meeting of the board, held not earlier than 30 days after the petition was filed. The hearing may be continued from time to time as the board finds necessary. No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which he is on probation, or parole.

In determining whether the disciplinary penalty should be set aside and the terms and conditions, if any, which should be imposed if the disciplinary penalty is set aside, the board may investigate and consider all activities of the petitioner since the disciplinary action was taken against him, the offense for which he was disciplined, his activity during the time his certificate, license, permit, registration or exemption was in good standing, and his general reputation for truth, professional ability and good character. The affirmative vote of at least five members of the board is necessary to set aside a penalty and to restore a certificate, license, permit, registration or exemption with or without terms, conditions and restrictions. The board may grant or deny, without a hearing or argument, any petition filed pursuant to this section, where the petitioner has been afforded a hearing upon any petition filed pursuant to this section within a period of two years immediately preceding the filing of such petition.

The executive secretary shall enter in his records of the case all actions of the board in setting aside a disciplinary penalty under this section, and he shall certify notices to the Department of Consumer Affairs. The Department of Consumer Affairs shall make such changes on its records as may be necessary.

Sec. 59. Section 4380 of the Business and Professions Code is amended to read:

4380. At any time, when in its judgment it appears advisable, the board may deputize one of its members to investigate any suspected violation of any of the provisions of this chapter. If the result of such investigation seems to the board to justify such action, the board shall cause the prosecution of any person violating any of the provisions of this chapter.

Sec. 60. Section 4505 of the Business and Professions Code is amended to read:

4505. Except as provided by Section 159.5, the board may employ whatever personnel is necessary for the administration of this chapter and shall appoint an advisory committee composed of a psychiatric nurse educator, a psychiatrist educator, a public health nurse educator, a licensed psychologist, a dean of curriculum of the junior college system, a psychiatric hospital administrator, a licensed psychiatric technician, and two members of the public at large. Each member of the advisory committee shall serve without compensation, ex-

cept that he shall be reimbursed for his traveling expenses necessarily incurred in the performance of his duties.

SEC. 61. Section 4800 of the Business and Professions Code is amended to read:

4800. There is in the Department of Consumer Affairs a Board of Examiners in Veterinary Medicine in which the administration of this chapter is vested. The board consists of six members appointed by the Governor, one of whom shall be a public member.

SEC. 62. Section 4847 of the Business and Professions Code is amended to read:

4847. The board shall number consecutively all applications received, note upon each the disposition made of it, and preserve the same for reference.

SEC. 63. Section 4853 of the Business and Professions Code is amended to read:

4853. All premises where veterinary medicine, veterinary dentistry, or veterinary surgery is being practiced shall be registered with the board. The certificate of registration shall be on a form prescribed in accordance with Section 164.

Every application for registration of veterinary premises shall set forth in the application the name of the responsible managing licensee who is to act for and on behalf of the licensed premises. Substitution of the responsible managing licensee may be accomplished by application to the board providing the person substituted qualifies by presenting satisfactory evidence that he possesses a valid, unexpired, and unrevoked license as provided by this chapter and providing further that no circumvention of the law is contemplated by such substitution.

The board shall withhold registration of veterinary premises:

(a) When it has been adjudicated in an administrative hearing that the licensee operator has failed to keep such premises and all equipment therein in a clean and sanitary condition.

(b) When the licensee operator has, under proceedings conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, his license revoked or suspended.

SEC. 64. Section 5000 of the Business and Professions Code is amended to read:

5000. There is in the Department of Consumer Affairs a State Board of Accountancy, which consists of eight members appointed by the Governor, four of whom shall be certified public accountants, two of whom shall be public accountants, and two of whom shall be public members who shall not be licentiates of the board or registered by the board. The board has the powers and duties conferred by this chapter.

The appointment of the two public accountants to membership on the board, authorized by the amendment made to this section at the 1959 Regular Session of the Legislature,

shall be made as the terms of the members of the board in office at the effective date of the amendment to this section expire.

The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire on November 26, 1962.

The Governor shall appoint the additional public member provided for by the Governor's Reorganization Plan No. 2 submitted to the Legislature at the 1970 Regular Session to fill any vacancy occurring in the office of a certified public accountant member whose term expires November 26, 1972. If a vacancy occurs in more than one of such offices simultaneously, the Governor shall determine which of those offices shall be filled by appointment of the additional public member.

SEC. 65. Section 5001 of the Business and Professions Code is amended to read:

5001. Each member of the board, except the public members, shall be actively engaged in the practice of public accountancy and shall have been so engaged for a period of not less than five years preceding the date of his appointment. Each member shall be a citizen of the United States and a resident of this state for at least five years next preceding his appointment, and shall be of good character. Within 30 days after their appointment, the members of the board shall take and subscribe to the oath of office as prescribed by the Government Code and shall file the same with the Secretary of State.

SEC. 66. Section 5002 of the Business and Professions Code is amended to read:

5002. Each member shall be appointed for a term of four years and shall hold office until the appointment and qualification of his successor or until one year shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

Vacancies occurring shall be filled by appointment for the unexpired term of a person licensed in the same capacity as the person being replaced. No person shall serve more than two terms consecutively. The Governor shall remove from the board any member, except a public member, whose permit to practice has become void, revoked or suspended. The Governor may, after hearing, remove any member of the board for neglect of duty or other just cause.

SEC. 67. Section 5015 of the Business and Professions Code is amended to read:

5015. The board may employ clerks, examiners and, except as provided by Section 159.5, other assistants in the performance of its duties, and pay salaries and necessary expenses.

SEC. 68. Section 5017 of the Business and Professions Code is amended to read:

5017. All meetings of the board shall be open and public, except that the board may hold executive sessions to deliberate on the decision to be reached upon the evidence introduced in

a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

The members of the board who are certified public accountants and the public members may hold executive sessions to prepare, approve, grade or administer examinations. Only the certified public accountants and the public members shall have jurisdiction or vote over these functions of preparing, approving, grading or administering examinations in executive session as provided for in Section 11126 of the Government Code.

SEC. 69. Section 5081.3 of the Business and Professions Code is amended to read:

5081.3. The certified public accountant members of the board and the public members may require an applicant for admission to the examination for a certified public accountant certificate to appear in person to determine if his qualifications are as prescribed in this chapter and the rules of the board as adopted hereunder.

SEC. 70. Section 5510 of the Business and Professions Code is amended to read:

5510. There is in the Department of Consumer Affairs a California State Board of Architectural Examiners which consists of nine members appointed by the Governor.

SEC. 71. Section 5514 of the Business and Professions Code is amended to read:

5514. The membership of the board shall be composed of nine members, six of whom shall be architects, one of whom shall be a building designer, and two of whom shall be public members.

The six architect members of the board shall be selected from architects in good standing who have been licensed and in practice in this state for at least eight years at the time of appointment, three of whom shall be resident and in practice in southern California and three of whom shall be resident and in practice in northern or central California.

The building designer member of the board shall be selected from among building designers who have been engaged as principals in the business of building design for at least eight years in the state.

The public members of the board shall not be licentiates of the board.

The member of the board who is a registered building designer shall not act or vote on applicants for certification who are other than registered building designers.

The members of the board in office on the effective date of the amendment made to this section at the 1963 Regular Session may continue in office until the expiration of their terms.

SEC. 72. Section 5515 of the Business and Professions Code is amended to read:

5515. The terms of the members of the state board in office when the amendment to this section takes effect shall expire as

follows: two members, January 15, 1942; four members, January 15, 1943; three members, January 15, 1944; one member, January 15, 1945.

Appointments to fill the vacancies arising by reason of the expiration of term of office shall be filled as follows: For vacancies occurring January 15, 1942, one person shall be appointed; for vacancies occurring January 15, 1943, two persons shall be appointed; for vacancies occurring January 15, 1944, one person shall be appointed; and for vacancies occurring January 15, 1945, one person shall be appointed. Thereafter there shall be as many appointments as there are vacancies. Every person appointed after January 15, 1942, shall serve for four years and until the appointment and qualification of his successor or until one year shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire on January 15, 1964.

No person shall serve as a member of the board for more than three consecutive terms, but this provision shall not apply to any member in office at the time this provision takes effect.

Vacancies occurring prior to the expiration of the term shall be filled by appointment for the unexpired term.

The Governor shall, on or before January 1, 1964, appoint the architect member and the building designer members provided for at the 1963 Regular Session of the Legislature. Their terms of office shall expire as follows: the architect member, January 15, 1965; one building designer member, January 15, 1966; and one building designer member, January 15, 1967. Thereafter, each member shall serve for four years and until the appointment and qualification of his successor or until one year shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

The Governor shall appoint the additional public member provided for by the Governor's Reorganization Plan No. 2 submitted to the Legislature at the 1970 Regular Session to fill the vacancy created by the expiration of the term of office of the building designer member whose term expires January 15, 1971. The first appointment shall be for a term expiring June 1, 1974. Each appointment thereafter shall be for a four-year term expiring on June 1 of the fourth year following the year in which the previous term expired.

Sec. 73. Section 5525 of the Business and Professions Code is amended to read:

5525. The board may prosecute all persons guilty of violating the provisions of this chapter. Except as provided in Section 159.5, the board may employ inspectors, special agents, investigators, and such clerical assistants as it may deem necessary to carry into effect the provisions of this chapter. It may also fix the compensation to be paid for such services and incur such additional expense as may be deemed necessary.

SEC. 74. Section 5551 of the Business and Professions Code is amended to read:

5551. If the applicant's examination is satisfactory, and if no charges of deception resorted to in obtaining the certificate, or any other violation of the provisions of this chapter have been filed with the board, upon the payment of the certificate fee fixed by this chapter, the secretary shall issue a certificate to the applicant showing that the person named therein is entitled to practice architecture in this state, in accordance with the provisions of this chapter.

SEC. 75. Section 5620 of the Business and Professions Code is amended to read:

5620. There is in the Department of Consumer Affairs a California State Board of Landscape Architects, which shall consist of six members appointed by the Governor. The membership of the board shall at all times consist of two members who are residents of, and practice landscape architecture in southern California and two members who are residents of, and practice landscape architecture in northern California. Four members of the board shall be licensed to practice landscape architecture in this state. The other two shall be public members who shall not be licentiates of the board.

SEC. 76. Section 5621 of the Business and Professions Code is amended to read.

5621. The terms of the members of the board first appointed shall expire as follows: one member January 15, 1954, two members January 15, 1955, two members January 15, 1956. The Governor shall, within 90 days after January 15, 1962, appoint the first public member of the board, and his term shall expire on January 15, 1965. Thereafter appointments shall be for a four-year term. Each member shall hold office until the appointment and qualification of his successor or until one year shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. Vacancies occurring prior to the expiration of the term shall be filled by appointment for the unexpired term.

No person shall serve as a member of the board for more than three consecutive terms, but this provision shall not apply to any member in office at the time this provision takes effect.

The Governor shall appoint the additional public member provided for by the Governor's Reorganization Plan No. 2 submitted to the Legislature at the 1970 Regular Session to fill the vacancy created by the expiration of the term of office of the landscape architect member from southern California whose term expires January 15, 1971. The first appointment shall be for a term expiring June 1, 1974. Each appointment thereafter shall be for a four-year term expiring on June 1 of the fourth year following the year in which the previous term expired.

SEC. 77. Section 5629 of the Business and Professions Code is amended to read:

5629. The board shall prosecute all persons guilty of violating the provisions of this chapter. Except as provided in Section 159.5, the board may employ such inspectors, special agents, investigators and clerical assistance as it may deem necessary to carry into effect the provisions of this chapter. It may fix the compensation to be paid for such services and incur such additional expense as may be deemed necessary.

SEC. 78. Section 5652 of the Business and Professions Code is amended to read:

5652. If the applicant's examination is satisfactory, and if the board shall find that the applicant is of good moral character, upon the payment of the certificate fee fixed by this chapter, the secretary shall issue a certificate to the applicant showing that the person named therein is entitled to practice landscape architecture in this state, in accordance with the provisions of this chapter.

SEC. 79. Section 6500 of the Business and Professions Code is amended to read:

6500. There is in the Department of Consumer Affairs a State Board of Barber Examiners, which consists of five members appointed by the Governor, two of whom shall be public members and three of whom shall be qualified as provided in Section 6501.

SEC. 80. Section 6501 of the Business and Professions Code is amended to read:

6501. Each member, except a public member, shall be a practical barber who has engaged in the practice of barbering in this state for at least five years immediately prior to his appointment. One member of the board shall be a journeyman barber and one member shall be a barber employing one or more journeyman barbers. Nothing in this section shall make ineligible for appointment to said board of one person who has been a registered barber in this state for at least five years immediately prior to his appointment and whose work as organizer, or officer, of an organization directly affecting the welfare of the barber business, prevents his continuous practice as a barber.

The public members shall not be licentiates of the board.

SEC. 81. Section 6502 of the Business and Professions Code is amended to read:

6502. Members of the board shall be appointed for a term of four years and they shall hold office until the appointment and qualification of their successors or until one year shall have elapsed since the expiration of the term for which they were appointed, whichever first occurs. No person shall serve as a member of the board for more than three consecutive terms, but this provision shall not apply to any member in office at the time this provision takes effect.

The terms of the members of the board in office when this chapter takes effect shall expire as follows: one member, January 15, 1941; one member, January 15, 1942; one member, January 15, 1943. The terms shall expire in the same relative order as to each member as the term for which he holds office before this chapter takes effect.

The Governor shall, on or before January 1, 1962, appoint the persons to fill the offices created by the Legislature at the 1961 Regular Session, and their terms shall expire on January 15, 1964.

Vacancies shall be filled by appointment for the unexpired term.

The Governor may remove a member for cause.

The Governor shall appoint the additional public member provided for by the Governor's Reorganization Plan No. 2 submitted to the Legislature at the 1970 Regular Session to fill the vacancy created by the expiration of the term of office of the barber member whose term expires January 15, 1971. The first appointment shall be for a term expiring June 1, 1974. Each appointment thereafter shall be for a four-year term expiring June 1 of the fourth year following the year in which the previous term expires. The persons so appointed shall not receive a salary, but shall receive the same per diem compensation and reimbursement as the other public member.

SEC. 82. Section 6509 of the Business and Professions Code is amended to read:

6509. For the purpose of enforcing this chapter, any member of the board, except the public member, or, except as provided by Section 159.5, its agents or assistants may enter into and inspect any barbershop or college at any time during business hours or at any time when the practice of barbering or instruction in such practice is being carried on.

SEC. 83. Section 6511 of the Business and Professions Code is amended to read:

6511. The board shall have authority to employ such clerks and, except as provided by Section 159.5, other assistance as it may deem necessary to carry out the provisions of this chapter.

SEC. 84. Section 6553 of the Business and Professions Code is amended to read:

6553. Any member of the board, or, except as provided by Section 159.5, any employee of the board designated by the board for that purpose, shall at all reasonable hours have access to all places where barbering is being carried on, for the purpose of administering this article.

SEC. 85. Section 6553.5 of the Business and Professions Code is amended to read

6553.5. Any member of the board, or, except as provided by Section 159.5, any employee of the board designated by the board for that purpose, may inspect all books, papers, records or documents in any place within the state, for the purpose of ascertaining facts to enable the board to administer this article.

SEC. 86. Section 6630 of the Business and Professions Code is amended to read:

6630. A duplicate certificate will be issued upon the filing of a statement covering the loss of a certificate, verified by the oath of the applicant, and submitting two signed photographs, and upon the payment of a fee of one dollar (\$1) for the issuance of the certificate.

SEC. 87. Section 6710 of the Business and Professions Code is amended to read:

6710. There is in the Department of Consumer Affairs a State Board of Registration for Professional Engineers, which consists of nine members appointed by the Governor.

SEC. 88. Section 6711 of the Business and Professions Code is amended to read:

6711. Each member of the board shall be a citizen of the United States. Six members shall be registered under this chapter, one member shall be licensed under the Land Surveyors' Act (commencing with Section 8700 of this code), and two members shall be public members who are not registered under this act or licensed under the Land Surveyors' Act. Each member, except a public member, shall have at least 12 years active experience and shall be of good standing in his profession. Each member shall be at least 30 years of age, and shall have been a resident of this state for at least five years immediately preceding his appointment.

SEC. 89. Section 6712 of the Business and Professions Code is amended to read:

6712. Members of the State Board of Registration for Professional Engineers in office when this act takes effect shall continue as members of the State Board of Registration for Professional Engineers without change in their terms so that the terms of said members presently in office shall expire as follows: the term of one member, January 15, 1952; the term of two members, January 15, 1953; the term of two members, January 15, 1954, and the term of two members, January 15, 1955. Thereafter, all appointments to said board shall be for a term of four years, and vacancies shall be filled by appointment for the unexpired term. Each such member appointed to fill a new term or vacancy shall be a registered professional engineer in the same branch as his predecessor.

The term of the first land surveyor member shall expire January 15, 1960. Thereafter all such appointments shall be for a term of four years, and vacancies shall be filled by appointment for the unexpired term.

The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire January 15, 1965. Thereafter all such appointments shall be for a term of four years, and vacancies shall be filled by appointment for the unexpired term.

Each member shall hold office until the appointment and qualification of his successor or until one year shall have elapsed since the expiration of the term for which he was

appointed, whichever first occurs. No person shall serve as a member of the board for more than three consecutive terms, but this provision shall not apply to any member in office on September 7, 1955.

The Governor shall appoint the additional public member provided for by the Governor's Reorganization Plan No. 2 submitted to the Legislature at the 1970 Regular Session to fill the vacancy created by the expiration of the term of office of the civil engineer member whose term expires January 15, 1971. The first appointment shall be for a term expiring June 1, 1974. Each appointment thereafter shall be for a four-year term expiring June 1 of the fourth year following the year in which the previous term expired. Any vacancy during a term expiring after January 15, 1971, shall be filled by appointment for the unexpired term.

SEC. 90. Section 6762 of the Business and Professions Code is amended to read:

6762. Any applicant who has passed the examination and has otherwise qualified hereunder as a professional engineer, upon payment of the registration fee fixed by this chapter, shall have a certificate of registration issued to him as a professional engineer in the particular branch for which he is found qualified.

SEC. 91. Section 6861 of the Business and Professions Code is amended to read:

6861. The director, in accordance with the State Civil Service Act and Section 159.5, may appoint and fix the compensation of such clerical, inspection, investigation, and auditing personnel, as well as an assistant chief, as may be necessary to carry out the provisions of this chapter. Except as otherwise provided in Section 159.5 all such personnel shall perform their respective duties under the supervision and direction of the chief.

All personnel shall be paid for services rendered from the Collection Agency Fund.

SEC. 92. Section 6864 of the Business and Professions Code is amended to read:

6864. The chief shall keep in his office in a suitable record provided for the purpose all applications for licenses, accompanying certificates, statements and documents and all bonds required to be filed under this chapter. The record shall state whether or not a license has been issued under the application and bond, and if revoked the date of filing the order of revocation, and if reinstated the date of filing the order of reinstatement. The chief shall keep a list of all persons, whose licenses have been revoked. In the record all licenses issued shall be indicated by the name and address of the licensee.

The chief shall adopt a seal for his own use. The seal shall have the words "Bureau of Collection and Investigative Services, State of California" thereon and shall otherwise comply with Section 107.5. The care and custody of the seal shall be in the office of the chief.

SEC. 93. Section 6865 of the Business and Professions Code is amended to read:

6865. The California Advisory Board of Collection Agencies, which consists of seven members appointed by the Governor is continued in existence as the Collection Agency Advisory Board in the Bureau of Collection and Investigative Services.

SEC. 94. Section 6901 of the Business and Professions Code is amended to read:

6901. A licensee may file a new bond with the chief at any time. A new bond filed under this section may be filed by registered or certified mail with a request for a return receipt and shall be addressed to the chief at Sacramento. A return receipt signed by an employee of the Department of Consumer Affairs shall be prima facie evidence of the filing of such bond.

SEC. 95. Section 6908 of the Business and Professions Code is repealed.

SEC. 96. Section 6908 is added to the Business and Professions Code, to read:

6908. The form and content of the license shall be determined by the director in accordance with Section 164.

SEC. 97. Section 6911 of the Business and Professions Code is amended to read:

6911. The license is not transferable and is effectual until the first day of July next ensuing the date thereof and so long thereafter as continued in effect in accordance with Article 11, unless sooner revoked or canceled.

In the event of the loss or destruction of a license, the licensee may file with the chief an affidavit explaining the loss or destruction and pay the duplicate license fee prescribed. Thereupon the chief shall issue a duplicate license.

SEC. 97.3. Section 6912 of the Business and Professions Code is amended to read:

6912. A licensee desiring to remove his place of business from the address stated in the license to another address or to make any change of the business name shown in the license shall file a written application therefor with the chief.

If the chief approves the application, the license shall be forwarded to the chief, together with the duplicate license fee and a rider or endorsement to the bond reflecting the change of name or address of the licensee. The chief shall then enter the change in his records, retain and file the returned license, and issue to the licensee a duplicate license the form and content of which shall be determined by the director in accordance with Section 164.

The director shall approve the application unless the change of address requested would result in the location of two licensees using identical or substantially similar names in such proximity that confusion of the public would result.

SEC. 97.5. Section 6951 of the Business and Professions Code is amended to read:

6951. If the license of any person, partnership, association or corporation has been permitted to expire by reason of the military service, as defined in the Soldiers and Sailors Civil Relief Act of 1940, of such person, or the managing partner, or managing officer of such partnership, association or corporation, the license may be revived and continued upon application of such person, managing partner, or managing officer, filed within six months after the termination of such military service, with the chief. Upon receipt of the application, payment of the continuation fee, and filing of the bond provided for by Article 6 of this chapter, the chief shall issue a receipt the form and content of which shall be determined by the director in accordance with Section 164.

SEC. 98. Section 7000.5 of the Business and Professions Code is amended to read:

7000.5. There is in the Department of Consumer Affairs a Contractors' State License Board, which consists of nine members appointed by the Governor.

SEC. 99. Section 7001 of the Business and Professions Code is amended to read:

7001. All members of the board, except the public members, shall be contractors actively engaged in the contracting business, have been so engaged for a period of not less than five years preceding the date of their appointment and shall so continue in the contracting business during the term of their office. No one, except a public member, shall be eligible for appointment who does not at the time hold an unexpired license to operate as a contractor.

The public members shall not be licentiates of the board.

SEC. 100. Section 7002 of the Business and Professions Code is amended to read:

7002. One member of the board shall be a general engineering contractor, two members shall be general building contractors, four members shall be specialty contractors, and two members shall be public members.

For the purposes of construing this article, a general engineering contractor is a contractor whose principal contracting business is in connection with fixed works for any or all of the following divisions or subjects: irrigation, drainage, water-power, water supply, flood control, inland waterways, harbors, railroads, highways, tunnels, airports and airways, sewerage and bridges; a general building contractor is a contractor whose principal contracting business is in connection with any structure built, being built, or to be built, for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, requiring in its construction the use of more than two unrelated building trades or crafts, or to do or superintend the whole or any part thereof; a specialty contractor is a contractor whose operations as such are the performance of construction work requiring special skill and

whose principal contracting business involves the use of specialized building trades or crafts.

This does not include anyone who merely furnishes materials or supplies under Section 7045 without fabricating them into, or consuming them in the performance of the work of the general building contractor.

Each member of the board, except a public member, shall be of recognized standing in his branch of the contracting business. Each member of the board shall be at least 30 years of age and of good character.

Each member of the board shall have been a citizen and resident of the State of California for at least five years next preceding his appointment.

SEC. 101. Section 7003 of the Business and Professions Code is amended to read:

7003. The terms of the members of the board in office when this chapter takes effect shall expire as follows: one general building contractor and one specialty contractor, January 15, 1940; one general building contractor and one specialty contractor, January 15, 1941; one general building contractor and one specialty contractor, January 15, 1942; the general engineering contractor, January 15, 1943.

The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire on January 15, 1963.

The Governor shall, on or before January 1, 1964, appoint the specialty contractor member provided for at the 1963 Regular Session, and his term shall expire on January 15, 1966.

Except as otherwise provided, an appointment to fill a vacancy caused by the expiration of the term of office shall be for a term of four years and shall be filled, except for a vacancy in the term of a public member, by a member from the same branch of the contracting business as was the branch of the member whose term has expired. A vacancy in the term of a public member shall be filled by another public member. Each member shall hold office until the appointment and qualification of his successor or until one year shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

Vacancies occurring in the membership of the board for any cause shall be filled by appointment for the balance of the unexpired term.

No person shall serve as a member of the board for more than three consecutive terms, but this provision shall not apply to any member in office at the time this provision takes effect.

The Governor shall appoint the additional public member provided for by the Governor's Reorganization Plan No. 2 submitted to the Legislature at the 1970 Regular Session to fill any vacancy occurring in the office of the general building contractor member of the board whose term expires January 15, 1972. An appointment to fill any vacancy on the board in that office occurring prior to January 15, 1972, shall be for a

term expiring January 15, 1972. An appointment to fill any vacancy on the board in that office occurring after January 15, 1972, but prior to June 1, 1975, shall be for a term expiring June 1, 1975. An appointment to fill a vacancy on the board in that office occurring on or after June 1, 1975, shall be for a four-year term expiring on June 1 of the fourth year following the year in which the previous term expired.

SEC. 102. Section 7011 of the Business and Professions Code is amended to read:

7011. The board by and with the approval of the director shall appoint a registrar of contractors and fix his compensation.

The registrar shall be the executive officer and secretary of the board and shall carry out all of the administrative duties as provided in this chapter and as delegated to him by the board.

For the purpose of administration of this chapter, there may be appointed a deputy registrar, a chief reviewing and hearing officer and, subject to the provisions of Section 159.5, such other assistants and subordinates as may be necessary.

Appointments shall be made in accordance with the provisions of civil service laws.

SEC. 103. Section 7012 of the Business and Professions Code is amended to read:

7012. The registrar, with the approval of the board and the director, may, when funds are available, cooperate in the enforcement of governmental legislation relating to the construction industry, and, except as provided by Section 159.5, shall appoint such assistants as may be necessary therefor.

SEC. 104. Section 7075 of the Business and Professions Code is amended to read:

7075. The license shall be nontransferable and shall be displayed in the licensee's main office or chief place of business. Satisfactory evidence of the possession of his license and the current renewal thereof shall be exhibited by the licensee upon demand.

SEC. 105. Section 7136 of the Business and Professions Code is amended to read:

7136. The director shall designate a sum not to exceed 10 percent of the total income of the Contractors' License Board for each fiscal year to be transferred to the Consumer Affairs Fund as the board's share of the cost of administration of the department.

SEC. 106. Section 7200 of the Business and Professions Code is amended to read:

7200. There is in the Department of Consumer Affairs a State Board of Guide Dogs for the Blind in whom enforcement of this chapter is vested. The board shall consist of seven members appointed by the Governor. One member shall be the Superintendent of the California School for the Blind, and one the head of the Bureau of Vocational Rehabilitation of the State Department of Education. The remaining members shall

be persons who have shown a particular interest in dealing with the problems of the blind, and at least two of them shall be blind persons who use guide dogs.

SEC. 107. Section 7301 of the Business and Professions Code is amended to read:

7301. There is in the Department of Consumer Affairs a State Board of Cosmetology, which consists of seven members appointed by the Governor, two of whom shall be public members.

Wherever in this chapter, "board" is used it refers to the State Board of Cosmetology.

SEC. 108. Section 7302 of the Business and Professions Code is amended to read:

7302. A person appointed as a member of the board:

(a) With the exception of a public member, shall be registered as a cosmetologist under this chapter, or participate actively in the management of a school of cosmetology or electrology as the owner of, or as a member of a partnership or officer of a corporation which owns, such school.

(b) With the exception of a public member, shall be, at the time of appointment, either actually engaged in conducting a cosmetological establishment, or actually engaged in the practice of cosmetology or electrology.

(c) Shall be of good moral character.

(d) Shall not be connected, directly or indirectly, in the wholesale business of the manufacture, rental, sale or distribution of cosmetological appliances or supplies

(e) With the exception of a public member, shall have had at least five years experience in the actual practice of cosmetology, or electrology, in this state immediately prior to the appointment. A person shall be considered to be engaged in the actual practice of cosmetology or electrology within the meaning of this subdivision if he participates actively in the management of a school of cosmetology or electrology as the owner of, or as a member of a partnership or officer of a corporation which owns, such school.

(f) Shall be at least 25 years of age.

The public members shall not be licentiates of the board.

SEC. 109. Section 7303 of the Business and Professions Code is amended to read:

7303. The terms of the members of the board in office when the amendment made to this section at the 1961 Regular Session of the Legislature takes effect shall expire as follows: two members January 15, 1962, one member January 15, 1963, one member January 15, 1964, one member January 15, 1965. Such terms shall expire in the same relative order as to each member as the term for which he holds office at the time said amendment takes effect. The term of the additional licensee member and the public member provided for by the amendment made to Section 7301 of this code at the 1961 Regular Session of the Legislature shall expire on January 15,

1964, and January 15, 1965, respectively. Thereafter members of the board shall be appointed for a term of four years and shall hold office until the appointment and qualifications of their successors or until one year shall have elapsed since the expiration of the term for which they were appointed, whichever first occurs. No member shall serve as a member of the board for more than two consecutive terms.

Vacancies occurring shall be filled by appointment within 60 days, and vacancies occurring during a term shall be filled for the unexpired term.

The Governor shall appoint the additional public member provided for by the Governor's Reorganization Plan No. 2 submitted to the Legislature at the 1970 Regular Session to fill the vacancy created by the expiration of the term of office of the member of the board whose term expires January 15, 1971. The first appointment shall be for a term expiring June 1, 1974. Each appointment thereafter shall be for a four-year term expiring June 1 of the fourth year following the year in which the previous term expires.

SEC. 110. Section 7309 of the Business and Professions Code is amended to read:

7309. Any investigation, inquiry, hearing or proceeding, which the board may hold or undertake, may be held or undertaken by or before one or more members of the board, and the finding or order of the member or members constitutes the finding or order of the board when approved or confirmed by it.

No investigation, inquiry, hearing or proceeding shall be held or undertaken by only one member of the board or by less than the entire membership of the board without the previous written authorization of the board.

No investigation, inquiry, hearing or proceeding shall be held or undertaken by or before a public member only.

SEC. 111. Section 7311 of the Business and Professions Code is amended to read:

7311. The board may adopt such rules governing sanitary conditions, and precautions to be employed as are reasonably necessary to prevent the creating or spreading of infectious or contagious diseases in cosmetological establishments, schools of cosmetology, in the practice of a cosmetologist, and in any branch of cosmetology. Such rules shall be adopted in accordance with the provisions of the Administrative Procedure Act, and shall be submitted to the Department of Public Health, and approved by such department prior to transmission to the Department of Consumer Affairs for filing with the Secretary of State. A copy of all such rules shall be furnished to each licensee.

SEC. 112. Section 7314 of the Business and Professions Code is amended to read:

7314. The director may, in accordance with the State Civil Service Act, whenever in his judgment it is necessary, and subject to the provisions of Section 1595, employ examiners,

inspectors, investigators, assistants, deputies and clerks and fix their compensation, which compensation and all reasonable expenses incurred by the board, shall not be paid from the general revenue funds of the state.

An examiner in any branch of cosmetology except electrology shall hold a current, valid license as a cosmetology instructor at the time of his appointment and an examiner in electrology shall hold a current valid license as an electrology instructor at the time of his appointment.

SEC. 113. Section 7375 of the Business and Professions Code is amended to read:

7375. The form and content of every certificate of registration and every license issued by the board shall be determined in accordance with Section 164.

SEC. 114. Section 7381 of the Business and Professions Code is amended to read:

7381. Any person, firm or corporation desiring to operate a cosmetological establishment shall make an application to the board for a certificate of registration and license, accompanied by the registration fee prescribed by this chapter. The applicant, if an individual, or each officer, director, and partner, if the applicant is other than an individual, shall possess good character. A certificate issued pursuant to this section shall authorize the operation of the establishment only at the location for which the certificate is issued. Operation of the establishment at any other location shall be unlawful unless a certificate for the new location has been obtained upon compliance with the provisions of this section applicable to the issuance of a certificate in the first instance.

SEC. 115. Section 7410 of the Business and Professions Code is amended to read:

7410. The form and content of a license issued by the board shall be determined in accordance with Section 164.

SEC. 116. Section 7501 of the Business and Professions Code is amended to read:

7501. As used in this chapter, "director" means the Director of Consumer Affairs, unless the context indicates otherwise.

SEC. 117. Section 7503 of the Business and Professions Code is amended to read:

7503. As used in this chapter, "bureau" means the Bureau of Collection and Investigative Services.

SEC. 118. Section 7510 of the Business and Professions Code is repealed.

SEC. 119. Section 7510 is added to the Business and Professions Code, to read:

7510. The Bureau of Collection and Investigative Services succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Bureau of Private Investigators and Adjusters.

SEC. 120. Section 7512 of the Business and Professions Code is amended to read:

7512. The director may, in accordance with the State Civil Service Act and subject to the provisions of Section 159.5, appoint and fix the compensation of such inspectors, investigators, and other personnel as may be necessary for the administration and enforcement of this chapter.

SEC. 121. Section 7513 of the Business and Professions Code is amended to read:

7513. Every power and duty granted to or imposed upon the director may be exercised by any other officer or employee of the Department of Consumer Affairs authorized by the director, but the director shall have the supervision of and the responsibility for all powers and duties exercised by such officers and employees.

SEC. 122. Section 7531 of the Business and Professions Code is repealed.

SEC. 123. Section 7531 is added to the Business and Professions Code, to read:

7531. The form and content of the license shall be determined by the director in accordance with Section 164.

SEC. 124. Section 7581 of the Business and Professions Code is amended to read:

7581. The Department of Consumer Affairs shall receive and account for all money derived from the operation of this chapter and, at the end of each month, shall report such money to the State Controller and shall pay it to the State Treasurer, who shall keep the money in a separate fund known as the Private Investigator and Adjuster Fund. All money in the Private Investigator and Adjuster Fund shall be expended in accordance with law by the bureau for the purpose of carrying out the provisions of this chapter.

SEC. 125. Section 7601 of the Business and Professions Code is amended to read:

7601. There is in the Department of Consumer Affairs a State Board of Funeral Directors and Embalmers which consists of six members appointed by the Governor, two of whom shall be public members.

SEC. 126. Section 7602 of the Business and Professions Code is amended to read:

7602. Members of the board, except the public members, shall only be appointed from persons who are licensed as funeral directors or embalmers and who have had a minimum of five consecutive years' experience in funeral directing or embalming immediately preceding their appointment. Members of the board, including the public members, shall not be financially interested, directly or indirectly, in any institution engaged in embalming or funeral directing instruction and shall not be members of the faculty of such an institution.

The public members shall not be licentiates of the board.

SEC. 127. Section 7603 of the Business and Professions Code is amended to read:

7603. Members of the board shall be appointed for a term of four years and they shall hold office until the appointment and qualification of their successors or until one year shall have elapsed since the expiration of the term for which they were appointed, whichever first occurs. No person shall serve as a member of the board for more than three consecutive terms, but this provision shall not apply to any member in office at the time this provision takes effect.

The terms of the members of the board in office when this chapter takes effect shall expire as follows: one member, January 15, 1940; two members, January 15, 1941; one member, January 15, 1942; and one member, January 15, 1943. The terms shall expire in the same relative order as to each member as the terms for which he holds office before this chapter takes effect.

The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire on January 15, 1964.

Vacancies occurring shall be filled by appointment for the unexpired term.

The Governor shall appoint the additional public member provided for by the Governor's Reorganization Plan No. 2 submitted to the Legislature at the 1970 Regular Session to fill the vacancy created by the expiration of the term of office of the member of the board whose term expires January 15, 1971. The first appointment shall be for a term expiring June 1, 1974. Each appointment thereafter shall be for a four-year term expiring June 1 of the fourth year following the year in which the previous term expired.

SEC. 128. Section 7608 of the Business and Professions Code is amended to read:

7608. The Director of Consumer Affairs may employ and appoint all employees necessary properly to administer the work of the board and the work of the department, in accordance with civil service regulations.

Upon recommendation of the board, and with the approval of the Director of Finance, and, subject to the provisions of Section 159.5, the Director of Consumer Affairs shall employ investigators and attorneys to assist the board in prosecuting violations of this chapter, whose compensation and expenses shall be payable only out of the State Funeral Directors and Embalmers Fund.

SEC. 129. Section 7628 of the Business and Professions Code is amended to read:

7628. Any funeral director desiring to change his place of business shall apply therefor on forms furnished by the board and be accompanied by a fee fixed by this chapter.

The application shall be granted by the executive secretary upon the filing with the board of a favorable report, approved by the executive secretary, from a board member, except a

public member, or inspector concerning the physical status or plans and specifications of the proposed funeral establishment to the effect that it conforms to the requirements of this article. Every application so granted shall be submitted for approval at the next meeting of the board after the issuance thereof and no application for change of place of business shall become permanent until approved by the board.

SEC. 130. Section 7680 of the Business and Professions Code is amended to read:

7680. Every license issued shall be displayed conspicuously in the place of business or employment of the licensee.

The form and content of every license issued shall be determined in accordance with Section 164.

SEC. 131. Section 7810 of the Business and Professions Code is amended to read:

7810. The State Board of Registration for Geologists is within the department and is subject to the jurisdiction of the department. The board shall consist of seven members appointed by the Governor, two of whom shall be public members and five of whom shall be geologists.

SEC. 132. Section 7813 of the Business and Professions Code is amended to read:

7813. The five geologist members of the board shall be appointed so that there is one member from each of Administrative Districts 1, 2, 3, 4, and 5.

Except as otherwise provided in Section 7814, as each geologist member's term expires, his place shall be filled by the appointment of a registered geologist whose principal office for the practice of geology is in the same administrative district as the person in the expiring term.

The public members of the board may reside anywhere in the state.

SEC. 133. Section 7850 of the Business and Professions Code is amended to read:

7850. Any applicant who has passed the examination and has otherwise qualified hereunder as a geologist, upon payment of the registration fee fixed by this chapter shall have a certificate of registration issued to him as a geologist.

SEC. 134. Section 8000 of the Business and Professions Code is amended to read:

8000. There is in the Department of Consumer Affairs a Certified Shorthand Reporters Board, which consists of five members appointed by the Governor, two of whom shall be active members of the State Bar of California and three of whom shall be holders of certificates issued under this chapter who have been actively engaged as shorthand reporters within this state for at least five years immediately preceding their appointment.

SEC. 135. Section 8005 of the Business and Professions Code is amended to read:

8005. The Certified Shorthand Reporters Board is charged with the executive functions necessary for effectuating the

purposes of this chapter. It may appoint such committees as it deems necessary or proper. The board may appoint, prescribe the duties, and fix the salary of an executive secretary, who may be employed on a part-time basis. Except as provided by Section 159.5, the board may also employ such other employees as may be necessary, subject to civil service and other provisions of law.

SEC. 136. Section 8008 of the Business and Professions Code is amended to read:

8008. The board also has the following powers and duties:

(a) To adopt a seal.

(b) By affirmative vote of at least four members of the board, to suspend or revoke a certificate, for any cause specified in this chapter.

(c) To charge and collect from all applicants for certificates the fees provided for in this chapter.

(d) To require the renewal of all such certificates and to collect therefor the renewal fee prescribed by this chapter or such lesser amount as may be fixed by the board.

(e) To issue subpoenas, to administer oaths, and to take testimony concerning any matter within the jurisdiction of the board.

SEC. 137. Section 8501 of the Business and Professions Code is amended to read:

8501. "Director" refers to the Director of Consumer Affairs.

SEC. 138. Section 8509 of the Business and Professions Code is amended to read:

8509. "Branch office" is any fixed place of business in addition to the location of business for which the license of an operator is issued, where records are kept, mail received, statements rendered, money is collected, or requests are received for service or bids, or information is given pertaining to the practice of pest control, other than governmental offices.

SEC. 139. Section 8520 of the Business and Professions Code is amended to read:

8520. There is in the Department of Consumer Affairs a Structural Pest Control Board, which consists of six members appointed by the Governor.

Subject to the jurisdiction conferred upon the director by Division 1 (commencing with Section 100) of this code, the board is vested with the power to and shall administer the provisions of this chapter.

SEC. 140. Section 8521 of the Business and Professions Code is amended to read:

8521. The board is composed of six members, four of whom shall be, and shall have been for a period of not less than five years preceding the date of their appointment, operators licensed under this chapter actively engaged in the business of pest control and who are residents of this state, and two public members who shall not be licentiates of the board.

SEC. 141. Section 8522 of the Business and Professions Code is amended to read:

8522. Members of the board shall be appointed by the Governor for a term of four years, subject to removal by him at his pleasure.

The terms of the members of the board in office when this chapter takes effect shall expire as follows:

Two members, January 15, 1942; one member, January 15, 1943; one member, January 15, 1944; and one member, January 15, 1945.

The terms shall expire in the same relative order as to each member as the terms for which he holds office before this chapter takes effect.

The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire on January 15, 1965.

Vacancies shall be filled by the Governor for the unexpired term.

Each member shall hold office until the appointment and qualification of his successor or until one year shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. No person shall serve as a member of the board for more than three consecutive terms, but this provision shall not apply to any member in office at the time this provision takes effect.

The Governor shall appoint the additional public member provided for by the Governor's Reorganization Plan No. 2 submitted to the Legislature at the 1970 Regular Session to fill the vacancy created by the expiration of the term of office of the member whose term expires January 15, 1971. The first appointment shall be for a term expiring June 1, 1974. Each appointment thereafter shall be for a four-year term expiring June 1 of the fourth year following the year in which the previous term expires.

SEC. 142. Section 8529 of the Business and Professions Code is amended to read:

8529. The registrar with the approval of the board and of the director, and, subject to the provisions of the State Civil Service Act and Section 159.5, may appoint and fix the compensation of such other assistants as may be necessary.

SEC. 143. Section 8561 of the Business and Professions Code is amended to read:

8561. Any person may apply for an operator's license; however, an individual applicant must be 21 years of age or over.

(a) If the applicant is an individual, he shall possess the qualifications and be examined as hereinafter prescribed. If such individual qualifies for an operator's license, as herein prescribed, the board shall issue to him an operator's license.

(b) If the applicant is a partnership, it shall designate a partner to be the qualified partner for the partnership entity or an employee designated as its responsible natural person,

and such partner or responsible natural person shall possess the qualifications and be examined as hereinafter prescribed. If such partner or responsible natural person so qualifies in the same manner as an operator as herein prescribed, the board shall issue an operator's license to the partnership. Such partner or responsible natural person may engage in pest control on behalf of the partnership only, so long as he remains in such capacity for the partnership, but he may become associated with another partnership, or with a firm or corporation, in a capacity other than a qualifying partner, responsible natural person or qualifying officer.

(c) If the applicant is an association or corporation, it shall designate an officer thereof or a responsible natural person employed or to be employed by it to be the qualified officer or responsible natural person for the association or corporation entity. Such officer or responsible natural person shall possess the qualifications and be examined as hereinafter prescribed. If such officer or responsible natural person so qualifies in the same manner as an operator as herein prescribed, the board shall issue an operator's license to the association or corporation, as the case may be. Such officer or responsible natural person may engage in pest control on behalf of the association or corporation only so long as he remains in such capacity for the association or corporation, but he may become associated with another association or corporation, or with a firm or partnership, in a capacity other than as a qualifying officer, responsible natural person, or partner.

SEC. 144. Section 8612 of the Business and Professions Code is amended to read:

8612. The licenses of operators shall be prominently displayed in the office of the operator, and no license issued hereunder shall authorize the licensee to do business except from the location for which the license was issued. Each operator having a branch office or more than one branch office shall be required to display his branch office registration prominently in each branch office maintained by him.

When an operator opens a branch office he shall notify the registrar in writing on a form prescribed by the board and issued by the registrar in accordance with rules and regulations adopted by the board, together with the fee for a branch office prescribed by this chapter.

SEC. 145. Section 8702 of the Business and Professions Code is amended to read:

8702. "Director" refers to the Director of Consumer Affairs.

SEC. 146. Section 8747 of the Business and Professions Code is amended to read:

8747. Any applicant who has passed the examination prescribed by the board, upon payment of the license fee fixed

by this chapter, which fee shall be retained for the board, shall have a suitable license issued to him.

The license shall authorize him to practice as a land surveyor.

SEC. 147. Section 8775.3 of the Business and Professions Code is amended to read:

8775.3. Persons holding a certificate of exemption under the provisions of Section 8730.6, as that section read on January 1, 1965, shall be issued a photogrammetric surveyor license as herein prescribed, without examination or fee; provided such certificate is presented and surrendered to the board prior to January 1, 1966.

Each person so registering shall be issued a suitable license, which shall entitle the holder thereof to practice under this article as a photogrammetric surveyor.

All such licenses shall be renewable upon payment of the fee fixed by the board for which a renewal certificate shall be issued. Photogrammetric surveyor license fees shall be the same as those prescribed for land surveyor's licensing; and the provisions of this chapter relating to revenue, and with respect to disciplinary proceedings, shall similarly apply.

SEC. 148. Section 9001 of the Business and Professions Code is amended to read:

9001. There is in the Department of Consumer Affairs a Board of Behavioral Science Examiners which consists of nine members appointed by the Governor with the advice and consent of the Senate.

SEC. 149. Section 9007 of the Business and Professions Code is amended to read:

9007. With the approval of the Director of Consumer Affairs, the board shall fix the salary of the executive secretary.

SEC. 150. Section 9008 of the Business and Professions Code is amended to read:

9008. Subject to the State Civil Service Act and Section 159.5, the board may employ such clerical, technical and other assistants as it deems necessary, within budget limitations.

SEC. 151. Section 9530 of the Business and Professions Code is amended to read:

9530. There is in the Department of Consumer Affairs the State Board of Dry Cleaners, which consists of seven members appointed by the Governor and confirmed by the Senate. The seven members of the board shall consist of two public members and five persons licensed or registered by the board. All board member licensees or registered persons shall have been actively engaged in the drycleaning industry for at least three years and after January 1, 1972, shall have been actively engaged in the drycleaning industry for at least five years. It is desirable that members from the drycleaning industry be so selected that there shall be a geographical balance.

Each member of the board shall receive a per diem and expenses as provided in Section 103.

SEC. 152. Section 9532 of the Business and Professions Code is amended to read:

9532. The board shall enforce and administer the provisions of this chapter subject to the powers conferred upon the director by this code. The board shall have power to employ an executive secretary and, except as provided by Section 159.5, such other administrative, technical and clerical employees as may be reasonably necessary for the administration of this chapter. The board shall elect officers, providing the office of president shall be for a term not to exceed one year and no member shall succeed himself as president of the board. The board shall adopt and use a common seal for the authentication of its orders and records.

SEC. 153. Section 9533.5 of the Business and Professions Code is amended to read:

9533.5. For the purpose of enforcing this chapter, any member of the board or any inspector or investigator of the department's Division of Investigation may enter and inspect any clothes cleaning establishment, dyeing plant, spotting and pressing shop or store, press shop or store, drycleaning agency, hat renovating establishment, fur renovating establishment, or school or college of cleaning and/or dyeing, spotting or pressing during customary business hours or at any time when such establishment, plant, shop, store, or agency is in operation. The owner, lessee, manager, or operator thereof shall permit the persons designated in this section to enter and make inspections at the time and for the purpose stated in this section.

SEC. 154. Section 9540.5 of the Business and Professions Code is amended to read:

9540.5. The board shall issue the following licenses:

- (1) Shop license.
- (2) Clothes cleaning establishment license.
- (3) Clothes dyeing establishment license.
- (4) School or college license.

SEC. 155. Section 9540.51 of the Business and Professions Code is amended to read:

9540.51. The board shall issue a shop license to the owner of each spotting and pressing shop or store, each press shop or store, drycleaning agency, each fur renovating shop or store, each hat renovating shop or store, and each leather renovating shop or store, who complies with the law and rules and regulations of the board.

Shop licenses shall be divided into the following classes:

1. Spotting and pressing shop.
2. Drycleaning agency.
3. Hat renovator.
4. Fur renovator.
5. Leather garment renovator.
6. Press shop.

SEC. 156. Section 9541 of the Business and Professions Code is amended to read:

9541. Any applicant who fails to pass the investigation and examination shall be eligible to apply for reexamination

after notification of his failure to pass the examination upon filing a new application and payment of the prescribed fee.

SEC. 157. Section 9541.1 of the Business and Professions Code is amended to read:

9541.1. Every licensee shall cause his original or duplicate license to be posted in a conspicuous place, within reading distance of the consuming public, upon the premises owned or operated by such licensee.

SEC. 158. Section 9597 of the Business and Professions Code is amended to read:

9597. The holder of any license or registration certificate shall submit it for inspection upon the request of the board or an employee thereof or of an inspector or investigator of the department's Division of Investigation, the State Fire Marshal, or any Deputy State Fire Marshal.

SEC. 159. Section 9625 of the Business and Professions Code is amended to read:

9625. There is in the department a cemetery board which consists of six members, including two members representing the public at large. The terms of the members first appointed shall expire: one, January 15, 1950; one, January 15, 1951; one, January 15, 1952; and two, January 15, 1953. The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire on January 15, 1964. Thereafter appointments shall be for a four-year term. The members shall be appointed by the Governor and confirmed by the Senate.

The additional public member provided for by the Governor's Reorganization Plan No. 2 submitted to the Legislature at the 1970 Regular Session shall be appointed to fill the vacancy created by the expiration of the term of office of the member whose term expires January 15, 1971. The first appointment shall be for a term expiring June 1, 1974. Each appointment thereafter shall be for a four-year term expiring June 1 of the fourth year following the year in which the previous term expired.

SEC. 160. Section 9626 of the Business and Professions Code is amended to read:

9626. Members of the board, except the public members, shall be appointed only from persons who have had, immediately preceding their appointment, a minimum of five consecutive years' experience in this state in the active administrative management of a cemetery corporation or as a member of the board of directors thereof for this period and shall at the time of their appointment have the actual and full authority of a president, general manager, or executive vice president. The five-year consecutive period shall be exclusive of time spent in the armed services. They shall hold office only as long as they continue in such active, actual and authoritative capacity.

The public members appointed by the Governor shall not be licentiates of the board. In addition, a public or lay mem-

ber shall not have been at any time within five years immediately preceding his appointment, nor shall he be during his term of office, any of the following:

(a) Engaged in, or a stockholder or legal counsel for any person, firm, or corporation which is engaged in, any business or activity which a cemetery authority may engage in under Section 7020 of the Health and Safety Code, whether or not such business or activity is incidental to or independent from a cemetery business.

(b) Engaged in any of the pursuits covered by Part 2 (commencing with Section 8125) or Part 4 (commencing with Section 8890) of Division 8 of the Health and Safety Code.

SEC. 161. Section 9628 of the Business and Professions Code is amended to read:

9628. The board shall elect annually a chairman and vice chairman and such other officers as it shall determine from among its members. Subject to the provisions of Sections 154 and 159.5, the board may employ, fix the salaries of and prescribe the duties of, two administrative assistants and such clerical, technical and other employees as are necessary in the carrying out of its duties.

SEC. 162. Section 9711 of the Business and Professions Code is amended to read:

9711. Every licensed cemetery broker shall have and maintain a definite place of business in this state which shall serve as his office for the transaction of business.

No cemetery license authorizes the licensee to do business except from the location for which the cemetery license was issued.

Notice in writing shall be given the board of change of business location of a cemetery broker, whereupon the board shall issue a new cemetery license for the unexpired period. The change or abandonment of business location without notification to the board shall automatically cancel the license theretofore issued.

SEC. 163. Section 9801 of the Business and Professions Code is amended to read:

9801. The following terms as used in this chapter have the meaning expressed in this section:

(a) "Person" includes firm, partnership, association or corporation.

(b) "Department" means the Department of Consumer Affairs.

(c) "Director" means the Director of Consumer Affairs.

(d) "Bureau" means the Bureau of Repair Services.

(e) "Chief" means the Chief of the Bureau of Repair Services.

(f) "Board" means the Repair Services Advisory Board.

(g) "Service dealer" means a person who, for compensation, engages in the business of repairing, servicing, or maintaining television, radio, tape recorders, or phonograph equipment normally used or sold for use in the home.

(h) "Complainant" means the customer of a service dealer who has complained to the director concerning such service dealer.

SEC. 164. Section 9810 of the Business and Professions Code is amended to read:

9810. There is in the Department of Consumer Affairs a Bureau of Repair Services, under the supervision and control of the director. The director shall administer and enforce the provisions of this chapter.

The Governor shall appoint, subject to confirmation by the Senate, a chief of the bureau at a salary to be fixed and determined by the director with the approval of the Director of Finance. The chief shall serve under the direction and supervision of the director and at the pleasure of the Governor.

Before a chief is appointed, the Governor shall give due consideration to any person or persons recommended by the board.

Every power granted to or duty imposed upon the director under this chapter may be exercised or performed in the name of the director by a deputy or assistant director or by the chief, subject to such conditions and limitations as the director may prescribe.

Wherever the laws of this state refer to the Bureau of Electronic Repair Dealer Registration, the reference shall be construed to be to the Bureau of Repair Services.

SEC. 165. Section 9811 of the Business and Professions Code is amended to read:

9811. The director, in accordance with the State Civil Service Act and Section 159.5, may appoint and fix the compensation of such clerical, inspection, investigation, and auditing personnel as well as an assistant chief, as may be necessary to carry out the provisions of this chapter. All such personnel shall perform their respective duties under the supervision and the direction of the chief.

SEC. 166. Section 9817 of the Business and Professions Code is amended to read:

9817. There is in the bureau a Repair Services Advisory Board. It consists of five members appointed by the Governor subject to confirmation by the Senate.

SEC. 167. Section 9870 of the Business and Professions Code is amended to read:

9870. All fees collected pursuant to this chapter shall be paid into the State Treasury to the credit of the Repair Services Fund, which fund is hereby created.

SEC. 168. Section 9871 of the Business and Professions Code is amended to read:

9871. The director shall report to the State Controller at the beginning of each month, for the month preceding, the amount and source of all revenue received by the bureau pursuant to this chapter, and at that time shall pay the entire amount thereof into the State Treasury for credit to the Repair Services Fund.

SEC. 169. Section 9872 of the Business and Professions Code is amended to read:

9872. The money in the Repair Services Fund necessary for the administration of this chapter is hereby continuously appropriated for such purposes. Money in excess of a year and a half's operating cost shall be transferred to the General Fund from the Repair Services Fund.

SEC. 170. Section 9874 of the Business and Professions Code is amended to read:

9874. All salaries, expenses, or costs incurred or sustained pursuant to this chapter shall be payable only out of the Repair Services Fund.

SEC. 171. Section 9907 of the Business and Professions Code is amended to read:

9907. As used in this chapter, "department" means the Department of Consumer Affairs.

SEC. 172. Section 9908 of the Business and Professions Code is amended to read:

9908. As used in this chapter, "director" means the Director of Consumer Affairs.

SEC. 173. Section 9920 of the Business and Professions Code is amended to read:

9920. There is in the Department of Consumer Affairs a Bureau of Employment Agencies under the supervision and control of the Chief of the Bureau of Employment Agencies.

SEC. 174. Section 9922 of the Business and Professions Code is amended to read:

9922. In accordance with the State Civil Service Act, and Section 159.5, the director may appoint and fix the compensation of such inspectors, investigators and other personnel as may be necessary for the administration of this chapter.

SEC. 175. Section 9949 of the Business and Professions Code is repealed.

SEC. 176. Section 9949 is added to the Business and Professions Code, to read:

9949. The form and content of a license shall be determined in accordance with Section 164.

SEC. 177. Section 9950 of the Business and Professions Code is amended to read:

9950. The license shall protect only the person or persons to whom it is issued and only those places for which it is issued. No license shall be issued, transferred or assigned to any person unless written consent is obtained from the bureau.

In the case of a corporation or partnership, a license shall be valid only as long as the person or persons qualifying for the license are active and bona fide shareholders in the corporation, or partners in the case of a partnership. If the person or persons qualifying for the license cease for any reason whatsoever to be connected with the corporation or partnership, such corporation or partnership shall have 90 days to qualify a person for such license, and if it fails to do so such license shall after notice and hearing be suspended until such time as a person

qualifies for such license. A corporation or partnership whose license is suspended pursuant to this section shall not carry on the business of an employment agency during the period of such suspension.

SEC. 178. Section 9992 of the Business and Professions Code is amended to read:

9992. Upon receipt of a complaint, or upon its own motion, the bureau shall ascertain whether or not the accused licensee has been guilty of an act or omission constituting a ground for disciplinary action and may make or cause to be made such investigation as it deems necessary in order to ascertain this fact. All inspections and investigations are to be performed by personnel of the department's Division of Investigation.

Fee controversies which do not involve a violation of any provision of this chapter, or of a rule or regulation of the bureau, shall not be a proper subject for complaint under this section.

SEC. 179. Section 9996 of the Business and Professions Code is repealed.

SEC. 180. Section 17500.1 of the Business and Professions Code is amended to read:

17500.1. No state board or commission within the Department of Consumer Affairs shall enact any rule or regulation which shall restrict or prohibit advertising by any commercial or professional person, firm, partnership or corporation which does not violate the provisions of Section 17500 of the Business and Professions Code. Any existing rules or regulations conflicting with this section are hereby repealed.

The provisions of this section do not apply to any rules or regulations heretofore or hereafter formulated pursuant to Section 6076 of this code.

SEC. 181. Section 17807 of the Business and Professions Code is amended to read:

17807. Except as provided by Section 159.5, the board may employ whatever additional personnel is necessary to carry out the provisions of this chapter.

SEC. 182. Section 18620 of the Business and Professions Code is amended to read:

18620. There is in the Department of Consumer Affairs the State Athletic Commission, which consists of five members appointed by the Governor.

The State Athletic Commission succeeds to and is vested with the duties, powers, purposes, responsibilities and jurisdiction of the Division of Athletics and of the officers and employees of said division.

SEC. 183. Section 18626 of the Business and Professions Code is amended to read:

18626. The commission shall appoint an executive officer and fix his compensation. The executive officer shall carry out the duties prescribed by this chapter and such additional duties as may be delegated by the commission. Except as provided by Section 159.5, the commission may employ such other

personnel as may be necessary for the administration of this chapter.

SEC. 184. Section 18672 of the Business and Professions Code is amended to read:

18672. Except as provided in Section 164, the commission has the sole direction, management, and control of and jurisdiction over all licenses issued to any person who participates in boxing contests, sparring or wrestling matches, or wrestling exhibitions.

SEC. 185. Section 19004 of the Business and Professions Code is amended to read:

19004. (a) "Bureau" refers to the Bureau of Furniture and Bedding Inspection.

(b) "Chief" refers to the chief of the bureau.

(c) "Inspector" refers to an inspector of the department's Division of Investigation.

(d) "Director" refers to the Director of Consumer Affairs.

(e) "Department" refers to the Department of Consumer Affairs.

(f) "Board" refers to the California Advisory Board of Furniture and Bedding.

SEC. 186. Section 19030 of the Business and Professions Code is amended to read:

19030. There is in the Department of Consumer Affairs a Bureau of Furniture and Bedding Inspection under the supervision and control of the Chief of the Bureau of Furniture and Bedding Inspection.

SEC. 187. Section 19031 of the Business and Professions Code is amended to read:

19031. The chief shall be appointed by the Governor and shall serve at his pleasure. His compensation shall be fixed by the Director of Consumer Affairs in accordance with law.

The duty of enforcing and administering this chapter is vested in the chief and he is responsible to the director therefor.

SEC. 188. Section 19032 of the Business and Professions Code is amended to read:

19032. In accordance with the State Civil Service Act and subject to Section 159.5, the director may appoint and fix the compensation of such inspectors, investigators and other personnel as may be necessary for the administration of this chapter.

SEC. 189. Section 19035.1 of the Business and Professions Code is amended to read:

19035.1. One member of the board shall be a bedding manufacturer, one member shall be an upholstered-furniture manufacturer, two members shall be retailers, one member shall be a sterilizer, and two members shall represent the public at large. All of the members, except the members representing the public at large, shall have been actively engaged and licensed as a manufacturer, custom upholsterer, retailer, or sterilizer, as the case may be, for a period of not less than five

years immediately preceding the date of their appointment and shall continue to be so engaged and licensed during the terms of their office.

SEC. 190. Section 19035.2 of the Business and Professions Code is amended to read:

19035.2. Each member of the board shall have been a citizen and a resident of the State of California for at least five years immediately preceding his appointment, and shall be at least 30 years of age and of good character.

Each member of the board, other than a member representing the public at large, shall be of recognized standing in his branch of the furniture and bedding industry in the State of California.

SEC. 191. Section 19035.3 of the Business and Professions Code is amended to read

19035.3. Each member of the board shall be appointed for a term of four years and shall hold office until the appointment and qualification of his successor or until one year shall have elapsed since the expiration of his term, whichever first occurs.

The terms of the members first appointed to the board shall expire as follows: the sterilizer, June 30, 1956; the supply dealer and the member representing the public at large, June 30, 1957; one manufacturer and one retailer, June 30, 1958; one manufacturer and one retailer, June 30, 1959.

The Governor shall appoint the upholstered-furniture manufacturer authorized by the amendment made to Section 19035.1 at the 1961 Regular Session of the Legislature to the vacancy occurring on the board on June 30, 1962 in the membership of a manufacturer.

Vacancies occurring in the membership of the board for any cause shall be filled by appointment for the balance of the unexpired term.

Each member appointed to the board, except the member appointed to represent the public at large, shall be from the same branch of the furniture and bedding industry as his predecessor.

No member shall serve more than two consecutive terms of office.

The Governor shall appoint the additional public member provided for by the Governor's Reorganization Plan No. 2 submitted to the Legislature at the 1970 Regular Session to fill any vacancy occurring in the office of the supply dealer member whose term expires June 30, 1973.

SEC. 192. Section 19052 of the Business and Professions Code is amended to read:

19052. Every custom upholsterer, unless he holds a furniture manufacturer's license, shall hold a custom upholsterer's license.

Persons holding a valid furniture repairer's license on the effective date of the amendment made to this section at the 1968 Regular Session of the Legislature, may operate under such license until the renewal date thereof at which time the

bureau shall issue a custom upholsterer's license, if the person is entitled to have his license renewed.

SEC. 193. Section 19054 of the Business and Professions Code is amended to read:

19054. Every upholstered-furniture manufacturer shall hold a furniture manufacturer's license.

SEC. 194. Section 19056 of the Business and Professions Code is amended to read:

19056. Every bedding renovator, unless he holds a bedding manufacturer's license, shall hold a bedding renovator's license.

SEC. 195. Section 19058 of the Business and Professions Code is amended to read:

19058. Every bedding manufacturer shall hold a bedding manufacturer's license.

SEC. 196. Section 19059 of the Business and Professions Code is amended to read:

19059. Every supply dealer, unless he holds an upholstered-furniture manufacturer's license or a bedding manufacturer's license, shall hold a supply dealer's license.

SEC. 197. Section 19059.5 of the Business and Professions Code is amended to read:

19059.5. Every sterilizer shall hold a sterilizer's license.

SEC. 198. Section 19206 of the Business and Professions Code is amended to read:

19206. No person shall interfere with, obstruct or otherwise hinder any inspector of the bureau or of the department's Division of Investigation in the performance of his duties. The chief, his deputies, and assistants, and all inspectors in the performance of their official duties, shall have the same powers as are possessed by peace officers in this state.

SEC. 199. Section 11200 of the Government Code is amended to read:

11200. The Governor, upon recommendation of the director of the following state departments, may appoint not to exceed two chief deputies for the Directors of the Departments of Finance, Public Works, General Services, and Mental Hygiene, and not to exceed one chief deputy for the Directors of the Departments of Social Welfare, Agriculture, Insurance, Human Resources Development, Motor Vehicles, Consumer Affairs, and Water Resources.

The deputies provided for in this section shall be in addition to those authorized by any other law.

SEC. 200. Section 11501 of the Government Code is amended to read:

11501. (a) The procedure of any agency shall be conducted pursuant to the provisions of this chapter only as to those functions to which this chapter is made applicable by the statutes relating to the particular agency.

(b) The enumerated agencies referred to in Section 11500 are:

Board of Dental Examiners of California.

Board of Medical Examiners of the State of California and the district review committees.

Board of Osteopathic Examiners of the State of California.
California Board of Nursing Education and Nurse Registration.

State Board of Optometry.

California State Board of Pharmacy.

State Department of Public Health.

State Board of Public Health.

Board of Examiners in Veterinary Medicine.

State Board of Accountancy.

California State Board of Architectural Examiners.

State Board of Barber Examiners.

State Board of Registration for Professional Engineers.

Registrar of Contractors.

State Board of Cosmetology.

State Board of Funeral Directors and Embalmers.

Structural Pest Control Board.

Department of Navigation and Ocean Development.

Director of Consumer Affairs.

Bureau of Collection and Investigative Services.

State Fire Marshal.

State Board of Registration for Geologists.

Director of Agriculture.

Labor Commissioner.

Real Estate Commissioner.

Commissioner of Corporations.

Department of Social Welfare.

State Social Welfare Board.

Department of Mental Hygiene.

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.

Board of Pilot Commissioners for Humboldt Bay and Bar.

Board of Pilot Commissioners for the Harbor of San Diego.

Fish and Game Commission.

State Board of Education.

Insurance Commissioner.

Savings and Loan Commissioner.

State Board of Dry Cleaners.

Board of Behavioral Science Examiners.

State Board of Chiropractic Examiners.

State Board of Guide Dogs for the Blind.

Department of Aeronautics.

Board of Administration, Public Employees' Retirement System.

Department of Motor Vehicles.

Bureau of Furniture and Bedding Inspection.

Cemetery Board.

Department of Conservation.

Department of Water Resources acting pursuant to Section 414 of the Water Code.

Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California.

Certified Shorthand Reporters Board.

Bureau of Repair Services.

California State Board of Landscape Architects.

Department of Alcoholic Beverage Control.

California Horse Racing Board.

School districts under Section 13443 of the Education Code.

State Fair Employment Practice Commission.

Bureau of Employment Agencies.

SEC. 201. Section 1155~~4~~ of the Government Code is amended to read:

1155~~4~~. An annual salary of twenty-seven thousand five hundred dollars (\$27,500) shall be paid to each of the following:

- (a) Director of Conservation
- (b) Director of Fish and Game
- (c) Executive Officer, Franchise Tax Board
- (d) Director of Parks and Recreation
- (e) Director of Rehabilitation
- (f) Director of Veterans Affairs
- (g) Director of Commerce
- (h) Director of Consumer Affairs.
- (i) Members of the Unemployment Insurance Appeals Board
- (j) Deputy Director of the Department of Justice
- (k) State Architect.

SEC. 201.5. Article 5 (commencing with Section 12050) of Chapter 1 of Part 2 of Division 3 of Title 2 of the Government Code is repealed.

SEC. 202. Section 1280~~4~~ of the Government Code is amended to read:

1280~~4~~. The Youth and Adult Corrections Agency is hereby renamed the Agriculture and Services Agency.

The Agriculture and Services Agency consists of the following: the Department of Agriculture; the Department of Commerce; the Department of General Services; the Department of Veterans Affairs; the Department of Consumer Affairs; the Franchise Tax Board; the Public Employees' Retirement System; the Office of Consumer Counsel; the State Fire Marshal; and the State Teachers' Retirement System.

The Department of Corrections and the Department of the Youth Authority are hereby transferred from the Youth and Adult Corrections Agency to the Human Relations Agency.

SEC. 203. Section 830.3 of the Penal Code is amended to read:

830.3. (a) The Deputy Director and the Assistant Director of the Department of Justice, the Chief, Assistant Chief, and special agents of the Bureau of Criminal Identification and Investigation, the Chief, Assistant Chief, and narcotics agents of the Bureau of Narcotic Enforcement, and such in-

investigators who are so designated by the Attorney General, are peace officers.

The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed within the state.

(b) Any inspector or investigator regularly employed and paid as such in the office of a district attorney is a peace officer.

The authority of any such peace officer extends to any place in the state:

(1) As to any public offense committed, or which there is probable cause to believe has been committed, within the county which employs him; or

(2) Where he has the prior consent of the chief of police, or person authorized by him to give such consent, if the place is within a city or of the sheriff, or person authorized by him to give such consent, if the place is within a county; or

(3) As to any public offense committed or which there is probable cause to believe has been committed in his presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of such offense.

(c) The Director of the Department of Alcoholic Beverage Control and persons employed by such department for the enforcement of the provisions of Division 9 (commencing with Section 23000) of the Business and Professions Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the laws relating to alcoholic beverages, as that duty is set forth in Section 25755 of the Business and Professions Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any premises licensed pursuant to the Alcoholic Beverage Control Act.

(d) The Chief and investigators of the Division of Investigation of the Department of Consumer Affairs are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 160 of the Business and Professions Code.

(e) Members of the Wildlife Protection Branch of the Department of Fish and Game deputized pursuant to Section 856 of the Fish and Game Code, deputies appointed pursuant to Section 851 of such code, and county fish and game wardens appointed pursuant to Section 875 of such code are peace officers; provided, that the primary duty of deputized members of the Wildlife Protection Branch, and the exclusive duty, except as provided in Section 1509.7 of the Military and Veterans Code, of any other peace officer listed in this subdivision, shall be the enforcement of the provisions of the Fish and Game Code, as such duties are set forth in Sections 856, 851 and 878, respectively, of such code.

(f) The State Forester and such employees or classes of employees of the Division of Forestry of the Department of Conservation and voluntary firewardens as are designated by him pursuant to Section 4156 of the Public Resources Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 4156 of such code.

(g) Officers and employees of the Department of Motor Vehicles designated in Section 1655 of the Vehicle Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 1655 of such code.

(h) The secretary, chief investigator, and racetrack investigators of the California Horse Racing Board are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code and Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of the Penal Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any horseracing enclosure licensed pursuant to the Horse Racing Law.

(i) Police officers of a regional park district, appointed or employed pursuant to Section 5561 of the Public Resources Code, and officers and employees of the Department of Parks and Recreation designated by the director pursuant to Section 5008 of such code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as such duties are set forth in Sections 5561 and 5008, respectively, of such code.

(j) Members of the University of California Police Department appointed pursuant to Section 23501 of the Education Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 23501 of the Education Code.

(k) Policemen of the San Francisco Port Authority are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the laws relating to the San Francisco Harbor, as that duty is set forth in Part 1 (commencing with Section 1690) of Division 6 of the Harbors and Navigation Code.

(l) The State Fire Marshal and assistant or deputy state fire marshals appointed pursuant to Section 13103 of the Health and Safety Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 13104 of such code.

(m) Members of an arson-investigating unit, regularly employed and paid as such, of a fire protection agency of the state, of a county, city, or district, and members of a fire department of a local agency regularly paid and employed as

such, are peace officers; provided, that the primary duty of arson investigators shall be the detection and apprehension of persons who have violated or who are suspected of having violated any fire law, and the exclusive duty, except as provided in Section 1509.7 of the Military and Veterans Code, of fire department members other than arson investigators when acting as peace officers shall be the enforcement of laws relating to fire prevention and fire suppression. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, members of fire departments other than arson investigators are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution.

(n) The Chief and such inspectors of the Bureau of Food and Drug Inspections as are designated by him pursuant to subdivision (a) of Section 216 of the Health and Safety Code are peace officers; provided, that the exclusive duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 216 of such code.

(o) Persons designated by a local agency as park rangers, and regularly employed and paid as such, are peace officers; provided, that the primary duty of any such peace officer shall be the protection of park property and preservation of the peace therein. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, such park rangers are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution.

(p) Members of a state college police department appointed pursuant to Section 24651 of the Education Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as prescribed in Section 24651 of the Education Code.

(q) Members of a community college police department appointed pursuant to Section 25429 of the Education Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as prescribed in Section 25429 of the Education Code.

(r) The authority of any peace officer listed in subdivisions (c) through (q), inclusive, extends to any place in the state; provided, that except as otherwise provided in this section, Section 830.6, or Section 1509.7 of the Military and Veterans Code, any such peace officer shall be deemed a peace officer only for purposes of his primary duty, and shall not act as a peace officer in enforcing any other law except:

(1) When in pursuit of any offender or suspected offender; or

(2) To make arrests for crimes committed, or which there is probable cause to believe have been committed, in his presence while he is in the course of his employment; or

(3) When, while in uniform, such officer is requested, as a peace officer, to render such assistance as is appropriate under the circumstances to the person making such request, or to act upon his complaint, in the event that no peace officer otherwise authorized to act in such circumstances is apparently and immediately available and capable of rendering such assistance or taking such action.

SEC. 204. Section 1 of the act cited in the title is amended to read:

Section 1. A self-sustaining Board of Osteopathic Examiners to consist of five members and to be known as the "Board of Osteopathic Examiners of the State of California" is hereby created and established. The Governor shall appoint the members of the board, each of whom shall have been a citizen of this state for at least five years next preceding his appointment. Each of the members shall be appointed from among persons who are graduates of osteopathic schools who hold unrevoked licenses or certificates to practice in this state. The Governor shall fill by appointment all vacancies on the board. The term of office of each member shall be three years; provided, that of the first board appointed, one shall be appointed for one year, two for two years, and two for three years, and that thereafter all appointments shall be for three years, except that appointments to fill vacancies shall be for the unexpired term only. The Governor shall have power to remove from office any member of the board for neglect of duty, for incompetency, or for unprofessional conduct. Each member of the board shall, before entering upon the duties of his office, take the constitutional oath of office. All fees collected on behalf of the Board of Osteopathic Examiners and all receipts of every kind and nature, shall be reported at the beginning of each month for the month preceding, to the State Controller and at the same time the entire amount must be paid into the State Treasury and shall be credited to a fund to be known as the Board of Osteopathic Examiners Contingent Fund, which fund is hereby created. Such contingent fund shall be for the use of the Board of Osteopathic Examiners and out of it and not otherwise shall be paid all expenses of the board. Each member of the board shall receive a per diem and expenses as provided in Section 103, provided the fees and other receipts of the board are sufficient to meet this expense.

The Governor shall appoint the members of said board within 30 days after this act takes effect. The board shall be organized within 60 days after the appointment of its members by the Governor by electing from its number a president, vice president and a secretary who shall also be the treasurer, who shall hold their respective positions during the pleasure of the board. The board shall hold one meeting annually beginning on the second Tuesday in January in the City of Sacramento with power of adjournment from time to time until its business is concluded. Special meetings of the

board may be held at such time and place as the board may designate. Notice of each regular or special meeting shall be given twice a week for two weeks next preceding each meeting in one daily paper published in the City of San Francisco, one published in the City of Sacramento, and one published in the City of Los Angeles which notice shall also specify the time and place of holding the examination of applicants. The secretary of the board upon an authorization from the president of the board, or the chairman of the committee may call meetings of any duly appointed committee of the board at a specified time and place and it shall not be necessary to advertise such committee meetings. The board shall receive through its secretary applications for certificates to be issued by said board and shall, on or before the first day of January in each year transmit to the Governor a full report of all its proceedings together with a report of its receipts and disbursements.

The office of the board shall be in the City of Sacramento. Suboffices may be established in Los Angeles and San Francisco and such records as may be necessary may be transferred temporarily to such suboffices. Legal proceedings against the board may be instituted in any one of said three cities.

The board may from time to time adopt such rules as may be necessary to enable it to carry into effect the provisions of this act. It shall require the affirmative vote of three members of said board to carry any motion or resolution, to adopt any rules, pass any measure or to authorize the issuance or the revocation of any certificate. Any member of the board may administer oaths in all matters pertaining to the duties of the board and the board shall have authority to take evidence in any matter cognizable by it. The board shall keep an official record of its proceedings, a part of which record shall consist of a register of all applicants for certificates under this act together with the action of the board upon each application.

The board shall have the power to employ legal counsel to advise and assist it in connection with all matters cognizable by the board or in connection with any litigation or legal proceedings instituted by or against said board and may also employ such clerical assistance as it may deem necessary to carry into effect the provisions of this act. The board may fix the compensation to be paid for such services and may incur such other expense as it may deem necessary; provided, however, that all of such expense shall be payable only from the said fund hereinbefore provided for and to be known as the Board of Osteopathic Examiners Contingent Fund.

Every applicant for any form of certificate shall pay to the secretary-treasurer of the board the fees prescribed by law. Every licentiate, or certificate holder, subject to the jurisdiction of this board, shall on or before the first day of January of each year pay to the secretary-treasurer the annual tax and registration fee prescribed by law.

SEC. 205. In the event any other act or acts of the 1971 Regular Session of the Legislature have any effect on any

section of any code or statute affected by this act, the provisions of such act or acts shall prevail over the conflicting provisions of this act.

SEC. 206. It is the intent of the Legislature in enacting this measure to incorporate into law by statute, without substantive change, the Governor's Reorganization Plan No. 2 of 1970, dated March 4, 1970, together with such additional changes as were effected by the Legislature at its 1970 session.

CHAPTER 717

An act to add Sections 2271, 2271.1 and 2271.2 to the Civil Code, relating to trusts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 24, 1971 Filed with
Secretary of State August 24, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 2271 is added to the Civil Code, to read:

2271. The trustee or trustees of every trust (whenever created), during any period or periods such trust is deemed to be a "private foundation" as defined in Section 509 of the Internal Revenue Code of 1954, as added by Section 101 of the Tax Reform Act of 1969 (all references in this article to the Internal Revenue Code shall refer to such code as amended by such act), or a "charitable trust" as defined in paragraph (1) of subsection (a) of Section 4947 of such code, shall distribute its income for each taxable year (and principal if necessary) at such time and in such manner as not to subject the assets of such trust to tax under Section 4942 of such code (as modified by paragraph (3) of subsection (1) of Section 101 of the Tax Reform Act of 1969). The trustee or trustees of every such trust shall not engage in any act of self-dealing as defined in subsection (d) of Section 4941 of such code (as modified by paragraph (2) of subsection (1) of Section 101 of the Tax Reform Act of 1969), retain any excess business holdings as defined in subsection (c) of Section 4943 of such code, make any investments in such manner as to subject the assets of said trust to tax under Section 4944 of such code, or make any taxable expenditure as defined in subsection (d) of Section 4945 of such code (as modified by paragraph (5) of subsection (1) of Section 101 of the Tax Reform Act of 1969).

The provisions of this section shall be deemed to be contained in the instrument or instruments creating every trust to which this section applies, and any provision of such instrument or instruments inconsistent therewith or to the contrary thereof shall be without effect.

SEC. 2. Section 2271.1 is added to the Civil Code, to read:
2271.1. (a) The trustee or trustees of every trust (when-

ever created), during any period or periods such trust is deemed to be a "split-interest trust" as described in paragraph (2) of subsection (a) of Section 4947 of the Internal Revenue Code of 1954, shall not:

(1) Engage in any act of self-dealing as defined in subsection (d) of Section 4941 of such code (as modified by paragraph (2) of subsection (l) of Section 101 of the Tax Reform Act of 1969).

(2) Retain any excess business holdings as defined in subsection (c) of Section 4943 of such code.

(3) Make any investments in such manner as to subject the assets of such trust to tax under Section 4944 of such code.

(4) Make any taxable expenditure as defined in subsection (d) of Section 4945 of such code (as modified by paragraph (5) of subsection (l) of Section 101 of the Tax Reform Act of 1969).

(b) Paragraphs (2) and (3) of subdivision (a) shall not apply to any trust described in paragraph (3) of subsection (b) of Section 4947 of the Internal Revenue Code of 1954.

(c) This section shall not apply with respect to:

(1) Any amounts payable under the terms of such trust to income beneficiaries, unless a deduction was allowed under subparagraph (b) of paragraph (2) of subsection (f) of Section 170, subparagraph (b) of paragraph (2) of subsection (e) of Section 2055, or subparagraph (b) of paragraph (2) of subsection (c) of Section 2522 of such code; or

(2) Any amounts in trust other than amounts for which a deduction was allowed under Section 170, paragraph (2) of subsection (b) of Section 545, paragraph (2) of subsection (b) of Section 556, subsection (c) of Section 642, Section 2055, paragraph (2) of subsection (a) of Section 2106, or Section 2522 of such code, if such amounts are segregated, as that term is defined in paragraph (3) of subsection (a) of Section 4947 of such code, from amounts for which no deduction was allowable; or

(3) Any amounts transferred in trust before May 27, 1969.

(d) The provisions of this section shall be deemed to be contained in the instrument or instruments creating every trust to which this section applies, and any existing provision of such instrument or instruments inconsistent therewith or to the contrary thereof shall be without further effect.

SEC. 3. Section 2271.2 is added to the Civil Code, to read:

2271.2. (a) The superior court shall have jurisdiction to hear and determine any proceedings contemplated by paragraph (3) of subsection (7) of Section 101 of the Tax Reform Act of 1969. Such proceedings may be brought by the organization involved. All specifically named beneficiaries of such organization and the Attorney General shall be parties to such proceedings. This provision shall not be exclusive, and is not intended to limit any jurisdiction which otherwise exists.

(b) Whenever the instrument or instruments creating any trust affected by this section have been recorded, a

notice of pendency of such judicial proceedings shall be recorded in a similar manner within 10 days from the commencement thereof. A duly certified copy of any final judgment or decree in such proceedings shall be similarly recorded.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Federal Tax Reform Act of 1969 (P.L. 91-172) and regulations issued thereunder require that all private foundations cause certain amendments to be made to their governing instruments no later than December 31, 1971, in order to retain their tax-exempt status, unless a state statute accomplishes the same result. This act will eliminate the need for judicial action in most such cases. Its immediate operation is necessary to avoid an intolerable burden on the courts caused by foundations seeking to comply with the provisions of the Tax Reform Act.

CHAPTER 718

An act to amend Section 554 of, and to repeal Section 1006 of, the Education Code, relating to educational programs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 24, 1971 Filed with
Secretary of State August 24, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 554 of the Education Code is amended to read:

554. The board of governors of the State Nautical School on behalf of the State Nautical School, and the governing board of a school district on behalf of any school or community college maintained by the district is vested with all necessary power and authority to perform all acts necessary to receive the benefits and to expend the funds provided by the act of Congress known as the "National Defense Education Act of 1958" (P.L. 85-864; 72 Stat. 1580), by the act of Congress known as the "Economic Opportunity Act of 1964" (P.L. 88-452; 78 Stat. 508), by the act of Congress known as the "Elementary and Secondary Education Act of 1965" (P.L. 89-10; 79 Stat. 27), by the act of Congress known as the "Manpower Development and Training Act of 1962" (P.L. 87-414; 76 Stat. 23), including but not limited to the "JOBS program" (Job Opportunities in the Business Sector), and by the act of Congress known as the "Education Professions Development Act of 1965" (P.L. 89-329; 79 Stats. 1254), by the act of Congress known as the "Demonstration Cities and Metropolitan Development Act of 1966" (P.L. 89-754; 80 Stat. 1259), and by the act of Congress known as the "Omnibus Crime Control and Safe Streets Act of 1968" (P.L. 90-

351; 82 Stat. 197), and by acts amending or supplementing those acts, and with all necessary power and authority to cooperate with, or enter into agreements with, the government of the United States, or any agency or agencies thereof, and with the State Board of Education and with other school districts and private or public nonprofit organizations for the purpose of receiving the benefits and expending the funds provided by said acts of Congress, in accordance with said acts, or any rules or regulations adopted thereunder, or any state plan or rules or regulations of the State Board of Education adopted in accordance with said acts of Congress. Participation may also include the expenditure by the governing board of the State Nautical School or of any school district, or the county superintendent of schools, of whatever funds may be required by the federal government as a condition to such participation.

SEC. 2. Section 1006 of the Education Code is repealed.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

One or more school districts would be eligible to participate in several very beneficial projects which would increase the educational opportunities of the children in these districts pursuant to the Model Cities Program if authorization to enter into the necessary contractual relations is afforded. School districts could participate, by agreement, with the California Council on Criminal Justice, pursuant to P.L. 90-351, in approved programs and would be reimbursed for the costs of such programs. There is a present critical need for involving youth in such crime prevention programs. In order that these programs contemplated by this act can be undertaken at the earliest possible time, it is necessary that this act take immediate effect.

CHAPTER 719

An act relating to qualification of contracts under the California Land Conservation Act of 1965 as enforceable restrictions for purposes of property tax assessments, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 24, 1971. Filed with
Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. A contract which at the time of its execution contained any or all of the requirements contained in this section shall be deemed to provide an enforceable restriction for purposes of Section 422 of the Revenue and Taxation Code and shall be entitled to assessment under Section 423, 423.5 or 429 of such code, provided that such contract otherwise

conforms to the statutory requirements of the California Land Conservation Act of 1965, as contained in Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5 of the Government Code.

(a) If such contract provides for its nullification upon the filing of a condemnation of an interest in all or any part of the property subject to the contract and the board of supervisors of the county or city council of the city having jurisdiction over the land subject to such contract passes an ordinance interpreting such provision, in the case of a condemnation of less than a fee interest, to mean the nullification operates for purposes of establishing value for condemnation purposes but that any termination of the contract is to be pursuant to Article 5 (commencing with Section 51280) of Chapter 7 of Part 1 of Division 1 of Title 5 of the Government Code; or

(b) If such contract provides that the remaining portion of land after an action or acquisition by condemnation is determined by the board of supervisors of the county or city council of the city having jurisdiction over the land subject to the contract to be impaired to such extent as to make it unsuitable for those uses legally available to the owner under terms of his contract and the board of supervisors of the county or city council of the city having jurisdiction over the land subject to such contracts passes an ordinance stating that in administering such portion of a contract it will apply Article 5 (commencing with Section 51280) of Chapter 7 of Part 1 of Division 1 of Title 5 of the Government Code; or

(c) If such contract provides for any waiver of a cancellation payment provided that such waiver is in the best interest of the program to conserve agricultural land and the board of supervisors of the county or city council of the city having jurisdiction over the land subject to such contract passes an ordinance stating that in administering such portion of a contract, it will apply subdivision (c) of Section 51283 of the Government Code.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Some cities or counties and landowners have entered contracts under the California Land Conservation Act of 1965 in good faith but have departed from the precise language of the statute in drafting the terms of the contracts. As a result a question has arisen as to whether restricted-use assessment can be afforded land under such contracts for the 1971-1972 fiscal year. This act will remedy the situation by allowing cities and counties to take timely action to cure the defects. In so doing, the public policy of the state as expressed in the Constitution will be entirely fulfilled and the state as a whole will benefit.

CHAPTER 720

An act relating to healing arts.

[Approved by Governor August 24, 1971. Filed with
Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any other provision of law, a person who possesses all of the following qualifications shall be issued a certificate as a physician and surgeon by the Board of Medical Examiners of the State of California, if he applies therefor within 90 days after the effective date of this act, and if he subsequently successfully passes the oral examination for licensure as a physician and surgeon administered by the Board of Medical Examiners of the State of California:

(a) He is a graduate of a foreign medical school, except a Canadian school.

(b) He has served a residency in surgery for at least four years in hospitals located in the country in which he graduated from medical school.

(c) He is admitted to practice medicine in at least one state in the United States.

(d) He has served as a member of the faculty of a medical school located in the United States for at least one year.

(e) He has taken and successfully passed the written examination for licensure as a physician and surgeon administered by the Board of Medical Examiners of the State of California.

(f) He is of good moral character.

CHAPTER 721

An act to amend Section 6547 of, and to add Sections 6542.5, 6547.2, 6547.3, and 6547.4 to, the Government Code, relating to joint exercise of powers.

[Approved by Governor August 24, 1971. Filed with
Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 6542.5 is added to the Government Code, to read:

6542.5. "Local agency" as used in this article means any public agency designated in Section 6500 other than the federal government or any federal department or agency, this state, an adjoining state, or any state department or agency.

SEC. 2. Section 6547 of the Government Code is amended to read:

6547. The power of the entity to issue revenue bonds is additional to the powers common to the parties to the joint powers agreement, but shall not be exercised until authorized by the parties to that agreement.

Every local agency shall make such authorization by ordinance. The ordinance shall describe in general terms the project, or projects, to be funded by the revenue bonds and the maximum amount of the bonds proposed to be issued. Each such ordinance shall state that it is subject to the provisions for referendum applicable to the enacting agency.

A separate authorization shall be required for each separate bond issue proposed by the entity.

The requirement of an ordinance and the right to referendum thereon shall not apply to the issuance of revenue bonds if, prior to the effective date of the amendments to this section by the 1971 Legislature, one or more local or public agencies shall have taken formal action to implement any one or more projects to be acquired or constructed pursuant to a joint powers agreement. Formal action to implement any one or more projects shall include, but not be limited to, any of the following:

(a) The incurring of liability for a substantial portion of an architectural or engineering contract or other contract relating to a project;

(b) The acquisition of land or improvements for the project;

(c) The making of a substantial contribution toward the project.

SEC. 3. Section 6547.2 is added to the Government Code, to read:

6547.2. Any ordinance subject to referendum under Section 6547 shall be published after adoption as required by law for ordinances of the local agency generally, or, if there be no such requirement applicable to such ordinance, then once pursuant to the provisions of Article 3 (commencing with Section 6040), Chapter 1, Division 7, Title 1 of the Government Code within 15 days after the adoption of such ordinance.

If a local agency does not otherwise have statutory power to enact an ordinance pursuant to Section 6547, the governing body of such local agency is hereby empowered to introduce and enact such ordinance at any regular or adjourned regular meeting by the approving votes of a majority of all of its members. If ordinances of a local agency are not otherwise subject to referendum, then (1) the governing body of such local agency may refer any ordinance enacted pursuant to Section 6547 to the electors of such local agency in the same manner as the board of supervisors of a county may refer county questions pursuant to Section 3750 of the Elections Code, and (2) the electors of such local agency shall have the right to petition for referendum on such ordinance in the same manner and subject to the same rules as are set forth in Sections 3751 to 3754, inclusive, of the Elections Code, except that all computations referred to in those sections and officers of the county mentioned in those sections shall be construed to refer to comparable computations and officers of such local agency. If the governing board of a local agency is an elected

board the electors of such local agency for the purposes of this section shall be the electors of the territory entitled to vote at elections for members of such governing board. If a local agency does not have an elected governing board, the electors residing within the boundaries of such local agency who would be qualified to vote for candidates for Governor at any gubernatorial election shall be the electors of such local agency for the purposes of this section.

SEC. 4. Section 6547.3 is added to the Government Code, to read:

6547.3. In the event that an ordinance enacted pursuant to Section 6547 authorizing the entity to issue revenue bonds is subjected to a successful referendum election or is repealed or rescinded by a local agency, no ordinance authorizing the entity to issue revenue bonds for the same purpose shall be passed by that local agency for a period of one year from the date of such referendum, repeal or rescission.

SEC. 5. Section 6547.4 is added to the Government Code, to read:

6547.4. Except for the requirement of an ordinance and the right to referendum thereon, the amendments to Section 6547 adopted at the 1971 Regular Session of the Legislature shall not limit or affect any heretofore existing right of any public agency to be a party to a joint powers agreement which authorizes an entity to issue bonds under this article, including the right to accomplish a public purpose of such public agency regardless of whether such public agency is obligated to make any contribution or payment of public funds or property.

CHAPTER 722

An act to amend Section 14221 of the Education Code, relating to retired school employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 24, 1971. Filed with
Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 14221 of the Education Code is amended to read:

14221. Unless specifically provided to the contrary, no person retired for service shall accept employment in a status requisite for membership in the system, or in any teaching capacity in a public school, within one year after the effective date of retirement. In no event shall a person accept such employment until after notifying the board at its office in Sacramento, and if retirement is for disability, until the board has determined by medical examination that he is no longer disabled. If any person fails to comply with these requirements the employment shall be invalid.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the benefits of this act to be available during the 1971-1972 school year, this act must take effect immediately.

CHAPTER 723

An act to amend Section 770.3 of the Insurance Code, relating to insurance.

[Approved by Governor August 24, 1971. Filed with Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 770.3 of the Insurance Code is amended to read:

770.3. No state department or agency shall negotiate any life or disability insurance or require the placing of such insurance through a particular agent, broker or company, except to the extent that the state has a direct financial interest in the subject of the insurance. The state has no financial interest in an annuity purchased for an employee where the premium therefor is paid from a deduction from or reduction in the employee's salary, and any annuity paid for through such a deduction or reduction shall not be deemed to have been provided by the state for its employees for purposes of this section, and the state shall not negotiate or require the placing of such annuity through a particular agent, broker, or company. Nothing herein contained shall affect the program of life and disability insurance in connection with veterans' farm and home purchases through the Department of Veterans Affairs except that the total life insurance benefit under said program shall in no event exceed one hundred twenty percent (120%) of the unpaid contract balance. Except in those cases where the premium for an annuity is paid entirely from a deduction from or reduction in an employee's salary, nothing contained herein shall affect life or disability insurance programs which may be provided by the state for its employees.

This section shall apply to all local governmental agencies, as well as state departments and agencies.

SEC. 2. Section 770.3 of the Insurance Code is amended to read:

770.3. No state department or agency shall negotiate any life or disability insurance or require the placing of such insurance through a particular agent, broker or company, except to the extent that the state has a direct financial interest in the subject of the insurance. The state has no financial interest in an annuity purchased for an employee where the premium therefor is paid from a deduction from or reduction in the

employee's salary, and any annuity paid for through such a deduction or reduction shall not be deemed to have been provided by the state for its employees for purposes of this section, and the state shall not negotiate or require the placing of such annuity through a particular agent, broker, or company. Nothing herein contained shall affect the program of life and disability insurance in connection with veterans' farm and home purchases through the Department of Veterans Affairs except that the total life insurance benefit under said program shall in no event exceed one hundred twenty percent (120%) of the unpaid contract balance. Except in those cases where the premium for an annuity is paid entirely from a deduction from or reduction in an employee's salary, nothing contained herein shall affect life or disability insurance programs which may be provided by the state for its employees.

As used in this section, "state department or agency" shall include, but not be limited to, school districts.

This section shall apply to all local governmental agencies, as well as state departments and agencies.

SEC. 3. This act shall not be construed to prohibit a school district from meeting and conferring on proposals by public school employee organizations with respect to insurance benefits to be provided public school employees, or from adopting proposals made by such organizations.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 460 are both chaptered and amend Section 770.3 of the Insurance Code, and this bill is chaptered after Assembly Bill No. 460, that the amendments to Section 770.3 proposed by both bills be given effect and incorporated in Section 770.3 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 460 are both chaptered, both amend Section 770.3, and Assembly Bill No. 460 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

SEC. 5. Section 3 of this act shall become effective only if Assembly Bill No. 460 is chaptered.

CHAPTER 724

An act to amend Section 20 of, and to add Sections 45.1 and 205.5 to, the Elections Code, relating to elections.

[Approved by Governor August 24, 1971. Filed with Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 20 of the Elections Code is amended to read:

20. "Elector" means any person who qualifies to vote at either a state election or a federal election held in the state.

SEC. 2. Section 45.1 is added to the Elections Code, to read:

45.1. Any person who is an elector may circulate an initiative, referendum or recall petition.

SEC. 3. Section 205.5 is added to the Elections Code, to read:

205.5. Any person who is an elector qualifies for appointment as a deputy registrar of voters.

CHAPTER 725

An act to amend Section 14601 of the Education Code, relating to district retirement salary plan.

[Approved by Governor August 24, 1971 Filed with
Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1 Section 14601 of the Education Code is amended to read:

14601. (a) Every regular full-time teacher and every other employee of any school district for which the plan for district retirement is adopted, who is employed by the district at the time of the adoption of the plan, and who signs an agreement to be subject to the burdens of the district retirement plan, shall be entitled to the benefits and subject to the burdens of the plan and of Sections 14551 to 14699, inclusive. Every regular full-time teacher employed in the public schools of the district after the adoption of the provisions of Sections 14551 to 14699, inclusive, by the governing board of the district and such other employees as the board or the petition determines, shall be bound by the benefits and burdens of Sections 14551 to 14699, inclusive.

(b) This section shall be applicable to a person employed in the public schools only as an instructor in classes organized under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, the Adult Education Act of 1966, or Section 11300 or Section 4012 of the Welfare and Institutions Code.

CHAPTER 726

An act to amend Section 14656 of the Education Code, relating to teachers' retirement.

[Approved by Governor August 24, 1971 Filed with
Secretary of State August 24, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 14656 of the Education Code is amended to read:

14656. This section, and the death benefit provided in this section, shall only be operative in the district retirement system if, when and during such time as a death benefit is provided and paid by the State Teachers' Retirement System under Section 14185 of this code. Upon receipt of due proof of the death of any person, after retirement and while receiving a retirement allowance under the district retirement plan, there shall be paid to such beneficiary as he has nominated by written designation duly filed with the retirement system, the sum of five hundred dollars (\$500). Any plan which provides for such death benefit shall also provide that such benefit shall not be payable to the beneficiary of any member in respect to whom a death benefit is paid by the State Teachers' Retirement System under Section 14185 of this code, unless such death benefit paid under Section 14185 has been reduced by the amount of the death benefit otherwise payable under the district retirement plan.

CHAPTER 727

An act to add Section 14684.6 to the Education Code, relating to the district retirement salary plan.

[Approved by Governor August 24, 1971. Filed with Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 14684.6 is added to the Education Code, to read:

14684.6. If any individual entitled to a benefit from the system is a minor who has no guardian of his estate, the benefit, not to exceed two thousand dollars (\$2,000), may be paid to the person entitled to the custody of the minor to hold for the minor, upon the written statement, duly acknowledged and verified, of the person that the total estate of the minor does not exceed two thousand five hundred dollars (\$2,500) in value.

The payment shall constitute full discharge of any and all liabilities of the board and system.

The person shall account to the minor for the money when the minor reaches the age of majority.

CHAPTER 728

An act to amend Sections 14663 and 14664 of the Education Code, relating to the district retirement salary plan.

[Approved by Governor August 24, 1971. Filed with Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 14663 of the Education Code is amended to read:

14663. If a person whose accumulated contributions have been returned to him thereafter reenters the system within 39 months after such return of his contributions, he may at any time after his reentry elect to redeposit such contributions, or, if he reenters the system more than 39 months after such return of his contributions, he may elect to redeposit such contributions returned to him after he has rendered one year of creditable service subsequent to his reentry. Such redeposit shall include interest from the date of return of the contributions by the district to the date of redeposit, at the rate in effect at the date of reentry and within such period as the rules of the governing board may provide, but such period shall be not less than five years, or limited to the date of retirement or subsequent termination of service for reason other than death, whichever shall first occur.

Payment of the redeposit shall be by lump-sum payment or by monthly payment by check or money order, or through means of deductions from salary, of an amount sufficient to complete the redeposit within the specified time limit. If the person does not designate the amount to be redeposited each month, the local retirement system shall cause to be deducted from his salary warrant an amount calculated to complete the redeposit within the minimum five-year period for redeposit of contributions and interest.

SEC. 2. Section 14664 of the Education Code is amended to read:

14664. Upon reentry to membership, the person's rate of contribution shall be the rate applicable to his age on the date of his reentry, until the entire amount of contributions previously withdrawn, together with interest to date of payment at the rate in effect at the time of reinstatement, is completed at which time the following will become effective:

(a) The person's rate of contribution shall be the same as before his termination of service if not more than 39 months have elapsed between the return of contributions by the district and the person's reentry to membership and if the person elects within 60 days after his reentry to redeposit such contributions with interest as provided in Section 14663.

(b) If a person, to whom the provisions of subdivision (a) do not apply, elects to redeposit his contributions with interest pursuant to Section 14663, his rate of contributions on service rendered subsequent to the first of the month following the date such election is received in the retirement office shall be the rate applicable to the age attained by deducting the period from the date of return of his contributions to the date of reentry from the exact age attained at the time of reentry. Such election shall not be deemed to be received prior to the completion of one year of creditable service subsequent to his reentry.

CHAPTER 729

An act authorizing the transfer of state lands to the Department of Parks and Recreation.

[Approved by Governor August 24, 1971 Filed with Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Lands under the jurisdiction of the Division of Highways, Department of Public Works, located at or near Old Sacramento State Historic Park are hereby authorized to be transferred, after purchase at fair market value, to the Department of Parks and Recreation.

SEC. 2. The Director of Parks and Recreation is authorized to include such lands or parts of them within the state park system.

SEC. 3. The transactions authorized under Sections 1 and 2 shall not be completed until approved by the Director of General Services and the Director of Finance.

CHAPTER 730

An act to add Section 20331.5 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor August 24, 1971 Filed with Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 20331.5 is added to the Government Code, to read:

20331.5. Notwithstanding Section 20331, any member of this system employed in the Department of Mental Hygiene at the Langley Porter Neuropsychiatric Institute, San Francisco, or at the Neuropsychiatric Institute, Los Angeles, who is transferred to university employment pursuant to an agreement between the department and the university respecting operation of such institutes shall have the right to elect to continue his membership in this system. To be effective, such election must be in writing and filed with the board prior to the date of his transfer of employment.

CHAPTER 731

An act to amend Section 31108 of the Government Code, relating to county employees.

[Approved by Governor August 24, 1971 Filed with Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 31108 of the Government Code is amended to read:

31108. Any ordinance adopted pursuant to this part shall include substantially the following provisions:

(a) Any officer or employee in the classified civil service may be dismissed, suspended, or reduced in rank or compensation by the appointing authority after appointment or promotion is complete by a written order, stating specifically the reasons for the action. The order shall be filed with the clerk of the board of supervisors or, if there is a county personnel officer, the order shall be filed with the county personnel officer and a copy thereof shall be furnished to the person to be dismissed, suspended, or reduced.

(b) The officer or employee may reply in writing to the order within 10 days from the date of its filing with the clerk of the board of supervisors or county personnel officer. The officer or employee may within five days after presentation to him of the order appeal through the clerk of the board of supervisors or county personnel officer to the civil service commission from the order. Upon the filing of the appeal, the clerk of the board of supervisors or county personnel officer shall forthwith transmit the order and appeal to the civil service commission for hearing.

(c) Within 20 days from the filing of the appeal the commission shall commence a hearing, and either affirm, modify, or revoke the order. The appellant may appear personally, produce evidence, and have counsel and a public hearing.

(d) The findings and decision of the commission shall be certified to the department head or officer whose action was the subject of the hearing and forthwith enforced and followed by him.

CHAPTER 732

An act to amend Section 1952.6 of the Civil Code, relating to leases, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 24, 1971. Filed with
Secretary of State August 24, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 1952.6 of the Civil Code is amended to read:

1952.6. Sections 1951 to 1952.2, inclusive, shall not apply to any lease or agreement for a lease of real property between any public entity and any nonprofit corporation whose title or interest in the property is subject to reversion to or vesting in a public entity and which issues bonds or other evidences of indebtedness, the interest on which is exempt from federal income taxes, for the purpose of acquiring, constructing, or improving the property or a building or other facility thereon, or between any public entity and any other public entity, unless such lease or such agreement shall specifically provide that Sections 1951 to 1952.2, inclusive, or any portions thereof, are

applicable to such lease or such agreement. As used in this section, "public entity" includes the state, a county, city and county, city, district, public authority, public agency, or any other political subdivision or public corporation.

Sec. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Several public entities and nonprofit corporations are planning to enter into leases to finance public improvements and to issue revenue bonds to effect such financing prior to the effective date of legislation enacted at the 1971 Regular Session of the Legislature. This act will insure the marketability of such revenue bonds.

CHAPTER 733

An act to add Article 5.5 (commencing with Section 13570) to Chapter 8 of Division 6 of the Public Utilities Code, relating to waste water and sewage disposal.

[Approved by Governor August 24, 1971 Filed with
Secretary of State August 24, 1971]

The people of the State of California do enact as follows:

SECTION 1. Article 5.5 (commencing with Section 13570) is added to Chapter 8 of Division 6 of the Public Utilities Code, to read:

Article 5.5. Waste Water Control

13570. The board shall supervise and regulate sewage disposal within a special district, including the fixing of standards, contracts, issuance of licenses or permits, practices and schedules for or in connection with waste water control and sewage disposal functions of such special district.

13571. Without limiting in any way the provisions of this division, and in addition to the powers granted therein, the board may make and enforce such regulations for the control of quantity, quality and flow of waste water within the boundaries of a special district as are not in conflict with the general laws of the state. "Waste water" shall include all sewage, industrial and other wastes and waters, whether treated or untreated, discharged into or permitted to enter a community sewer system connected to or directly into a district interceptor for treatment in sewage disposal facilities of a special district.

13572. Rules and regulations pertaining to the control of quantity, quality or flow of waste water may provide for any or all of the following:

(a) Periodic technical reports to the district from contributors or dischargers into the district's system.

(b) The issuance of permits or licenses by the district as a condition of discharging waste water for treatment in sewage disposal facilities of a special district.

(c) The installation by the contributor or discharger of pre-treatment works or facilities.

(d) The installation by the contributor or discharger of waste water sampling and inspection facilities.

(e) Procedures for enforcement of waste water standards and regulations adopted by the district and remedies for violation thereof.

(f) Entry by the district upon private property to make surveys, inspections or samplings.

(g) Such other provisions as are necessary to effectuate the control of the quantity, quality and flow of waste water within a special district.

13573. No person shall discharge waste water into a community sewer system connected to or directly into a district interceptor which will result in contamination, pollution or a nuisance. All discharges of waste water which are, or could be, harmful to or unreasonably affect the sewage disposal facilities of a district, or which impair or unreasonably affect the operation and maintenance of such facilities, or which violate quantity, quality and flow standards adopted by the district, and all waste water discharges which unreasonably affect, or could unreasonably affect, the quality of the district's treatment plant effluent in such a manner that receiving water quality requirements established by law cannot be met by the district, shall constitute a nuisance for the purposes of this article.

13574. Whenever a discharge of waste water is in violation of the district's regulations or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, as defined in this article, the district may petition the superior court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining the continuance of such discharge. In any civil action brought under this section, it shall not be necessary to allege or prove at any stage of the proceedings that irreparable damage will occur should the temporary restraining order, preliminary injunction or permanent injunction not be issued or that the remedy at law is inadequate and the temporary restraining order, preliminary injunction or permanent injunction shall issue without such allegations and without such proof.

13575. (a) Any person who intentionally or negligently violates any order issued by the district for violation of rules regulating or prohibiting discharge of waste water which causes or threatens to cause a condition of contamination, pollution or nuisance, as defined in this article, may be liable civilly in a sum not to exceed six thousand dollars (\$6,000) for each day in which such violation occurs.

(b) The attorney of the district, upon request of the board, shall petition the superior court to impose, assess and recover

such sums. In determining such amount the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the discharger.

13576. Any person who intentionally discharges waste water in any manner, in violation of any order issued by the district, which results in contamination, pollution or a nuisance, as defined in this article, is guilty of a misdemeanor.

13577. Any abatement actions taken pursuant to the foregoing sections with respect to contamination, pollution or nuisance, as defined in this article, created by the discharge of waste water into a community sewer system shall be taken against the agent or agency operating such system and the contributor or contributors whose waste creates the contamination, pollution or nuisance.

13578. The district may enter upon private property of any person and sample at, inspect or survey the waste water sampling installation or pretreatment facilities or processes of any contributor or discharger to ascertain whether district regulations for control of quantity, quality and flow of waste water are being complied with. Such inspections shall be made with the consent of the owner or possessor of such facilities or, if such consent is refused, with a warrant duly issued pursuant to the procedure set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure. However, in the event of an emergency affecting the public health or safety, such inspection may be made without the consent or the issuance of a warrant. The district may terminate or cause to be terminated sewage disposal or water services to such property if a violation of any rule or regulation pertaining to control of waste water is found to exist or if a discharge of waste water causes or threatens to cause a condition of contamination, pollution or nuisance, as defined in this article.

CHAPTER 734

An act to amend Section 24005 of the Vehicle Code, relating to vehicle equipment.

[Approved by Governor August 24, 1971 Filed with
Secretary of State August 24, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 24005 of the Vehicle Code is amended to read:

24005. It is unlawful for any person to sell, offer for sale, lease, install, or replace, either for himself or as the agent or employee of another, or through such agent or employee, any glass, lighting equipment, signal devices, brakes, vacuum or pressure hose, muffler, exhaust, or any kind of equipment

whatsoever for use, or with knowledge that any such equipment is intended for eventual use, in any vehicle, that is not in conformity with this code or regulations made thereunder.

CHAPTER 735

An act to amend Section 27150 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor August 24, 1971 Filed with
Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 27150 of the Vehicle Code is amended to read:

27150. (a) Every motor vehicle subject to registration shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise, and no muffler or exhaust system shall be equipped with a cutout, bypass, or similar device.

(b) Every passenger vehicle operated off the highways shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise, and no muffler or exhaust system shall be equipped with a cutout, bypass, or similar device.

(c) The provisions of subdivision (b) shall not be applicable to passenger vehicles being operated off the highways in an organized racing or competitive event conducted under the auspices of a recognized sanctioning body or by permit issued by the local governmental authority having jurisdiction.

CHAPTER 736

An act to amend Section 12640.09 of the Insurance Code, relating to insurance.

[Approved by Governor August 24, 1971 Filed with
Secretary of State August 24, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 12640.09 of the Insurance Code is amended to read:

12640.09. (a) A mortgage guaranty insurer shall limit its coverage for the class of insurance defined in paragraphs (1) and (2) of subdivision (a) of Section 12640.02 to a maximum of a net of twenty (20) percent at risk of the entire indebtedness to the insured, or in lieu thereof, a mortgage guaranty insurer may elect to pay the entire indebtedness to the insured and acquire title to the authorized real estate security.

(b) Notwithstanding subdivision (a), a mortgage guaranty insurer may extend its coverage for the class of insurance defined in paragraphs (1) and (2) of subdivision (a) of Section 12640.02 beyond the limit established by subdivision (a) of

this section, provided such excess is insured by a contract of reinsurance.

(c) Notwithstanding any provision of law to the contrary, a mortgage guaranty insurer may, by contract, reinsure any insurance it transacts.

CHAPTER 737

An act to validate all proceedings leading to the adoption of charter city amendments, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 24, 1971. Filed with Secretary of State August 24, 1971]

The people of the State of California do enact as follows:

SECTION 1. All acts and proceedings heretofore taken by any city under any law, or under color of any law, with respect to the proposal, adoption, and ratification of city charter amendments or with respect to any publication or notice required by law in connection with the proposal, adoption, or ratification of city charter amendments, are hereby confirmed, validated, and declared legally effective. No city charter amendments shall be deemed invalid or fail to be accepted for ratification by reason of noncompliance with the requirements of Section 62 of the Elections Code. This act shall be effective only with respect to city charter amendments submitted to the Legislature for ratification at the 1971 Regular Session of the Legislature.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

City charter amendments important to the functioning of charter cities and to the health and welfare of the inhabitants thereof that have been ratified by city electors in prior charter elections do not comply in certain technical respects with the procedure relating to the method of their adoption.

Charter amendments are effective when filed with the Secretary of State and therefore this act, assuring the validity of such amendments, must be given immediate effect.

CHAPTER 738

An act to amend Sections 5101.5 and 10100.5 of the Streets and Highways Code, relating to transportation.

[Approved by Governor August 24, 1971. Filed with Secretary of State August 24, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 5101.5 of the Streets and Highways Code is amended to read:

5101.5. Whenever in the opinion of the legislative body the public interest or convenience may require, it may install or operate, or install and operate, in or along its streets or any public way or any easement, either singly or in any combination of the items mentioned in Section 5101 and this section, any of the following:

(a) Works, systems or facilities for the transportation of people, designed to serve an area of not to exceed three square miles, including rolling stock and other equipment appurtenant thereto.

(b) All other work auxiliary to any of the above, which may be required to carry out the same, including terminal and intermediate stations, structures, or platforms, or other facilities which may be necessary for the loading of people into and unloading of people from such transportation facilities.

(c) All other work auxiliary to any of the above which may be required to carry out the same.

(d) Acquisition of any and all property, easements, and rights-of-way which may be required to carry out the purposes of the project.

SEC. 2. Section 10100.5 of the Streets and Highways Code is amended to read:

10100.5. Whenever the public interest or convenience requires, the legislative body of any municipality may install or operate, or install and operate, in or along its streets or any public way or any easement, any of the following:

(a) Works, systems or facilities for the transportation of people, designed to serve an area of not to exceed three square miles, including rolling stock and other equipment appurtenant thereto.

(b) All other work auxiliary to any of the above, which may be required to carry out the same, including, but not limited to, terminal and intermediate stations, structures, or platforms or other facilities which may be necessary for the loading of people into and unloading of people from such transportation facilities.

(c) Acquisition of any and all property, easements, and rights-of-way which may be required to carry out the purposes of the project.

CHAPTER 739

An act to amend Sections 24254 and 39006.5 of, and to add Section 24348.5 to, the Health and Safety Code, and to amend Sections 2814, 27153, 27153.5, 27156, and 27158 of the Vehicle Code, relating to air pollution.

[Approved by Governor August 24, 1971 Filed with
Secretary of State August 24, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 24254 of the Health and Safety Code is amended to read:

24254. As used in this chapter, "person" also means

(a) Any state or local governmental agency or public district, or any officer or employee thereof; provided, however, that no state or local governmental agency, or public district, or any officer or employee thereof, shall be criminally liable or responsible under the provisions of this chapter for any acts done by such governmental agency, or public district, in the performance of its functions or by such officers or employees in the performance of their duties. No criminal action shall hereafter be maintained or prosecuted for such acts, and all criminal actions heretofore instituted for such acts shall be dismissed. Any violation of any provision of this chapter or of any order, rule, or regulation of the Air Pollution Control Board by any governmental agency, or public district, or by any officer or employee thereof, may be enjoined in a civil action brought in the name of the people of the State of California.

(b) The United States or its agencies, to the extent authorized by federal law.

SEC. 2. Section 24348.5 is added to the Health and Safety Code, to read:

24348.5. As used in this chapter, "person" also means the United States or its agencies, to the extent authorized by federal law.

SEC. 3. Section 39006.5 of the Health and Safety Code is amended to read:

39006.5. "Person" also means

(a) Any state or local governmental agency or public district, or any officer or employee thereof; provided, however, that no state or local governmental agency, or public district, or any officer or employee thereof, shall be criminally liable or responsible under the provisions of Chapter 3.5 (commencing with Section 39077) of this part for any acts done by such governmental agency, or public district, in the performance of its functions or by such officers or employees in the performance of their duties.

(b) The United States or its agencies to the extent authorized by federal law.

SEC. 4. Section 2814 of the Vehicle Code is amended to read:

2814. Every driver of a passenger vehicle shall stop and submit the vehicle to an inspection of the mechanical condition and equipment of the vehicle at any location where members of the California Highway Patrol are conducting tests and inspections of passenger vehicles and when signs are displayed requiring such stop.

The Commissioner of the California Highway Patrol may make and enforce regulations with respect to the issuance of stickers or other devices to be displayed upon passenger vehicles as evidence that the vehicles have been inspected and have been found to be in safe mechanical condition and equipped as required by this code and equipped with certified

motor vehicle pollution control devices as required by Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code which are correctly installed and in operating condition. Any sticker so issued shall be placed on the windshield within a seven-inch square as provided in Section 26708.

If, upon such an inspection of a passenger vehicle, it is found to be in unsafe mechanical condition or not equipped as required by this code and the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code, the provisions of Article 2 (commencing with Section 40150) of Chapter 1 of Division 17 of this code shall apply.

The provisions of this section relating to motor vehicle pollution control devices apply to vehicles of the United States or its agencies, to the extent authorized by federal law.

SEC. 5. Section 27153 of the Vehicle Code is amended to read:

27153. No motor vehicle shall be operated in a manner resulting in the escape of excessive smoke, flame, gas, oil, or fuel residue.

The provisions of this section apply to motor vehicles of the United States or its agencies, to the extent authorized by federal law.

SEC. 6. Section 27153.5 of the Vehicle Code is amended to read:

27153.5. (a) No motor vehicle first sold or registered as a new motor vehicle on or after January 1, 1971, shall discharge into the atmosphere at elevation of less than 3,000 feet any air contaminant for a period of more than 10 seconds which is:

(1) As dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in paragraph (1) of this subdivision.

(b) No motor vehicle first sold or registered prior to January 1, 1971, shall discharge into the atmosphere at elevation of less than 3,000 feet any air contaminant for a period of more than 10 seconds which is:

(1) As dark or darker in shade than that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in paragraph (1) of this subdivision.

(c) The provisions of this section apply to motor vehicles of the United States or its agencies, to the extent authorized by federal law.

SEC. 7. Section 27156 of the Vehicle Code is amended to read:

27156. No person shall operate or leave standing upon any highway any motor vehicle which is required to be equipped with a motor vehicle pollution control device under Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code or any other certified motor vehicle pollution control device required by any other state law or any rule or regulation adopted pursuant to such law, or required to be equipped with a motor vehicle pollution control device pursuant to the National Emissions Standards Act (42 U.S.C., Secs. 1857f-1 to 1857f-7, inclusive) and the standards and regulations promulgated thereunder, unless the motor vehicle is equipped with the required motor vehicle pollution control device which is correctly installed and in operating condition. No person shall disconnect, modify, or alter any such required device.

No person shall sell, offer for sale, or advertise any device, apparatus, or mechanism intended for use with, or as a part of, any required motor vehicle pollution control device or system which alters or modifies the original design or performance of any such motor vehicle pollution control device or system.

When the court finds that a person has willfully violated this section, he shall be fined the maximum amount that may be imposed in the case, and no part of the fine may be suspended.

"Willfully," as used in this section, has the same meaning as the meaning of that word prescribed in Section 7 of the Penal Code.

No person shall operate a vehicle after notice by a traffic officer that such vehicle is not equipped with the required certified motor vehicle pollution control device correctly installed in operating condition, except as may be necessary to return the vehicle to the residence or place of business of the owner or driver or to a garage, until the vehicle has been properly equipped with such a device.

The notice to appear issued or complaint filed for a violation of this section shall require that the person to whom the notice to appear is issued or against whom the complaint is filed produce proof of correction pursuant to Section 40150.

This section shall not apply to an alteration, modification, or modifying device, apparatus, or mechanism found by resolution of the State Air Resources Board either:

- (1) To not reduce the effectiveness of any required motor vehicle pollution control device; or
- (2) To result in emissions from any such modified or altered vehicle which are at levels which comply with existing state or federal standards for that model year of the vehicle being modified or converted.

The provisions of this section apply to motor vehicles of the United States or its agencies, to the extent authorized by federal law.

SEC. 8. Section 27158 of the Vehicle Code is amended to read:

27158. After notice by a traffic officer that a vehicle does not comply with any regulation adopted pursuant to Section 27157, no person shall operate, and no owner shall permit the operation of, such vehicle for more than 30 days thereafter unless a certificate of compliance has been issued for such vehicle in accordance with the provisions of Section 12303. A certificate of compliance issued for such vehicle shall, for a period of one year from date of issue, constitute proof of compliance with any regulations adopted pursuant to Section 27157 provided that no required pollution control device has been disconnected, modified, or altered or has been adjusted by other than a licensed installer in a licensed motor vehicle pollution control device installation and inspection station subsequent to the issuance of the certificate of compliance.

The provisions of this section apply to the United States or its agencies to the extent authorized by federal law.

CHAPTER 740

An act to amend Section 69894.1 of the Government Code, relating to courts.

[Approved by Governor September 21, 1971 Filed with Secretary of State September 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 69894.1 of the Government Code is amended to read:

69894.1. In each county with a population of over 6,000,000 a majority of the judges of the superior court may appoint the following officers and employees whose salaries shall be:

Number	Title	Schedule
2	Accounting clerk -----	36
3	Accounting technician -----	40
3	Administrative assistant -----	47
14	Administrative secretary -----	45
1	Assistant director, family counseling services -----	69
1	Assistant jury commissioner -----	64
1	Assistant supervising counselor, mental health -----	65
1	Assistant supervising probate attorney -----	75
1	Assistant supervising juvenile traffic hearing officer -----	66
1	Assistant to the executive officer----	71
2	Chief clerk -----	52
1	Chief, personnel division -----	67
1	Civil courts coordinator -----	68
45	Clerk I -----	28

Number	Title	Schedule
82	Clerk II -----	32
42	Clerk III -----	38
18	Clerk III-secretary -----	39
2	Clerk IV -----	46
55	Counselor -----	55
68	Court commissioner -----	FA \$26,717
225	Court reporter -----	65
1	Court reporter assignment clerk---	45
1	Court statistician -----	53
1	Criminal calendar assignment clerk	41
1	Criminal courts coordinator -----	68
1	Director, administrative services---	72
1	Director, family counseling services	73
1	Director, research and development	76
1	Driver-messenger -----	36
1	Duplicating and mail unit supervisor -----	40
1	Executive assistant -----	64
1	Executive officer -----	85
1	Executive secretary -----	55
3	Family counselor I -----	55
4	Family counselor II -----	61
1	Finance officer -----	63
1	Graphic arts aid -----	41
1	Head, recognizance services -----	65
1	Head, staff services -----	70
10	Interpreter -----	40
1	Jury commissioner -----	71
8	Jury interviewer -----	46
1	Jury qualification supervisor -----	51
19	Law clerk -----	54
5	Legal research assistant -----	45
27	Legal secretary -----	41
1	Offset duplicator operator -----	34
1	Payroll records supervisor -----	45
1	Personnel officer -----	63
1	Principal administrative assistant	64
2	Principal counselor -----	63
15	Probate attorney -----	71
1	Probate commissioner -----	80
9	Probate checker -----	44
1	Procurement assistant -----	43
1	Property and services coordinator	57
5	Property custodian-auditor -----	39
1	Psychiatric physician -----	FD \$125
10	Referee -----	77
1	Research attorney -----	71
1	Secretary and assignment clerk ---	41
1	Secretary and personnel clerk ---	41
1	Secretary to executive officer -----	52
3	Senior administrative assistant ---	56
20	Senior counselor -----	59

Number	Title	Schedule
18	Senior family counselor -----	65
30	Senior judicial secretary -----	43
25	Senior juvenile traffic hearing officer -----	62
1	Senior property custodian-auditor _	45
2	Senior referee -----FA	\$26,717
14	Senior stenographic secretary ----	48
1	Special assistant -----	67
1	Supervising counselor, mental health -----	73
1	Supervising judicial secretary ----	55
1	Supervising juvenile traffic hearing officer -----	70
1	Supply clerk -----	37

Whenever a reference to a numbered salary schedule is made in this section that found in the salary ordinance of the County of Los Angeles shall apply. Reduction of the schedule applicable to a class by reason of the adoption of this salary plan or subsequent reclassification of positions for organizational purposes shall not result in a lower salary rate to incumbents of such positions. The court is authorized to regulate by rule the status of employees so affected.

All personnel appointed pursuant to this article shall serve at the pleasure of the court and may at any time be removed by the court in its discretion.

CHAPTER 741

An act to add Section 10505 to the Government Code, relating to investments by public retirement systems.

[Approved by Governor September 21, 1971. Filed with Secretary of State September 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 10505 is added to the Government Code, to read:

10505. The governing board or retirement board of the retirement system of every local agency as defined in Section 54951, shall on or before six months following the close of the fiscal year transmit to the committee a report containing a description of all securities held and a comprehensive report of transactions involving the investments of their retirement funds similar to that required of a life insurance company licensed to do business in California. Such report shall include all security transactions, including whom the board purchased securities from and through whom the board purchased. The board shall also so report on all mortgage transactions, including specifically the mortgage broker, mortgage banker, and savings and loan association the board does business with, whether the transaction involved cash, and which banks or savings and loan associations the board has accounts with.

CHAPTER 742

An act to amend Sections 20165, 20952.5, 21033, 21102, 21252.001, 21252.5, 21257.1, 21257.2, 21257.3, 21257.4, and 21330 of, the Government Code, relating to the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 21, 1971. Filed with Secretary of State September 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 20165 of the Government Code is amended to read:

20165. If more or less than the correct amount of contribution required of members, the state, or any contracting agency, is paid, proper adjustment shall be made in connection with subsequent payments, or such adjustments may be made by direct cash payments between the member, state, or contracting agency concerned and the board. Adjustments to correct any other errors in payments to or by the board, including adjustments of contributions, with interest, which are found to be erroneous as the result of corrections of dates of birth, may be made in the same manner. Adjustments to correct overpayment of a retirement allowance may also be made by adjusting the allowance so that the retired person or the retired person and his beneficiary, as the case may be, will receive the actuarial equivalent of the allowance to which the member is entitled. Losses or gains resulting from error in amounts within the limits set by the State Board of Control for automatic writeoff, and losses or gains in greater amounts specifically approved for writeoff by the State Board of Control, shall be debited or credited, as the case may be, to the reserve against deficiencies in interest earned in other years, losses under investments, and other contingencies.

No adjustment shall be made because less than the correct amount of normal contributions was paid by a member if, upon application of the member made within 90 days of discovery of the error by the system, the board finds that the error was not known to the member and was not the result of erroneous information provided by him to the system or to his employer and such failure to adjust will not preclude action under Section 20180 correcting the date upon which the person became a member.

The actuarial equivalent under this section shall be computed on the basis of the mortality tables and actuarial interest rate in effect under the system on December 1, 1970.

SEC. 2. Section 20952.5 of the Government Code is amended to read:

20952.5. Notwithstanding the provisions of Section 20952, a local safety member shall be retired for service upon his written application to the board if he has attained age 50 and is entitled to be credited with 20 years of state service or if

the amount of his accumulated contributions standing to his credit exceeds five hundred dollars (\$500).

However, if a local safety member retires before attaining the minimum age of voluntary retirement which would be applicable to him if this section had not been enacted, his prior and current service pensions shall be reduced to that amount which the value of the pensions as deferred to that minimum age will purchase at the actual age of retirement on the basis of the mortality tables and actuarial interest rate in effect on December 1, 1970, under the system with respect to such members.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

SEC. 2.5. Section 20952.5 of the Government Code is amended to read:

20952.5. Notwithstanding the provisions of Section 20952, a local safety member to whom Section 20952 applies shall be retired for service upon his written application to the board if he has attained age 50 and is credited with five years of state service.

However, if such member retires before attaining age 55, his prior and current service pensions shall be reduced to that amount which the value of the pensions as deferred to that minimum age will purchase at the actual age of retirement on the basis of the mortality tables and actuarial interest rate in effect on December 1, 1970, under the system with respect to such members.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

SEC. 3. Section 21033 of the Government Code is amended to read:

21033. If the retirement allowance of any person retired for disability is canceled for any cause other than reentrance into state service, and if he does not reenter state service, an amount which is the actuarial equivalent of his annuity at cancellation, based on a disabled life, but not exceeding the amount of his accumulated contributions at the time of his retirement for disability, shall be credited to his individual account, and

shall be refunded to him unless he elects, under Section 20393, to allow his accumulated contributions to remain in the retirement fund.

The actuarial equivalent under this section shall be computed on the basis of the mortality tables and actuarial interest rate in effect under the system on December 1, 1970.

SEC. 4. Section 21102 of the Government Code is amended to read:

21102. When any person is reinstated from retirement under this article, his retirement allowance shall be canceled forthwith, and he shall become a member of this system as of the date of reinstatement. His individual account shall be credited with an amount which is the actuarial equivalent of his annuity at the date of reinstatement, not to exceed the amount of his accumulated contributions as it was at the date of retirement. His future rate of contributions and his retirement allowance upon subsequent retirement shall be determined in accordance with Chapter 5 and Chapter 9 of this part, respectively.

The actuarial equivalent under this section shall be computed on the basis of the mortality tables and actuarial interest rate in effect under the system on December 1, 1970.

SEC. 5. Section 21252.001 of the Government Code is amended to read:

21252.001. The current service pension for a local miscellaneous member who is an employee of a contracting agency which is subject to the provisions of this section and who retires upon or after attaining age 65, is a pension, derived from the contributions of the contracting agency sufficient, when added to the service retirement annuity that is derived from the accumulated normal contributions of the member at the date of his retirement, to equal one-seventieth of his final compensation multiplied by the number of years of current service rendered as an employee of the contracting agency, except service in a membership category other than that of a local miscellaneous member, with which he is entitled to be credited at retirement. If such a member retires before attaining age 65, the current service pension shall be reduced to that amount which the value of the pension as deferred to age 65 will purchase at the actual age at retirement on the basis of the actuarial interest rate and mortality tables in effect on December 1, 1970 under the system with respect to such members.

This section shall apply only to those contracting agencies which were subject to it on the effective date of the amendment to this section at the 1969 Regular Session of the Legislature.

SEC. 6. Section 21252.5 of the Government Code is amended to read:

21252.5. The combined current and prior service pensions for a local safety member who is an employee of a contracting agency which is subject to the provisions of this section, is an annual pension which when added to the service retirement

annuity that is derived from the accumulated normal contributions of the member shall equal the sum of the following:

(a) A temporary annuity based on age at retirement and length of service computed according to the following formula:

(1) 0.50 times the product of his age at retirement and his years of credited prior and current service not in excess of 20 years, plus

(2) 0.40 times the product of his age at retirement and his years of credited prior and current service in excess of 20 years.

(b) The percentage of final compensation set forth opposite his age at retirement in the following table multiplied by the number of years of credited current and prior service as a safety member in the employ of all contracting agencies subject to this section at the time of his retirement:

If retirement occurs at age:	The percent for each year of credited service is:
60	1.250
60 $\frac{1}{4}$	1.275
60 $\frac{1}{2}$	1.300
60 $\frac{3}{4}$	1.325
61	1.350
61 $\frac{1}{4}$	1.375
61 $\frac{1}{2}$	1.400
61 $\frac{3}{4}$	1.425
62	1.450
62 $\frac{1}{4}$	1.475
62 $\frac{1}{2}$	1.500
62 $\frac{3}{4}$	1.525
63	1.550
63 $\frac{1}{4}$	1.575
63 $\frac{1}{2}$	1.600
63 $\frac{3}{4}$	1.625
64	1.650
64 $\frac{1}{4}$	1.675
64 $\frac{1}{2}$	1.700
64 $\frac{3}{4}$	1.725
65	1.750

If the member retires before attaining age 60, the prior and current service pension under this section shall be reduced to that amount which the value of the pensions, as deferred to age 60, will purchase at the actual age of retirement on the basis of the mortality tables and actuarial interest rate in effect on December 1, 1970, under the system with respect to such members.

The temporary annuity under subdivision (a) of this section shall not be subject to the optional settlements under Article 4 of this chapter and shall be payable monthly until the retired member attains or would have attained age 65. Should his

death occur prior to age 65, the commuted value of any remaining installments shall be paid to his designated beneficiary in the manner provided in Section 21332.5 for payment of death benefits under optional settlement one.

The agency's liability for prior service shall be in the same proportion to the total reserves required as the years of credited prior service bear to the total years of credited service. The agency's liability for current service shall consist of the remainder of the total reserves required after deducting the liability for prior service and the accumulated normal contributions of the member.

This section shall apply only to a contracting agency which elected prior to October 1, 1965, by express provision of its contract or amendment thereto to be subject hereto.

Sec. 7. Section 21257.1 of the Government Code is amended to read:

21257.1. If a warden or forestry member retires from service before attaining age 60, his prior and current service pensions shall be reduced to that amount which the value of the pensions as deferred to age 60 will purchase at the actual age of retirement on the basis of the mortality tables and actuarial interest rate in effect on December 1, 1970, under the system with respect to such members.

Sec. 8. Section 21257.2 of the Government Code is amended to read:

21257.2. If a state miscellaneous member retires for service before attaining age 55, his current and prior service pensions calculated according to the formulas applicable at age 60, in Sections 21251.1 and 21253, respectively, shall be reduced to that amount which the value of such pensions as deferred to age 60 will purchase at the actual age at retirement on the basis of the mortality tables and actuarial interest rate in effect on December 1, 1970, under the system with respect to such members.

Sec. 9. Section 21257.3 of the Government Code is amended to read:

21257.3. If a law enforcement member retires for service before attaining age 55, his prior and current service pensions shall be reduced to that amount which the value of the pensions as deferred to age 55 will purchase at the actual age of retirement on the basis of the mortality tables and actuarial interest rate in effect on December 1, 1970, under the system with respect to such members.

Sec. 10. Section 21257.4 of the Government Code is amended to read:

21257.4. Notwithstanding Section 21257.1, the pension of a forestry member payable under Section 21252.3 shall be reduced only upon retirement for service before attaining age 55 and in that event, the reduction shall be to that amount which the value of the pension as deferred to age 55 will purchase at the actual age of retirement on the basis of the

mortality tables and actuarial interest rate in effect on December 1, 1970, under the system with respect to such members.

SEC. 11. Section 21330 of the Government Code is amended to read:

21330. In lieu of the retirement allowance for his life alone, a member or retired member may elect, or revoke or change a previous election prior to the approval of the previous election, to have the actuarial equivalent of his retirement allowance as of the date of retirement applied to a lesser retirement allowance, in accordance with one of the optional settlements specified in this article. Said election or revocation or change thereof, with respect to patrol, local safety or law enforcement members, shall apply to all of the retirement allowance, if, at the effective date of retirement for service or for industrial disability, said member has no wife, children or dependent parents who would qualify for continuance of the allowance after the death of said member; or, if at retirement said member has a wife, children or dependent parents who would so qualify, then said election, or revocation, or change thereof shall apply only to the portion of the allowance which would not be continued after the member's death, regardless of dependents.

An actuarial equivalent under this article shall be computed on the basis of the mortality tables and actuarial interest rate in effect under the system on December 1, 1970.

SEC. 12. It is the intent of the Legislature, if this bill and Senate Bill No. 249 are both chaptered and amend Section 20952.5 of the Government Code, and this bill is chaptered after Senate Bill No. 249, that Section 20952.5 of the Government Code, as amended by Section 34 of Senate Bill No. 249 be further amended on the effective date of this act in the form set forth in Section 2.5 of this act to incorporate the changes in Section 20952.5 proposed by this bill. Therefore, if Senate Bill No. 249 is chaptered before this bill and amends Section 20952.5, Section 2.5 of this act shall become operative on the operative date of this act and Section 2 of this act shall not become operative.

SEC. 12.5. All computation, payments and other acts made or done on and after July 1, 1971, which would be valid if this act had taken effect prior to July 1, 1971, are hereby ratified, confirmed, and validated.

SEC. 13. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act must take effect immediately to preserve the validity of the financing of the improved retirement allowance formula for miscellaneous members of the Public Employees' Retirement System proposed by Senate Bill 249 to be effective July 1, 1971, if that bill is enacted.

CHAPTER 743

An act to amend Sections 70059.7, 74642, 74644, 74644.1, and 74647 of the Government Code, relating to courts.

[Approved by Governor September 21, 1971 Filed with Secretary of State September 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 70059.7 of the Government Code is amended to read:

70059.7. In a county with a population of not less than 168,500 and not more than 169,000, as determined by the 1960 federal census, each regular official reporter shall be paid an annual salary of thirteen thousand five hundred dollars (\$13,500), which salary shall include payment for his services in reporting all proceedings in the superior court and before the grand jury.

Reporters pro tempore shall be paid at the rate of fifty-five dollars (\$55) a day for the days they are actually on duty under order of the court, and shall receive from the county their necessary traveling and other expenses when necessarily called from other counties.

In such a county, the fee required by Section 70053 shall be ten dollars (\$10).

In addition to any fee otherwise required, in civil cases that last longer than five judicial days, a fee per day equal to the per diem rate for official reporters pro tempore shall be charged to the parties for the services of an official reporter for the sixth and each succeeding day a reporter is required.

SEC. 2. Section 74642 of the Government Code is amended to read:

74642. There shall be 1 clerk of the municipal court, 1 assistant clerk of the municipal court, 7 municipal court clerks, 1 senior account clerk, 2 senior clerks, 5 intermediate clerks, 1 intermediate typist-clerk, 11 typist-clerks and 1 clerk, each of whom shall receive a salary in accordance with Section 74644 and Section 74644.1.

SEC. 3. Section 74644 of the Government Code is amended to read:

74644. (a) The biweekly salaries for the following classes of positions shall be, and shall be increased, in accordance with the schedule set forth below:

		Approx. hr. equiv.	A	B	C	D	E
	Range	Step A					
Clerk of the municipal court	74	\$5.48	\$438.40	\$459.20	\$483.20	\$507.20	\$532.80
Assistant clerk of the municipal court	59	3.80	304.00	320.00	336.00	352.00	369.00
Municipal court clerk	53	3.28	262.40	275.20	289.60	304.00	320.00
Senior account clerk	51	3.12	249.60	262.40	275.20	289.60	304.00
Senior clerk	49	2.98	238.40	249.60	262.40	275.20	289.60
Senior typist-clerk	49	2.98	238.40	249.60	262.40	275.20	289.60
Intermediate clerk	43	2.58	206.40	216.00	227.20	238.40	249.60
Intermediate typist-clerk	43	2.58	206.40	216.00	227.20	238.40	249.60
Typist-clerk	39	2.32	185.60	196.80	206.40	216.00	227.20
Clerk	39	2.32	185.60	196.80	206.40	216.00	227.20
Marshal	82	6.66	532.80	558.40	587.20	616.00	646.40
Chief deputy marshal	72	5.22	417.60	438.40	459.20	483.20	507.20
Senior deputy marshal	68	4.72	377.60	396.80	417.60	438.40	459.20
Deputy marshal	64	4.30	344.00	360.00	377.60	396.80	417.60

All figures in columns A, B, C, D, and E represent dollars for each biweekly pay period.

Chief deputy marshals and deputy marshals shall receive such initial and annual uniform allowances as may be provided by resolution or ordinance to those employees of the sheriff's department of Santa Barbara County who are classified as deputy sheriffs.

(b) The administration of the salary plan provided by this article including the hiring rate, increases within range, salary on promotion, and salary on position reclassification, shall be in accordance with the current personnel rules and salary ordinance of the County of Santa Barbara.

(c) On and after the effective date of the amendments to this section enacted at the 1971 Regular Session of the Legislature, the following regulations will govern the administration of the classification and compensation schedule contained herein:

(1) Except as otherwise provided in this article, all employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, and shall be subject to the same rules and regulations concerning length of workweek, anniversary dates and changes thereof, as is now or may be provided by ordinances and policies approved by the Board of Supervisors of Santa Barbara County for other employees of the county.

Nothing in this act shall be construed to place the marshal's or clerk's office, their employees and other municipal court attachés under the civil service system of Santa Barbara County but such employees and attachés may be placed under that civil service system by court rule adopted by the judges of this municipal court.

(2) For the purposes of this article, an employee, unless otherwise designated, refers to every person filling any position established by Sections 74642 and 74643.

SEC. 4. Section 74644.1 of the Government Code is amended to read:

74644.1. Notwithstanding any other provisions of this article, whenever a different compensation is established for any of the hereinafter mentioned positions under the County of Santa Barbara Salary Ordinance, the following provisions shall apply to salaries mentioned in this article:

(a) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County Salary Ordinance as superior court clerk the percentage of such increase or decrease shall be ascertained and the salary range for the classification of clerk of the municipal court, assistant clerk of the municipal court, and municipal court clerk under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage.

(b) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County Salary Ordinance as senior account clerk, senior clerk, senior typist-clerk, intermediate typist-clerk, intermediate clerk, typist-clerk and clerk, the percentage of such increase or decrease shall be ascertained and the salary range for the classification of senior account clerk, senior clerk, senior typist-clerk, intermediate typist-clerk, intermediate clerk, typist-clerk and clerk, under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage.

(c) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County Salary Ordinance as deputy sheriff, the percentage of such increase or decrease shall be ascertained and the salary range for the classification of marshal, chief deputy marshal, senior deputy marshal, and deputy marshal under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage.

Whenever a salary increase is authorized by this article, such increase shall be payable at the same time the corresponding increase under the Santa Barbara County Salary Ordinance is payable.

SEC. 5. Section 74647 of the Government Code is amended to read:

74647. (a) Full-time official reporters appointed by the majority of the judges of the municipal court pursuant to the provisions of Section 72194 and so designated, shall be attachés of the court and shall receive a biweekly salary of five hundred nineteen dollars and twenty-four cents (\$519.24). Such salary shall be paid at the same times and according to the same procedures as salaries of employees of the County of Santa Barbara. During the hours when the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

(b) The judges of the court may appoint as many part-time additional reporters as the business of the court requires. The additional reporters shall be known as official reporters pro tempore, and they shall serve without salary but shall receive, for reporting, fees at the per diem rate fixed by Sections 69948 and 69949 or as fixed by any special act governing the compensation of official superior court reporters in the County of Santa Barbara, whichever is the greater. In criminal cases such fees upon order of the court shall be a charge against the general fund of the county.

(c) An official reporter when not engaged in the performance of his duties for the municipal court, may be appointed to serve as such reporter for the Santa Barbara County Grand Jury or in any other court in the County of Santa Barbara.

CHAPTER 744

*An act to add Section 987.8 to the Penal Code,
relating to assigned counsel.*

[Approved by Governor September 23, 1971. Filed with
Secretary of State September 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 987.8 is added to the Penal Code, to read:

987.8. In any case in which a defendant is furnished counsel, either through the public defender or private counsel appointed by the court, upon conclusion of the criminal proceedings in the trial court, the court shall make a determination of the present ability of the defendant to pay all or a portion of the cost of counsel. If the court determines that the defendant has the present ability to pay all or part of the cost, it shall order him to pay the sum to the county in any installments and manner which it believes reasonable and compatible with his financial ability. Execution may be issued on the order in the same manner as on a judgment in a civil action. The order shall not be enforced by contempt.

CHAPTER 745

*An act to amend Section 987.16 of the Military and Veterans
Code, relating to veterans' farm and home purchases.*

[Approved by Governor September 23, 1971. Filed with
Secretary of State September 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 987.16 of the Military and Veterans Code is amended to read:

987.16. Any veteran for whom a home or farm is purchased under this article may be granted a subsequent opportunity to purchase another home or farm in any of the following cases:

(a) The home or farm has been taken by a public agency in condemnation proceedings brought by the agency or purchased by such agency in lieu of condemnation.

(b) The veteran is compelled to change the location of his employment and residence and sells the home or farm, pays his purchase contract in full, moves into another home or farm within six months from the date of change in location, and pays into the purchase of the new home or farm the net equity received from the sale of the former home or farm.

(c) A sale of the home or farm is necessitated because of the health of the veteran or because of the health of a member of his immediate family and the purchase contract is paid in full, another home or farm is purchased within six months of the sale, and the net equity received from the sale of the former home or farm is applied toward the new purchase.

(d) The veteran has two or more eligibilities arising from two or more separate periods of service as described in Section 980 of this code, or the veteran and the veteran's spouse each qualify as a veteran as described in Section 980.

(e) A requirement to provide a home for one or more dependents other than the veteran's spouse existed at the time of the original purchase but no longer exists, and the size of the original home has become excessive to the current needs of the veteran or the veteran and the veteran's spouse, and such veteran sells the original home, pays the purchase contract in full, applies for a subsequent loan on a smaller home within six months from date of sale, and pays into the purchase of the new home the net equity received from the sale of the former home.

(f) The obligation of the veteran or the veteran's spouse to provide housing for the veteran's dependents has increased from the time of the original purchase to a point where the size of the original home is not adequate to meet the current needs of the veteran or the veteran's spouse, and such veteran sells the original home, pays the purchase contract in full, applies for a subsequent loan on a larger home within six months from the date of sale, and pays into the purchase of the new home the net equity received from the sale of the former home.

Only one home or farm purchased under this article shall be owned by a veteran or a veteran and the veteran's spouse at any one time under the provisions of this article.

CHAPTER 746

An act to amend Section 525 of the Welfare and Institutions Code, relating to juvenile justice commissions.

[Approved by Governor September 23, 1971 Filed with
Secretary of State September 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 525 of the Welfare and Institutions Code is amended to read:

525. In each county there shall be a juvenile justice commission consisting of not less than 7 and no more than 15 citizens. Each person serving as a member of a probation committee immediately prior to September 15, 1961, shall be a member of the juvenile justice commission and shall continue to serve as such until such time as his term of appointment as a member of the probation committee would have expired under any prior provision of law. Upon a vacancy occurring in the membership of the commission and upon the expiration of the term of office of any member, a successor shall be appointed by the presiding judge of the superior court with the concurrence of the judge of the juvenile court or, in a county having more than one judge of the juvenile court, with the concurrence of the presiding judge of the juvenile court for a

term of four years. When a vacancy occurs for any reason other than the expiration of a term of office, the appointee to fill such vacancy shall hold office for the unexpired term of his predecessor.

Appointments may be made by the presiding judge of the superior court, in the same manner designated in this section for the filling of vacancies, to increase the membership of a commission to the maximum of 15 in any county which has a commission with a membership of less than 15 members.

In any county in which the membership of the commission, on the effective date of amendments to this section enacted at the 1971 Regular Session of the Legislature, exceeds the maximum number permitted by this section, no additional appointments shall be made until the number of commissioners is less than the maximum number permitted by this section. In any case, such county's commission membership shall, on or after January 1, 1974, be no greater than the maximum permitted by this section.

CHAPTER 747

An act to amend Section 1752.5 of the Welfare and Institutions Code, relating to the Youth Authority.

[Approved by Governor September 23, 1971 Filed with
Secretary of State September 23, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 1752.5 of the Welfare and Institutions Code is amended to read:

1752.5. The director may establish or assist in the establishment of any public council or committee having as its object the prevention or decrease of delinquency among youths; and the director may cooperate with or participate in the work of such councils or any existing councils or committees or county delinquency prevention commissions.

The Governor's Advisory Committee on Children and Youth shall assist the director in carrying out the legislative intent of this section.

From any moneys made available to him for that purpose, the Director of the Youth Authority shall make allocations to county delinquency prevention commissions for administrative expenses not to exceed one thousand dollars (\$1,000) per year for each commission. Additional allocations may be made to county delinquency prevention commissions on a matching basis for the development of delinquency prevention projects or programs administered and operated by local governmental or nongovernmental organizations under the general supervision of the county delinquency prevention commission. These projects or programs, in order to qualify for allocations, must meet minimum standards of performance established by the Director of the Youth Authority. A copy of the minimum standards of performance shall be transmitted by the Director

of the Youth Authority to the chairman of the county delinquency prevention commission at the time the allocation is made.

Application for funds under this section shall be made to the Youth Authority in the manner and form prescribed by the Youth Authority. The Youth Authority shall prescribe the time and manner of payments of assistance, if granted.

CHAPTER 748

An act to amend Sections 4615, 4616, 4617, and 4618 of the Public Resources Code, relating to forest practices.

[Approved by Governor September 23, 1971. Filed with Secretary of State September 23, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 4615 of the Public Resources Code is amended to read:

4615. The State Forester may take appropriate steps as are necessary and incur expenses to correct any violation of the forest practice rules, applicable forest management plan, or applicable alternate plan, including but not limited to the planting of a reasonable number of seedlings and young growth trees to restock cutover land. The expenses so incurred shall not exceed an average of one hundred dollars (\$100) for each acre in the logging area.

SEC. 2. Section 4616 of the Public Resources Code is amended to read:

4616. Prior to taking corrective action, the State Forester shall serve a written notice upon the timber operator and the timber owner by certified or registered mail to the last address of record of each. If the timber owner is unknown, then service of the notice may be made upon the owner by posting a copy of the notice upon the property where the violations exist. The notice shall include a statement of the corrective action to be taken, a date not less than 30 days from the date of service or posting of the notice by which such corrective action is to be taken, and a statement that if such corrective action is not taken on or before the date specified the State Forester may take corrective action and charge the timber operator or the timber owner for the costs thereof pursuant to Section 4618. The notice shall also include a statement that if the timber operator or timber owner disagrees for any reason with the proposed corrective action or with the charging of the owner or operator with the costs thereof, he may within 10 days from the service or posting of the notice request of the State Forester a public hearing before the board.

The State Forester may record such notice in each county wherein the land in violation is situated, together with a statement that any and all expenses incurred by the State Forester in taking corrective action pursuant to the provisions of this

article shall be a lien against the land. Upon satisfactory proof that corrective action has been completed the State Forester shall record a notice to that effect.

Any expenses incurred by the State Forester in taking such corrective action shall be a lien upon the property upon which such action was taken when notice of the lien is recorded. Notice of the lien, particularly identifying the property upon which such action was taken and the amount of such lien, shall be recorded, if at all, by the State Forester in the office of the county recorder of the county in which such property is situated within one year after the first item of expenditures by the State Forester or within 90 days after the completion of such action, whichever first occurs. Upon such recordation, the lien shall have the same force, effect, and priority as a judgment lien, except that it shall attach only to the property on which such action was taken. The State Forester may at any time release all or any portion of the property subject to such lien from the lien or subordinate it to other liens and encumbrances, if he determines that the amount owed is sufficiently secured by a lien on other property or that the release or subordination of such lien will not jeopardize the collection of such amount owed. A certificate by the State Forester to the effect that any property has been released from such lien or that such lien has been subordinated to other liens and encumbrances shall be conclusive evidence that the property has been released or that the lien has been subordinated as provided in such certificate.

SEC. 3. Section 4617 of the Public Resources Code is amended to read:

4617. If the corrective action is not taken by the timber operator or the timber owner on or before the date specified in the notice served pursuant to Section 4616, the State Forester may take or contract for the taking of such corrective action and recover the expenses of the corrective action as provided in Section 4618. If a request is made for a public hearing within 10 days from the service or posting of the notice or if the service of the notice is made upon the timber owner by posting a copy thereof on the property, the State Forester shall not take any corrective action without further order by the board. Where the timber owner or the timber operator makes such a request for public hearing, the board, after at least 15 days written notice, shall hold a public hearing to hear the objections of the owner or operator, or both, to the proposed action. The board may, but need not, conduct the hearing in accordance with the applicable provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. At the conclusion of the hearing, the board may make an order specifying the action to be taken by the timber owner or the timber operator to correct the violation, setting the time limits for such action, and authorizing the State Forester to take such action if the timber owner or timber operator does not do so within the specified time.

No action shall lie on any violation occurring more than three years prior to commencement of proceedings pursuant to Section 4616.

SEC. 4. Section 4618 of the Public Resources Code is amended to read:

4618. The expenses incurred by the State Forester in taking any corrective action pursuant to Sections 4615 to 4617, inclusive, shall be increased by two hundred fifty dollars (\$250) or 10 percent, whichever sum is highest, as administrative costs and shall constitute a debt of the timber owner and the timber operator and if not paid by the timber operator within 10 days after written demand therefor may be recovered by the State Forester in a civil action against the timber owner or the timber operator or against both jointly. No action to recover expenses shall be commenced later than two years following the incurring of the expenses.

Neither the State Forester nor any person authorized by him to enter upon any lands for the purpose of administering Sections 4615 to 4617, inclusive, nor any timber operator or timber owner is liable to civil action for trespass for acts necessary to carry out the provisions of such sections.

CHAPTER 749

An act making an appropriation to pay the claim of John H. Denton against the State of California.

[Approved by Governor September 23, 1971. Filed with Secretary of State September 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one thousand three hundred dollars (\$1,300) is hereby appropriated from the General Fund to the Board of Control to pay the claim of John H. Denton against the State of California.

CHAPTER 750

An act to amend Sections 11731 and 11751 of the Water Code, relating to the Central Valley Project.

[Approved by Governor September 23, 1971. Filed with Secretary of State September 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 11731 of the Water Code is amended to read:

11731. The department shall determine the interest rate on the bonds. The rate shall not exceed 7½ percent per annum.

SEC. 2. Section 11751 of the Water Code is amended to read:

11751. Bonds may be sold below the par or face value thereof, but the sale price shall not be less than that which will yield the purchaser not to exceed $7\frac{1}{2}$ percent per annum according to standard tables of bond values, and the sale price shall include the interest which has accrued thereon up to the date of delivery of the bonds.

CHAPTER 751

An act to amend Section 4322 of the Business and Professions Code, relating to prophylactics.

[Approved by Governor September 23, 1971 Filed with Secretary of State September 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 4322 of the Business and Professions Code is amended to read:

4322. No person shall publicly advertise or display prophylactic products, containers or packages without accompanying such advertisements or displays with educational information on venereal disease prevention. However, nothing in this section prevents licensed pharmacists, physicians, and public health officers from disseminating information on the availability and use of prophylactics in the prevention of venereal disease; neither does it prevent the publication of professional literature and distribution through professional channels of information on the availability and use of prophylactics in the prevention of venereal disease.

CHAPTER 752

An act to amend Sections 4571, 4578, 4579, and 4579.1 of, and to repeal Sections 4572 and 4573 of, the Public Resources Code, relating to forest practices.

[Approved by Governor September 23, 1971 Filed with Secretary of State September 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 4571 of the Public Resources Code is amended to read:

4571. Each committee shall formulate forest practice rules for the district to fulfill the purposes of this chapter. The rules shall apply to old growth and young growth timber and shall include measures for fire prevention and control, for protection against timber operations which unnecessarily destroy young timber growth or timber productivity of the soil, for prevention and control of damage by forest insects, pests and disease, and measures for the restocking of the land. The rules

so formulated shall be submitted to the board for its consideration.

SEC. 2. Section 4572 of the Public Resources Code is repealed.

SEC. 3. Section 4573 of the Public Resources Code is repealed.

SEC. 4. Section 4578 of the Public Resources Code is amended to read:

4578. Upon receipt by the board of a petition signed by 50 percent of the private timber and cutover land ownership in an established district, which requests amendments, or adoption of new rules for the district, or upon determination of the State Forester, or of the board, that the rules of any district should be adopted or amended, the board shall order the committee of the district in which the proposed amendments or new rules will apply to review the petition or the request of the State Forester or the board and to conduct public hearings in connection therewith. If the committee concludes, after the public hearings, that the rules should be amended, or new rules should be adopted, to meet any of the demands of the petition, or of the request of the State Forester or the board, the committee shall submit its findings to the board for its approval or rejection.

SEC. 5. Section 4579 of the Public Resources Code is amended to read:

4579. Before such action by the board notice shall be published at least once in a newspaper of general circulation in the district that amendments or rules have been proposed and copies are available from the State Forester. Such notice shall be published once not less than 30 days prior to action by the board. The content and publishing of said notice shall in all other respects comply with the provisions of Section 11423 and 11424 of the Government Code.

SEC. 6. Section 4579.1 of the Public Resources Code is amended to read:

4579.1. After publishing the notice as required by Section 4579, the board may, at a regular meeting, declare the amendments or the rules in effect.

CHAPTER 753

An act to amend Sections 2127, 2129, 2130, 2135, 2145, 2146, 2246, 2283, 2285, 2287, 2294, 2310, 2311, 2313, 2314, 2316, 2317, 2320, 2321, 2323, 2324, 2327, 2372.5, 2379, 2386, 2411, 2419, 2435, 2450 of, to amend the heading of Article 8 (commencing with Section 2245) of Chapter 5 of Division 2 of, to add Sections 2127.1, 2127.5, 2128.5, 2128.6, 2130.5, 2133, 2325.1, 2326 to, and to repeal Section 2326 of, the Business and Professions Code, relating to the practice of podiatry.

The people of the State of California do enact as follows:

SECTION 1. Section 2127 of the Business and Professions Code is amended to read:

2127. Members of the examining committee, except the public member, shall be appointed from persons having all of the following qualifications:

(a) Be a citizen of this state for at least five years next preceding his appointment.

(b) Be a graduate of a recognized school of podiatry.

(c) Have a valid certificate to practice podiatry in this state.

(d) Have engaged in the practice of podiatry in this state for at least five years next preceding his appointment.

SEC. 2. Section 2127.1 is added to the Business and Professions Code, to read:

2127.1. The public member shall be appointed from persons having all of the following qualifications:

(a) Be a citizen of this state for at least five years next preceding his appointment.

(b) Shall not be an officer or faculty member of any college, school or institution engaged in podiatry instruction.

(c) Shall not be a licensee of the committee or of any board under this division or of any board referred to in Sections 1000 and 3600.

SEC. 3. Section 2127.5 is added to the Business and Professions Code, to read:

2127.5. No person who directly or indirectly owns any interest in any college, school, or other institution engaged in podiatric instruction shall be appointed to the examining committee nor shall any incumbent member of the committee have or acquire any interest, direct or indirect, in any college, school, or other institution engaged in podiatric instruction. Not more than one member of the committee may be a full-time member of the faculty of a podiatric school.

SEC. 4. Section 2128.5 is added to the Business and Professions Code, to read:

2128.5. The examining committee shall hold one regular meeting in October in the City of Sacramento, and at least two additional regular meetings annually, one of which shall be held in the City of Los Angeles and the other in the City of San Francisco. The committee may adjourn from time to time until its business is concluded. Special meetings of the committee may be held at such time and place as the committee may designate.

The committee shall annually elect one of its members to act as chairman, and one member to act as vice chairman who shall hold their respective positions at the pleasure of the committee.

The chairman of the committee may call meetings of any duly appointed subcommittee at a specified time and place.

SEC. 5. Section 2128.6 is added to the Business and Professions Code, to read:

2128.6. Notice of each regular or special meeting of the examining committee shall be given twice a week for two weeks next preceding in one daily newspaper published in the City of San Francisco, one published in the City of Sacramento, and one published in the City of Los Angeles. Subcommittee meetings need not be advertised.

SEC. 6. Section 2129 of the Business and Professions Code is amended to read:

2129. The examining committee shall examine every applicant for a podiatry certificate at the time and place designated by the committee in its discretion, but at least once in each year; and for that purpose may appoint qualified persons to give the whole or any portion of the examination, who shall be designated as commissioners on examination. A commissioner on examination need not be a member of the committee, but shall be subject to the same rules and regulations and shall be entitled to the same fee as if he were a member of the committee.

The examining committee shall perform all examination functions, including but not limited to, participation in uniform examination systems.

SEC. 7. Section 2130 of the Business and Professions Code is amended to read:

2130. The examining committee shall have full authority, subject to rules and regulations adopted by the board, to investigate and to evaluate each and every applicant applying for a certificate to practice podiatry and to recommend to the board for final determination the admission of the applicant to the examination, or for the issuance of a certificate, in conformance with the provisions and qualifications required by this chapter.

SEC. 8. Section 2130.5 is added to the Business and Professions Code, to read:

2130.5. Each member of the examining committee, or any licensed podiatrist appointed by the committee, may inspect, or require reports from, a general or specialized hospital and the podiatric staff thereof, with respect to the podiatric care, services, or facilities provided therein, and may inspect podiatric patient records with respect to such care, services, or facilities. The authority to make inspections and to require reports as provided by this section shall not be delegated by a member of the committee to any person other than a podiatrist and shall be subject to the restrictions against disclosure described in Section 2379.

SEC. 9. Section 2133 is added to the Business and Professions Code, to read:

2133. (a) The examining committee shall hear all matters assigned to it by the board, including but not limited to, any contested case or any petition for reinstatement, restoration or modification of probation. Except as otherwise provided in this

chapter, all such hearings shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. If a contested case is heard by the examining committee, the hearing officer who presided at the hearing shall be present during the committee's consideration of the case and, if requested, shall assist and advise the committee.

(b) At the conclusion of the hearing, the examining committee shall prepare a proposed decision in such form that it may be adopted by the board as the decision in the case, and shall transmit it to the board. The proposed decision shall be subject to the same procedure as a proposed decision of a hearing officer under subdivisions (b) and (c) of Section 11517 of the Government Code.

SEC. 10. Section 2135 of the Business and Professions Code is amended to read:

2135. The board shall issue two forms of certificates designated as:

(a) Physician's and surgeon's certificate.

(b) Certificate to practice podiatry.

The physician's and surgeon's and podiatrist's certificates may also be issued as a reciprocity certificate.

SEC. 11. Section 2145 of the Business and Professions Code is amended to read:

2145. Nothing in this chapter applies to any practitioner from outside this state, when in actual consultation with a licensed practitioner of this state, or when an invited guest of the California Medical Association, California Podiatry Association, or California Osteopathic Association or one of their component county societies, or of an approved medical or podiatric school for the sole purpose of promoting professional education through lectures, clinics or demonstrations, if he is, at the time of the consultation or lecture or demonstration a licensed practitioner in the state or country in which he resides. But he shall not open an office or appoint a place to meet patients or receive calls within the limits of this state.

SEC. 12. Section 2146 of the Business and Professions Code is amended to read:

2146. Nothing in this chapter shall be construed so as to discriminate against any particular school of medicine or surgery, school of podiatry, or any other treatment, nor shall it regulate, prohibit or apply to any kind of treatment by prayer, nor interfere in any way with the practice of religion.

SEC. 13. The heading of Article 8 (commencing with Section 2245) of Chapter 5 of Division 2 of the Business and Professions Code is amended to read:

Article 8. The Podiatrist's Application

SEC. 14. Section 2246 of the Business and Professions Code is amended to read:

2246. Each applicant shall show by transcripts or other evidence satisfactory to the board that he has attended four

resident courses of professional instruction, or equivalent training, as determined by the board, in a school approved by the board covering at least 4,000 hours. The board shall adopt rules and regulations to determine standards for equivalent training as authorized by this section.

The curriculum for all applicants who matriculate before September 1, 1965, shall provide for adequate instruction in the following:

Anatomy	Physical therapy
Embryology	Foot orthopedics
Histology	Didactic podiatry
Physiology	Podiatric medicine
Biochemistry	Physical and laboratory
Bacteriology	diagnosis
Pathology	Neurology
Immunology	Psychology
Pharmacology	Dermatology
Materia medica	Syphilology
Toxicology	Podiatric surgery
Preventive medicine	Orthopedic surgery
Hygiene	Roentgenology
Shoe therapy	

The curriculum for all applicants who matriculate on or after September 1, 1965, shall provide for adequate instruction in the following:

Anatomy	Physical therapy
Embryology	Foot orthopedics
Histology	Didactic podiatry
Physiology	Podiatric medicine
Biochemistry	Physical and laboratory
Bacteriology	diagnosis
Pathology	Neurology
Immunology	Psychology
Pharmacology	Dermatology
Materia medica	Syphilology
Toxicology	Podiatric surgery
Preventive medicine	Orthopedic surgery
Hygiene	Roentgenologic technique
Shoe therapy	and radiation safety

SEC. 15. Section 2283 of the Business and Professions Code is amended to read:

2283. The examinations may be conducted in any part of this state or another state designated by the board or, in the case of the podiatrist's examination, by the examining committee. The notice of each meeting of the board or examining committee at which an examination is to be held, shall specify the time and place of holding the examination.

SEC. 15.5. Section 2285 of the Business and Professions Code is amended to read:

2285. All questions on any subject in which a written examination is required under this chapter shall be provided by

the board or, in the case of the podiatrist examination, by the examining committee, upon the morning of the day upon which the examination is given. If it is shown that the secretary-treasurer or any member of the board or any member of the examining committee has in any manner given information in advance of or during the examination to any applicant, the Governor shall remove him from the board, or from the office of secretary-treasurer, or from the examining committee.

SEC. 16. Section 2287 of the Business and Professions Code is amended to read:

2287. Any applicant for a physician's and surgeon's certificate obtaining 75 percent or more in seven subjects and any applicant for a certificate to practice podiatry obtaining 75 percent or more in five subjects shall be reexamined in those subjects only in which he failed and without additional fee.

SEC. 17. Section 2294 of the Business and Professions Code is amended to read:

2294. Examinations for the physician's and surgeon's certificate and for the podiatrist's certificate may be conducted by the board and the examining committee, respectively, under a uniform examination system, and for that purpose the board or the examining committee may make such arrangements with organizations furnishing examination material as may in its discretion be desirable.

SEC. 18. Section 2310 of the Business and Professions Code is amended to read:

2310. The board shall issue a reciprocity certificate to an applicant to practice a system or mode of treating the sick or afflicted in this state that he is authorized to practice in any other state if it is a system or mode that is recognized by this chapter or any preceding practice act. Subject to the provisions of Sections 2320 and 2321, no examination for any reciprocity certificate shall be required.

This section, however, shall apply only to persons who have been granted the degree of doctor of medicine or doctor of podiatric medicine after the completion of a full course of study as prescribed by this chapter in an approved medical or podiatric school. The "board" referred to in this article is the State Board of Medical Examiners.

No person who graduated from podiatric school on or before June 30, 1958, shall be eligible for a reciprocity certificate to practice podiatry.

SEC. 19. Section 2311 of the Business and Professions Code is amended to read:

2311. Except as otherwise required by the director to comply with Section 164, certificates issued pursuant to this article shall be marked reciprocity certificate.

SEC. 20. Section 2313 of the Business and Professions Code is amended to read:

2313. He shall submit evidence satisfactory to the board in the case of an applicant for a physician's and surgeon's certificate, and to the examining committee, in the case of an

applicant for a podiatrist's certificate, that he has all the following:

(a) Is of good moral character.

(b) Has not failed in a written or oral examination given by either the board or the examining committee for a similar certificate under this chapter or any preceding medical practice act of this state.

SEC. 21. Section 2314 of the Business and Professions Code is amended to read:

2314. He shall file a statement of each certificate that has been issued to him by any medical or podiatric licensing authority to practice a system or mode of treating the sick or afflicted which is recognized by this chapter or any preceding medical practice act

This statement shall contain the date of each certificate, a description of each of them and, if required by the board, or by the examining committee in the case of a podiatry certificate, each certificate itself. If a certificate has been lost, a copy may be filed together with proof satisfactory to the board or the examining committee, respectively, that the copy is a correct one and that the certificate was issued to him without fraud or misrepresentation.

SEC. 22. Section 2316 of the Business and Professions Code is amended to read:

2316. On his application form he shall inform the board, or the examining committee in the case of a podiatry applicant, of all institutions from which he has graduated and of all institutions at which he has studied and the period of this study.

The requirements of the college from which he has graduated and the requirements of the medical or podiatric licensing authority shall not have been at the time his certificate was issued in any degree or particular less than those which were required for the issuance of a similar certificate to practice a system or mode of treating the sick or afflicted in this state at the same time.

SEC. 23. Section 2317 of the Business and Professions Code is amended to read:

2317. He shall submit evidence of his own and from the medical or podiatric licensing authority, which is satisfactory to the board, or to the examining committee in the case of a podiatry applicant, and which shows that the requirements of the authority for a certificate permitting him to practice a system or mode of treating the sick and afflicted at the time it was issued, were not in any degree or particular less than those which were required for the issuance of a similar certificate to practice a system or mode of treating the sick and afflicted in this state at the same time.

SEC. 24 Section 2320 of the Business and Professions Code is amended to read:

2320. The board, or the examining committee in the case of a podiatry applicant, may make an independent investiga-

tion of the educational qualifications and the character, ability and standing of the applicant.

If, after this investigation and any other or further examination or investigation which the board or the examining committee may see fit to make on its own part, it is found that the requirements of the medical or podiatric licensing authority issuing his certificate were in any degree or particular less than the requirements provided by the law of this state at the date of the issuance of his certificate, or that the applicant has not complied with one of the alternatives provided by Section 2319, he will not be entitled to practice in this state without examination.

SEC. 25. Section 2321 of the Business and Professions Code is amended to read:

2321. An applicant for a reciprocity certificate, whose application is based on a certificate issued by a medical or podiatric licensing authority of another state, five or more years prior to the date of the filing of his application with the board, shall be required to take an oral examination to be given in accordance with the provisions of Sections 2323 and 2324, if the board, or the examining committee in the case of a podiatry applicant, finds that he has met all the requirements of this article from which he is not expressly excepted.

SEC. 26. Section 2323 of the Business and Professions Code is amended to read:

2323. The board or examining committee shall afford him an examination within six months subsequent to the filing of the application. It shall be oral, practical and clinical in nature and full consideration shall be given to the duration and character of the applicant's practice.

SEC. 27. Section 2324 of the Business and Professions Code is amended to read:

2324. If, after the examination referred to in Sections 2321 and 2323, it is determined by a majority vote of the board, or, in the case of a podiatry applicant, by a majority vote of the board upon a recommendation by a majority vote of the examining committee, that the applicant is qualified to practice a system or mode of treating the sick and afflicted which he seeks to practice in this state and that his reputation and standing in the community in which he has previously practiced are good, he shall be entitled to receive a reciprocity certificate.

SEC. 28. Section 2325.1 is added to the Business and Professions Code, to read:

2325.1. Any person granted a reciprocity certificate to practice any system or mode for treating the sick and afflicted recognized by this chapter or any preceding medical practice act which is not of equal scope with the podiatrist's certificate, is not eligible for the podiatrist's certificate without a full and complete compliance with the terms and provisions of Articles 4 (commencing with Section 2165), 8

(commencing with Section 2245), 10 (commencing with Section 2280), and 11 (commencing with Section 2310) of this chapter.

SEC. 29. Section 2326 of the Business and Professions Code is repealed.

SEC. 30. Section 2326 is added to the Business and Professions Code, to read:

2326. A person who applies for a reciprocity certificate as a podiatrist on the basis of a certificate issued by the National Board of Podiatry Examiners of the United States shall be eligible for the certificate without examination if all of the following requirements are met:

(a) He files his application within five years after the issuance of the diplomate certificate.

(b) He graduated from an approved school of podiatry after June 30, 1958.

(c) The standards of the national board on the date the diplomate certificate was issued were in no degree or particular less than those required for a podiatrist's certificate under this chapter on the same date.

If he files his application more than five years after the issuance of the diplomate certificate, he shall be required to take an oral examination given in accordance with the provision of Section 2321.

A person who applies under this section shall be of good moral character.

SEC. 31. Section 2327 of the Business and Professions Code is amended to read:

2327. The board shall not reject an application for a reciprocity physicians and surgeons or podiatrist's certificate solely on the basis that the medical or podiatric licensing authority issuing the applicant's physicians and surgeons or podiatrist's certificate permitted the applicant to take the basic science examination given by the National Board of Medical Examiners or the National Board of Podiatric Examiners, as a part of that state's qualifying examination.

SEC. 32. Section 2372.5 of the Business and Professions Code is amended to read:

2372.5. The authority of the board to discipline the holder of a certificate by placing him on probation includes, but is not limited to, the following:

(a) Requiring the certificate holder to obtain additional professional training and to pass an examination upon the completion of the training. The examination may be written or oral, or both, and may be a practical or clinical examination, or both, at the option of the board.

(b) Requiring the certificate holder to submit to a complete diagnostic examination by one or more physicians and surgeons appointed by the board. If the board requires the certificate holders to submit to such an examination, the board shall

receive and consider any other report of a complete diagnostic examination given by one or more physicians of the certificate holder's choice.

(c) Restricting or limiting the extent, scope, or type of practice of the certificate holder.

SEC. 33. Section 2379 of the Business and Professions Code is amended to read:

2379. The willful betraying of a professional secret constitutes unprofessional conduct within the meaning of this chapter. Neither this section nor any other provision of law making communication between a physician and surgeon, or podiatrist, and his patient a privileged communication shall apply to investigations or proceedings conducted under this act. The board and examining committee, its employees, agents and representatives must keep in confidence during the course of investigations under this act, the names of any patients whose records are reviewed and may not disclose or reveal such names unless and until proceedings are instituted. The board's authority to examine records of patients in the office of a physician and surgeon is limited to records of patients who have complained to the board about the particular physician and surgeon or podiatrist.

Waiver of privilege shall not apply to investigations under Section 2417.

SEC. 34. Section 2386 of the Business and Professions Code is amended to read:

2386. The purchase, sale or barter, or offering to purchase, sell or barter any medical or podiatric degree, or any degree, diploma, certificate or transcript made or purporting to be made, pursuant to any laws regulating the license and registration of persons under this chapter, or any preceding medical practice act, or the altering with fraudulent intent, in any material regard, a diploma, certificate or transcript, or the use of any diploma, certificate or transcript that has been purchased, fraudulently issued, counterfeited or materially altered constitutes unprofessional conduct within the meaning of this chapter.

SEC. 35. Section 2411 of the Business and Professions Code is amended to read:

2411. Knowingly making or signing any certificate or other document directly or indirectly related to the practice of medicine or podiatry which falsely represents the existence or nonexistence of a state of facts, constitutes unprofessional conduct within the meaning of this chapter.

SEC. 36. Section 2419 of the Business and Professions Code is amended to read:

2419. In setting aside action taken under Section 2416 or under Section 2417, the board may impose terms and conditions to be followed by the certificate holder after his certificate has been reinstated. The authority of the board to impose

terms and conditions includes, but is not limited to, the following:

(a) Requiring the certificate holder to obtain additional professional training and to pass an examination upon the completion of the training. The examination may be written or oral, or both, and may be a practical or clinical examination, or both, at the option of the board.

(b) Requiring the certificate holder to submit to a complete diagnostic examination by one or more physicians and surgeons appointed by the board. If the board requires the certificate holder to submit to such an examination, the board shall receive and consider any other report of a complete diagnostic examination given by one or more physicians of the certificate holder's choice.

(c) Restricting or limiting the extent, scope, or type of practice of the certificate holder.

SEC. 37. Section 2435 of the Business and Professions Code is amended to read:

2435. Every physician or podiatrist who, while in actual attendance on patients, is intoxicated to such an extent as to impair his ability to conduct the practice authorized by his certificate with safety to the public and his patients, is guilty of a misdemeanor and upon conviction thereof, shall be punished as provided in the Penal Code.

SEC. 38. Section 2450 of the Business and Professions Code is amended to read:

2450. The provisions of this article apply to, determine the expiration, and govern the renewal of each of the following certificates, licenses, and permits issued or endorsed by the Board of Medical Examiners, including reciprocity licenses, certificates, and permits: physicians and surgeons certificates, certificates to practice podiatry, certificates to practice midwifery, certificates of naturopaths, certificates of drugless practitioners, certificates of dispensing opticians, certificates of registration as a physical therapist, licenses for the practice of physical therapy, certificates as a psychologist, and permits to use a fictitious name issued under Section 2393.

As used in this article, "license" includes, "certificate" and "permit," and "licensee" includes a holder of a certificate or permit.

CHAPTER 754

An act to amend Sections 31600, 31601, 31610, 31611, and 31614 of the Vehicle Code, relating to transportation of explosives.

[Approved by Governor September 23, 1971 Filed with
Secretary of State September 23, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 31600 of the Vehicle Code is amended to read:

31600. For the purposes of this division, the term "explosive" or "explosives" shall mean any substance, or combination of substances, the primary or common purpose of which is detonation or rapid combustion and which is capable of a relatively instantaneous or rapid release of gas and heat. The term "explosive" or "explosives" shall include, but shall not necessarily be limited to, any of the following:

(a) Dynamite, nitroglycerine, picric acid, lead azide, fulminate of mercury, black powder, smokeless powder, propellant explosives, detonating primers, blasting caps, commercial boosters, or nitrocarbonitrates (oxidizing materials) when transported in a combined load with any explosive, as defined in this section.

(b) Substances determined to be class A or class B explosives as classified by the United States Department of Transportation.

(c) Any substance meeting the provisions of this section when designated as class A or class B in regulations adopted by the State Fire Marshal in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2, of the Government Code. Such designations shall be made pursuant to classification standards established by the United States Department of Transportation.

(d) The term "explosives" as used in this division shall not be deemed to include small arms ammunition of .75 caliber or less, nor any other class C explosives as classified by the United States Department of Transportation.

(e) This division shall not apply to special fireworks classified by the United States Department of Transportation as class B explosives when such special fireworks are regulated by and in conformance with Part 2 (commencing with Section 12500) of Division 11 of the Health and Safety Code.

SEC. 2. Section 31601 of the Vehicle Code is amended to read:

31601. (a) This division shall apply to the operation of any motor vehicle on any highway, and to the operation and parking of any vehicle on any property designated pursuant to this division as a safe stopping place for the purpose of transporting any explosive in any amount when the transportation is rendered as a delivery service or for hire, or in any other event for the purpose of transporting any explosive or a combined load of any explosive and nitrocarbonitrates in an amount in excess of 1,000 pounds. The transportation of quantities of explosives of 1,000 pounds or less, or other than on a public highway, is governed by Division 11 (commencing at Section 12000) of the Health and Safety Code. Notwithstanding other provisions of this section, a license required by Section 31602 may be used to transport quantities of less than 1,000 pounds of explosives if all other requirements of this division are met.

(b) It is the legislative intention in enacting this division and with particular reference to requiring licenses for transportation of explosives as set forth herein that such provisions shall apply uniformly throughout the State of California and that such license to be obtained from the Department of the California Highway Patrol, as provided in Chapter 2.5 (commencing with Section 2500) of Division 2, shall be in lieu of any requirement for any license to be obtained by any such owner from any local authority within the state.

SEC. 3. Section 31610 of the Vehicle Code is amended to read:

31610. Every vehicle or combination of vehicles used in the transportation of explosives and subject to this division, in addition to any other equipment required by law, shall be equipped and maintained as required by this section.

(a) Brakes and the brake system shall be maintained in good and safe operating condition.

(b) The ignition and lighting systems shall be maintained in good operating condition.

(c) All tires shall be in good condition, properly matched and inflated. Except as may be necessary to cause immediate replacement, no vehicle shall be driven unless all tires in actual use on the vehicle are properly inflated.

(d) Fire extinguishers and other safety equipment prescribed by regulations adopted by the department pursuant to subdivision (f) of Section 34500 and Section 34501 shall be carried in each vehicle or combination of vehicles.

(e) No flare, fusee, oil lantern, or any signal device producing a flame shall be carried upon any vehicle or combination of vehicles.

SEC. 4. Section 31611 of the Vehicle Code is amended to read:

31611. Every owner of a vehicle used in the transportation of explosives and subject to this division shall make available in each vehicle the latest map showing the routes which are to be used for the transportation of explosives which has been furnished for the vehicle by the Department of the California Highway Patrol and a list of the safe stopping places prescribed by the regulations of the Department of the California Highway Patrol for vehicles transporting explosives. The owner shall require that the driver be thoroughly familiar with the provisions of this division before operating any vehicle in the transportation of explosives.

SEC. 5. Section 31614 of the Vehicle Code is amended to read:

31614. The following provisions shall apply to any vehicle transporting explosives subject to this division:

(a) When transporting explosives through or into a city or any other congested area for which a route has not been designated by the Department of the California Highway Patrol, drivers shall follow such routes as may be prescribed or established by local authorities.

(b) Where routes are not prescribed by local authority, every driver of a vehicle transporting explosives shall avoid, so far as practicable, and, where feasible, by prearrangement of routes, driving into or through congested thoroughfares, places where crowds are assembled, streetcar tracks, tunnels, viaducts, and dangerous crossings.

(c) No driver or other person in charge of any vehicle on any public or private property shall permit any explosive to be loaded into, or on, or to be unloaded from any motor vehicle with the engine running, and, whenever any loading operation is in progress, the parking brake on the motor vehicle shall be securely set and all reasonable precautions taken to prevent movement of the motor vehicle during loading or unloading.

(d) No driver or other person in charge of such vehicle shall operate or permit the operation of any vehicle transporting explosives unless all of that portion of the lading which consists of explosives is contained entirely within the body of the motor vehicle or within the horizontal outline thereof, without overhang or projection of any part of the load, and if such motor vehicle has a tailboard or tailgate it shall be closed and secured in place during such transportation.

(e) Every motor vehicle transporting explosives shall have either a closed body or have the explosive cargo covered with a fire- and water-resistant tarpaulin, and in either event, care shall be taken to protect the load from moisture and sparks. Subject to other exceptions as are permitted by the United States Department of Transportation regulations, explosives may be transported on flat-bed vehicles if the explosive portion of the load on each vehicle is packed in fire- and water-resistant containers or covered with a fire- and water-resistant tarpaulin.

(f) No person shall operate any vehicle transporting explosives past any fire of any kind burning on or near the highway until the driver ascertains that such passing can be made with safety.

(g) No motor vehicle transporting explosives shall be left unattended upon any street or highway except in extreme emergency. The vehicle shall be deemed attended whenever a driver or person in charge thereof is in or upon the vehicle or is in a position to observe the vehicle at all times. The driver or person in charge of a vehicle transporting explosives may, however, leave the vehicle unattended at any place designated as a safe parking place on the list of safe stopping places prepared by the Department of the California Highway Patrol unless conditions exist, which are known to the driver, which make it unreasonable to do so.

(h) No driver or other person shall smoke or light any match or otherwise have or produce any fire or flame while in, upon, or near any vehicle transporting explosives.

(i) No person shall transport any explosives in a passenger vehicle, or bus, which is subject to this division.

CHAPTER 755

An act to amend Section 373 of the Code of Civil Procedure, relating to appointment of guardian ad litem.

[Approved by Governor September 23, 1971 Filed with
Secretary of State September 23, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 373 of the Code of Civil Procedure is amended to read:

373. When a guardian ad litem is appointed, he must be appointed as follows:

1. When the minor is plaintiff the appointment must be made before the summons is issued, upon the application of the minor, if he be of the age of 14 years, or if under that age, upon the application of a relative or friend of the minor.

2. When the minor is defendant, upon the application of the minor, if he be of the age of 14 years, and apply within 10 days after the service of the summons, or if under that age, or if he neglect so to apply, then upon the application of a relative or friend of the minor, or of any other party to the action, or by the court on its own motion.

3. When an insane or incompetent person is a party to an action or proceeding, upon the application of a relative or friend of such insane or incompetent person, or of any other party to the action or proceeding, or by the court on its own motion.

CHAPTER 756

An act to amend Section 3287 of the Fish and Game Code, relating to pheasant clubs.

[Approved by Governor September 23, 1971 Filed with
Secretary of State September 23, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 3287 of the Fish and Game Code is amended to read:

3287. Until the provisions of this article and the regulations of the commission have been complied with, it is unlawful to shoot, attempt to shoot, or otherwise to take any pheasant on the premises of any licensed pheasant club.

The department shall inspect the premises of each licensed area prior to or within 16 days after the taking of pheasants commences on the licensed area. Such inspection shall be for the purpose of determining whether or not the licensee has complied with the laws and regulations required by this article.

No pheasant taken under this article shall be removed from the premises until there is securely attached to the pheasant a licensed pheasant club seal, and such seal shall remain at-

tached to the pheasant until it is finally prepared for consumption. Each such seal shall be supplied by the department at a fee set by the commission not to exceed five cents (\$.05).

CHAPTER 757

An act relating to state-owned property.

[Approved by Governor September 23, 1971 Filed with
Secretary of State September 23, 1971]

The people of the State of California do enact as follows:

SECTION 1. Upon the effective date of this act, all that right-of-way lying within the City of San Bruno between the southerly city limits line and the centerline of Crystal Springs Road acquired by the State of California upon the dissolution of Joint Highway District No. 10 shall be quitclaimed by the California Highway Commission to the City of San Bruno and the County of San Mateo in such portions as the commission may determine, and shall thereafter be the property of the City of San Bruno and the County of San Mateo, respectively.

SEC. 2. The Legislature hereby finds and declares that the property described in Section 1 is surplus to the needs of the state and cannot be used by the state. Such property, however, would be of value to the City of San Bruno and the County of San Mateo for incorporation into existing parks.

SEC. 3. If the property is sold by the City of San Bruno or the County of San Mateo, the city or county, as the case may be, shall use the proceeds for street and highway purposes.

CHAPTER 758

An act to add Section 11661.1 to the Water Code, relating to water projects.

[Approved by Governor September 23, 1971 Filed with
Secretary of State September 23, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 11661.1 is added to the Water Code, to read:

11661.1. The department may agree in a contract with a state agency or department of a state agency that payments to be made under a contract for joint development of water conveyance and hydroelectric facilities on the west branch of the California Aqueduct shall be made only from funds under the management and control of the state agency or department of a state agency derived from revenues from the sale of electric energy and are not to be made from funds derived from the levy of taxes upon taxable property within the state agency. The provisions of Sections 11652 to 11655, inclusive, shall not be applicable to contracts containing such a provision.

CHAPTER 759

An act to add Section 13314.7 to the Education Code, relating to certificated employees.

[Approved by Governor September 23, 1971 Filed with Secretary of State September 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 13314.7 is added to the Education Code, to read:

13314.7. Whenever a person employed in an administrative or supervisory position requiring certification qualifications is transferred to a teaching position, the governing board of the school district shall give such employee, when requested by him, a written statement of the reasons for such transfer.

CHAPTER 760

An act to amend Section 5 of, and to add Section 11.2 to, the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953), relating to the Marin County Flood Control and Water Conservation District.

[Approved by Governor September 23, 1971 Filed with Secretary of State September 23, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 5 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district.
3. To adopt a seal.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act. Construction or improvement of existing facilities may involve landscaping and other aesthetic treatment in order that

the facility will be compatible with existing or planned development in the area of improvement.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, or otherwise, and to assume the costs and expenses of, any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interest of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be to take water which flows in any water-

shed in said district and transport or sell same for use anywhere outside of the district when the water level of any gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.

7. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies or with the government of the United States, or with any municipality, public district or other public or private corporation or with the County of Marin, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives may enter upon such lands and make examinations, surveys, and maps thereof.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is

necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Marin County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual, of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Marin County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

13. To exercise the right of eminent domain, within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any

public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated; and provided further, that no right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or public district. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights-of-way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the state in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

The power of eminent domain vested in the board of supervisors of said district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of supervisors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement or interest as the case may be, is necessary; provided, however, that when the board of supervisors shall, by resolution or ordinance adopted by vote of four-fifths of all its members, have found and determined that the public interest and necessity require the acquisition, construction, or completion by said district of any public improvement for flood control purposes and that the property described in such resolution or ordinance is necessary therefor, such resolution or ordinance shall be conclusive evidence (a) of the public necessity of such proposed public improvement, (b) that such property is necessary therefor, and (c) that such proposed public improvement is planned or located in the manner which will be most compatible with the greatest public good, and the least private injury.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or public district to provide for a water supply for such city and county or public district, or as affecting the

absolute control of any properties of such city and county or public district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in Marin County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

14. To provide, by agreement with other public agencies or private persons or entities or otherwise, for the recreational use of the lands, facilities, and works of such district which shall not interfere, or be inconsistent, with the primary use and purpose of such lands, facilities, and works by such district.

15. In addition to its other powers, the district shall have the power to preserve and enhance its properties and, upon a finding by the board of supervisors that the acquisition is necessary for such purposes, to acquire, preserve, and enhance lands or interests in lands within the County of Marin contiguous to its properties, for the protection and preservation of the scenic beauty and natural environment for such properties or such lands.

SEC. 2. Section 11.2 is added to the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953), to read:

Sec. 11.2. The board of supervisors may pursuant to Section 11 establish a zone for the sole purpose of maintaining flood control facilities. In such event, the board may specify a maximum tax rate to be levied in the zone. If such tax rate is thereafter increased, and 10 percent of the electors in the zone file a written protest to the increase within 30 days following the board action, an election thereon shall be held and conducted as nearly as practicable in the manner provided in Section 13. In such event, the tax rate shall not be increased unless the increase is approved by a majority of the persons casting votes at such election.

CHAPTER 761

An act relating to the preparation of detailed waterway management plans, and making an appropriation therefor.

[Approved by Governor September 23, 1971. Filed with Secretary of State September 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares as follows:

(a) Chapter 1278 of the Statutes of 1968 directed the Resources Agency to develop the California Protected Waterways Plan toward the conservation of those waterways of the state possessed of extraordinary scenic, fishery, wildlife or recreation values, and to submit the initial elements of the

proposed plan to the Governor for transmittal to the Legislature at its 1971 Regular Session.

(b) The initial elements of such plan were prepared and transmitted by the Resources Agency to the Legislature in the report "California Protected Waterways Plan," dated February 1971.

(c) The aforementioned report recommended that detailed protected waterway management plans be prepared for certain waterways of the state in accordance with the intent and provisions of Chapter 1278 of the Statutes of 1968.

(d) There also exists the need for flood control, water conservation, streamflow augmentation, water quality improvement, and fishery enhancement on many of the waterways described in such California Protected Waterway Plan.

(e) It is appropriate that the Resources Agency proceed with the development of detailed waterway management plans, as proposed in its report, and as cited in subdivision (d), and that such planning efforts include, but need not be limited to, the waterways designated in Section 2 of this act.

SEC. 2. The Resources Agency and affected local agencies shall prepare detailed waterway management plans which shall include provisions for necessary and desirable flood control, water conservation, recreation, fish and wildlife preservation and enhancement, water quality protection and enhancement, streamflow augmentation, and free-flowing rivers, segments, or tributaries, for the following waters:

(a) The Klamath River in both California and Oregon, and its tributaries, the Trinity, Salmon, Shasta, and Scott Rivers.

(b) The Smith River in Del Norte County.

(c) Redwood Creek in Humboldt County.

(d) Bear River in Humboldt County.

(e) The Mattole River in Humboldt County.

(f) The Van Duzen River in Humboldt County.

(g) The Eel River and major tributaries in Humboldt, Mendocino, and Trinity Counties.

(h) The Big River, Garcia River, Navarro River, Noyo River, Alder Creek, and Ten-Mile River, all in Mendocino County.

(i) The Russian River and Gualala River, both in Mendocino and Sonoma Counties.

(j) Cazadero Creek in Sonoma County.

SEC. 3. The Resources Agency shall apply for federal grant funds to defray the costs of preparing such waterway management plans.

SEC. 4. The sum of fifty thousand dollars (\$50,000) is hereby appropriated from the California Environmental Protection Program Fund to the Resources Agency, commencing July 1, 1972, for expenditure in carrying out the provisions of this act.

CHAPTER 762

An act to amend Section 226m of the Civil Code, and to amend Section 124 of the Code of Civil Procedure, relating to courts.

[Approved by Governor September 23, 1971. Filed with Secretary of State September 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 226m of the Civil Code is amended to read:

226m. All superior court hearings in adoption proceedings shall be held in private, and the court shall exclude all persons except the officers of the court, the parties, their witnesses, counsel, and representatives of the agencies present to perform their official duties under the laws governing adoptions.

SEC. 2. Section 124 of the Code of Civil Procedure is amended to read:

124. Except as provided in Sections 226m and 4306 of the Civil Code or any other provision of law, the sittings of every court shall be public.

CHAPTER 763

An act to add Section 18020.1 to the Government Code, relating to the workweek of state employees.

[Approved by Governor September 23, 1971. Filed with Secretary of State September 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 18020.1 is added to the Government Code, to read:

18020.1. When the Governor determines that the best interests of the state would be served thereby, he may require that the 40-hour workweek established as the state policy in Section 18020 shall be worked in four days in any state agency or part thereof.

CHAPTER 764

An act to amend Section 8571 of the Education Code, relating to courses of study.

[Approved by Governor September 23, 1971. Filed with Secretary of State September 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 8571 of the Education Code is amended to read:

8571. The adopted course of study for grades 7 through 12 shall offer courses in the following areas of study:

(a) English, including knowledge of and appreciation for literature, language, and composition, and the skills of reading, listening, and speaking.

(b) Social sciences, drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, designed to fit the maturity of the pupils. Instruction shall provide a foundation for understanding the history, resources, development, and government of California and the United States of America; the development of the American economic system including the role of the entrepreneur and labor; man's relations to his human and natural environment; eastern and western cultures and civilizations; and contemporary issues.

(c) Foreign language or languages, beginning not later than grade 7, designed to develop a facility for understanding, speaking, reading, and writing the particular language.

(d) Physical education, with emphasis given to such physical activities as may be conducive to health and to vigor of body and mind.

(e) Science, including the physical and biological aspects, with emphasis on basic concepts, theories, and processes of scientific investigation and on man's place in ecological systems, and with appropriate applications of the interrelation and interdependence of the sciences.

(f) Mathematics, including instruction designed to develop mathematical understandings, operational skills, and insight into problem-solving procedures.

(g) Fine arts, including art, music, or drama, with emphasis upon development of aesthetic appreciation and the skills of creative expression.

(h) Applied arts, including instruction in the areas of consumer and homemaking education, industrial arts, general business education, or general agriculture.

(i) Vocational-technical education designed and conducted for the purpose of preparing youth for gainful employment in such occupations and in such numbers as appropriate to the manpower needs of the state and the community served and relevant to the career desires and needs of the students.

(j) Automobile driver education, designed to develop a knowledge of the provisions of the Vehicle Code and other laws of this state relating to the operation of motor vehicles, a proper acceptance of personal responsibility in traffic, a true appreciation of the causes, seriousness and consequences of traffic accidents, and to develop the knowledge and attitudes necessary for the safe operation of motor vehicles.

(k) Such other studies as may be prescribed by the governing board.

CHAPTER 765

An act to amend Section 11587 of the Business and Professions Code, relating to subdivisions.

[Approved by Governor September 23, 1971 Filed with Secretary of State September 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 11587 of the Business and Professions Code is amended to read:

11587. Signatures required by this article, of parties owning the following types of interests, may be omitted if their names and the nature of their respective interests are endorsed on the map:

(a) Rights-of-way, easements or other interests, none of which can ripen into a fee and which signatures are not required by the governing body, except those of a public entity or public utility which has previously acquired an easement unless it is determined by the governing body that division and development of the property in the manner set forth on the final map will not unreasonably interfere with the free and complete exercise of the easement by the owner thereof. The subdivider shall send, by certified mail, a sketch of the proposed final map together with a copy of this section to any public entity or public utility which has previously acquired an easement. If the public entity or public utility objects to recording the final map without the signature of such public entity or public utility, it shall so notify the subdivider and the governing body within 30 days after receipt thereof, otherwise the signature may be omitted. Failure of the public entity or public utility to object to recording the final map without its signature shall in no way affect its rights under an easement.

(b) Rights-of-way, easements or reversions, which by reason of changed conditions, long disuse or laches appear to be no longer of practical use or value and which signatures it is impossible or impractical to obtain. In this case a reasonable statement of the circumstances preventing the procurement of the signatures shall also be endorsed on the map.

(c) Interests in or rights to minerals, including but not limited to oil, gas, or other hydrocarbon substances, if (1) the ownership of such interests or rights does not include a right of entry on the surface of the land, or (2) the use of the land, or the surface thereof, in connection with the ownership of such interests or rights is prohibited by zoning or other governmental regulations of the governing body and the signatures of the owners of such interests or rights are waived by the governing body.

CHAPTER 766

An act to amend Section 12094 of the Education Code, relating to protective eye coverings.

[Approved by Governor September 23, 1971. Filed with Secretary of State September 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 12094 of the Education Code is amended to read:

12094. The term eye protective devices as used in Sections 12090 to 12093 shall not include prescription lenses as defined in Chapter 5.4 (commencing with Section 2540), Division 2, Business and Professions Code. Prescription lenses which meet the standards set forth in Section 12092 may be used by persons doing the work described in Item 6 of Section 12091 in a classroom under the supervision of appropriate personnel.

CHAPTER 767

An act to amend Section 29741 of the Government Code, relating to county officers.

[Approved by Governor September 23, 1971. Filed with Secretary of State September 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 29741 of the Government Code is amended to read:

29741. The auditor shall audit and allow or reject claims in lieu of, and with the same effect as, allowance or rejection by the board of supervisors in any of the following cases:

(a) Expenditures which have been authorized by purchase orders issued by the purchasing agent or other officer authorized by the board.

(b) Expenditures which have been authorized by contract, ordinance, resolution, or order of the board.

(c) Expenditures under any statute authorizing payment of public aid or assistance which have been ordered by the board.

(d) Expenditures for charges incurred by the county pursuant to the provisions of Chapter 3 (commencing with Section 29600) of this division.

(e) Refunds of unearned business license fees, permit fees and similar fees authorized by resolution of the board of supervisors.

CHAPTER 768

An act to amend Section 22522 of the Education Code, relating to higher education.

[Approved by Governor September 23, 1971. Filed with Secretary of State September 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 22522 of the Education Code is amended to read:

22522. It is further the intent of the Legislature that the following categories be established insofar as practicable in the following order for the purpose of enrollment planning and admission priority practice at the undergraduate resident student level for the California State Colleges and the University of California:

(1) Continuing undergraduate students in good standing.

(2) Transfer students who have successfully completed the first two years of their baccalaureate program.

(3) Students entering at the freshman or sophomore levels.

It is further the intent of the Legislature that within each enrollment category, the following groups of applicants receive priority consideration in admissions practice in the following order:

(a) Residents of California who are recently released veterans of the armed forces of the United States.

(b) Transfers from California public community colleges.

(c) Applicants who have been previously enrolled at the campus to which they are applying, provided they left such institution in good standing.

(d) Applicants who have a degree or credential objective that is not generally offered at other public institutions of higher learning within California.

(e) Applicants for whom the distance involved in attending another institution would create financial or other hardships.

It is further the intent of the Legislature that those veterans referred to in paragraph (a) who were enrolled in good standing at a campus of the University of California or at one of the California State Colleges prior to military service receive priority over other veterans recently released from military service.

The segments may, in implementing these enrollment plans and admissions priorities, consider the overall needs of students in maintaining a balanced program and a quality curriculum.

SEC. 2. Section 22522 of the Education Code is amended to read:

22522. It is further the intent of the Legislature that the following categories be established insofar as practicable in the following order for the purpose of enrollment planning and admission priority practice at the undergraduate resident stu-

dent level for the California State Colleges and the University of California:

- (1) Continuing undergraduate students in good standing.
- (2) California residents who have successfully completed the first two years of their baccalaureate program.
- (3) California residents entering at the freshman or sophomore levels.

It is further the intent of the Legislature that within each of the preceding enrollment categories, the following groups of applicants receive priority consideration in admissions practice in the following order:

- (a) Residents of California who are recently released veterans of the armed forces of the United States.
- (b) Transfers from California public community colleges.
- (c) Applicants who have been previously enrolled at the campus to which they are applying, provided they left such institution in good standing.
- (d) Applicants who have a degree or credential objective that is not generally offered at other public institutions of higher learning within California.
- (e) Applicants for whom the distance involved in attending another institution would create financial or other hardships.

It is further the intent of the Legislature that those veterans referred to in paragraph (a) who were enrolled in good standing at a campus of the University of California or at one of the California State Colleges prior to military service receive priority over other veterans recently released from military service.

- (4) Residents of other states and foreign countries.

The segments may, in implementing these enrollment plans and admissions priorities, consider the overall needs of students in maintaining a balanced program and a quality curriculum.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 1441 are both chaptered and amend Section 22522 of the Education Code, and this bill is chaptered after Senate Bill No. 1441, that the amendments to Section 22522 proposed by both bills be given effect and incorporated in Section 22522 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 1441 are both chaptered, both amend Section 22522, and Senate Bill No. 1441 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 769

*An act to amend Section 13756 of the Education Code,
relating to school employees.*

The people of the State of California do enact as follows:

SECTION 1. Section 13756 of the Education Code is amended to read:

13756. In every school district coterminous with the boundaries of a city and county, employees not employed in positions requiring certification qualifications shall be employed, if the city and county has a charter providing for a merit system of employment, pursuant to the provisions of such charter providing for such system and shall, in all respects, be subject to, and have all rights granted by, such provisions; provided, however, that the governing board of the school district shall have the right to fix the duties of all of its noncertificated employees.

CHAPTER 770

An act to amend Sections 73484, 73486, 73487, and 73488 of, and to repeal Section 73487.5 of, the Government Code, relating to the Lodi Municipal Court.

[Approved by Governor September 23, 1971 Filed with Secretary of State September 23, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 73484 of the Government Code is amended to read:

73484. There shall be one marshal who shall receive the bi-weekly salary specified in range 40, step B, as set forth in the biweekly salary schedule contained in Section 73486.

Whenever the salary of the class of lieutenant in the service of San Joaquin County is adjusted, the salary of the marshal shall be adjusted by an amount equivalent to that of the said class of lieutenant.

SEC. 3. Section 73486 of the Government Code is amended to read:

73486. The following biweekly salary schedule shall apply to persons employed in the clerk's office and marshal's office:

Salary range number	Steps				
	A	B	C	D	E
23 -----	\$201.60	\$212.00	\$222.40	\$233.60	\$245.60
24 -----	212.00	222.40	233.60	245.60	257.60
25 -----	222.40	233.60	245.60	257.60	270.40
26 -----	233.60	245.60	257.60	270.40	284.00
27 -----	245.60	257.60	270.40	284.00	298.40
28 -----	257.60	270.40	284.00	298.40	313.60
29 -----	270.40	284.00	298.40	313.60	329.60
30 -----	284.00	298.40	313.60	329.60	346.40
31 -----	298.40	313.60	329.60	346.40	364.00
32 -----	313.60	329.60	346.40	364.00	382.40

Salary range number	Steps				
	A	B	C	D	E
33 -----	329.60	346.40	364.00	382.40	401.60
34 -----	346.40	364.00	382.40	401.60	421.60
35 -----	364.00	382.40	401.60	421.60	442.40
36 -----	382.40	401.60	421.60	442.40	464.80
37 -----	401.60	421.60	442.40	464.80	488.00
38 -----	421.60	442.40	464.80	488.00	512.80
39 -----	442.40	464.80	488.00	512.80	538.40
40 -----	464.80	488.00	512.80	538.40	565.60
41 -----	488.00	512.80	538.40	565.60	593.60
42 -----	512.80	538.40	565.60	593.60	623.20
43 -----	538.40	565.60	593.60	623.20	654.40
44 -----	565.60	593.60	623.20	654.40	687.20
45 -----	593.60	623.20	654.40	687.20	721.60
46 -----	623.20	654.40	687.20	721.60	757.60
47 -----	654.40	687.20	721.60	757.60	795.20

SEC. 4. Section 73487 of the Government Code is amended to read:

73487. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the salary schedule contained in Section 73486, except that if the range shown opposite the title of the position includes a fraction then the person employed in such position shall be paid a salary equal to that shown opposite said fractional range in the Salary Ordinance of the County of San Joaquin, as amended by Ordinance No. 1686, passed and adopted May 28, 1970:

- (a) Deputy clerk I ----- Range 23.25
- (b) Deputy clerk II ----- Range 25.25
- (c) Deputy clerk III ----- Range 27.25
- (d) Deputy clerk IV ----- Range 30.5
- (e) Clerk ----- Range 35.5
- (f) Clerk-typist II ----- Range 23.25
- (g) Deputy marshal ----- Range 32

Subject to the provisions of the San Joaquin County Salary Ordinance, each person employed in the clerk's office or marshal's office, including the clerk but not including the marshal, may receive an annual increase in salary of one step on his assigned range until the employee reaches the maximum step on the range assigned for his position. Thereafter no additional step increase shall be granted.

SEC. 5. Section 73487.5 of the Government Code is repealed.

SEC. 6. Section 73488 of the Government Code is amended to read:

73488. Certain classifications in the clerk's office and marshal's office are deemed to be equivalent in job and salary

level to certain classifications in the service of San Joaquin County and whenever the salary of a classification in the service of San Joaquin County is adjusted by the board of supervisors, the salary of the comparable classification in the clerk's office or marshal's office, as well as the related classifications hereinafter listed, shall be adjusted by an amount which is equivalent to the increase or decrease in the salary of the comparable classification in the classified service of the County of San Joaquin. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications, but such adjustments shall be effective only until 90 days after the final adjournment of the 1973 Regular Session of the Legislature.

(a) The classes of deputy clerk I in the clerk's office and clerk-typist II in the marshal's office are equivalent in job and salary level to the class of clerk-typist II in the service of San Joaquin County. Whenever the class of clerk-typist II is adjusted, the classes of deputy clerk I, deputy clerk II, deputy clerk III and clerk-typist II shall be adjusted an equal number of ranges on the salary schedule.

(b) The class of deputy clerk IV is equivalent in job and salary level to the class of superior court clerk in the service of San Joaquin County. Whenever the class of superior court clerk is adjusted, the classes of deputy clerk IV and clerk shall be adjusted an equal number of ranges on the salary schedule.

(c) Whenever the salary of the class of deputy sheriff I in the service of San Joaquin County is adjusted, the class of deputy marshal shall be adjusted an equal number of ranges on the salary schedule.

CHAPTER 771

An act to add Part 11.5 (commencing with Section 72750) to Division 20 of the Water Code, relating to municipal water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1971. Filed with Secretary of State September 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Part 11.5 (commencing with Section 72750) is added to Division 20 of the Water Code, to read:

PART 11.5. MARIN MUNICIPAL WATER DISTRICT

CHAPTER 1. SUPPLEMENTAL WATER SUPPLIES

72750. The Marin Municipal Water District, in addition to or in conjunction with any provision of this division, may do any of the following in order to implement the acquisition,

storage, transportation, and distribution of water for such district:

(a) Fix such rates for water in the district, and in each improvement district therein, as will result in revenues which will pay the amounts payable by the district without limitation, pursuant to contracts or leases entered into by the district.

(b) Contract with any person, political subdivision, public corporation or agency, for the purchase of water and water supply, or for the right to use, or for capacity in, all or any part of water storage, transportation, or distribution facilities, existing waterworks or a waterworks system.

(c) Lease from any person, political subdivision, public corporation or agency, with the privilege of purchasing or otherwise, all or any part of, or the right to use, or for capacity in, all or any part of water storage, transportation, or distribution facilities, existing waterworks, or a waterworks system.

CHAPTER 2. TAXES AND OTHER REVENUES

72755. If the revenues of the district, or of any improvement district therein, are, or in the judgment of the board will probably be, inadequate for any cause to pay the principal of, or interest on, any bonded debt of the district, or any improvement district thereof, as it becomes due and also the amounts set forth in Section 71616, and also any amounts pursuant to contracts or leases referred to in this part applicable to the Marin Municipal Water District, the board shall cause a tax to be levied, sufficient to provide for such deficit and to pay the amount of such principal and interest that will become due before the proceeds of a tax levied at the next general tax levy will be available.

CHAPTER 3. ELECTIONS

72760. The Marin Municipal Water District in Marin County shall not exercise any powers under this part by which the district incurs an indebtedness or liability exceeding in any year the income or revenue for such year, without the approval of a majority of the voters of the district voting at an election held within the district for that purpose. Such election may be combined with any other election held within the district. If a majority of the votes cast at the election is in favor of the proposition, the county clerk shall immediately cause to be filed with the Secretary of State a certificate reciting such fact. Notwithstanding any provision of law to the contrary, the provisions of Article 3 (commencing with Section 3780) of Chapter 2 of Division 4 of the Elections Code, except Section 3785.5, shall apply to such election.

Sec. 2. The Legislature hereby declares that the enactment of this act as a special law, applicable only to the Marin Municipal Water District, is necessary because

of unique conditions existing within such district. The district, in financing the first stage of the Sonoma-Marin Aqueduct water importation plan by approval of a bond issue in November, 1970, provided assurances that the succeeding stages of the plan would be financed by means of bond issues subject to voter approval. To insure that prior assurances are fulfilled, it is necessary that the powers granted under this act be approved by the district voters prior to their lawful exercise.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In the Marin Municipal Water District the urgent need for water and water supply can most practicably be met by contracting for the joint use of available facilities or the joint construction of new facilities. In order that such contractual arrangements to meet the urgent need for adequate water supply may be entered into at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 772

An act to amend Section 13468.5 of the Education Code, relating to certificated employees.

[Approved by Governor September 23, 1971. Filed with Secretary of State September 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 13468.5 of the Education Code is amended to read:

13468.5. Any days of leave of absence for illness or injury allowed pursuant to Section 13468 may be used by the employee, at his election, in cases of personal necessity. The governing board of each school district and each office of county superintendent of schools shall adopt rules and regulations requiring and prescribing the manner of proof of personal necessity for purposes of this section.

The employee shall not be required to secure advance permission for leave taken for any of the following reasons:

(a) Death or serious illness of a member of his immediate family.

(b) Accident, involving his person or property, or the person or property of a member of his immediate family.

No such accumulated leave in excess of six (6) days may be used in any school year for the purposes enumerated in this section.

CHAPTER 773

An act to amend Sections 74815, 74819, 74821, 74822, 74823 of, to add Section 74824 to, and to repeal Section 74824 of, the Government Code, relating to the Manteca-Ripon-Escalon Municipal Court.

[Approved by Governor September 23, 1971. Filed with Secretary of State September 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 74815 of the Government Code is amended to read:

74815. This article applies to the municipal court established in the district which includes the Cities of Manteca, Escalon, and Ripon.

SEC. 2. Section 74819 of the Government Code is amended to read:

74819. There shall be one marshal who shall receive the bi-weekly salary specified in range 38, step A, as set forth in the biweekly salary schedule contained in Section 74821.

Whenever the salary of the class of lieutenant in the service of San Joaquin County is adjusted, the salary of the marshal shall be adjusted an equal number of ranges on the salary schedule.

If an adjustment in the salary of the class of lieutenant is made in the fiscal year 1971-1972 prior to the effective date of the amendments to this section enacted at the 1971 Regular Session of the Legislature, then the equivalent adjustment authorized by this section shall be made to the salary of the marshal on such effective date.

SEC. 3. Section 74821 of the Government Code is amended to read:

74821. The following biweekly salary schedule shall apply to persons employed in the clerk's office and marshal's office:

Salary range number	Steps				
	A	B	C	D	E
23-----	\$201.60	\$212.00	\$222.40	\$233.60	\$245.60
24-----	212.00	222.40	233.60	245.60	257.60
25-----	222.40	233.60	245.60	257.60	270.40
26-----	233.60	245.60	257.60	270.40	284.00
27-----	245.60	257.60	270.40	284.00	298.40
28-----	257.60	270.40	284.00	298.40	313.60
29-----	270.40	284.00	298.40	313.60	329.60
30-----	284.00	298.40	313.60	329.60	346.40
31-----	298.40	313.60	329.60	346.40	364.00
32-----	313.60	329.60	346.40	364.00	382.40
33-----	329.60	346.40	364.00	382.40	401.60
34-----	346.40	364.00	382.40	401.60	421.60
35-----	364.00	382.40	401.60	421.60	442.40
36-----	382.40	401.60	421.60	442.40	464.80

Salary range number	Steps				
	A	B	C	D	E
37-----	401.60	421.60	442.40	464.80	488.00
38-----	421.60	442.40	464.80	488.00	512.80
39-----	442.40	464.80	488.00	512.80	538.40
40-----	464.80	488.00	512.80	538.40	565.60

SEC. 4. Section 74822 of the Government Code is amended to read:

74822. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the salary schedule contained in Section 74821, except that if the range shown opposite the title of the position includes a fraction then the person employed in such position shall be paid a salary equal to that shown opposite said fractional range in the Salary Ordinance of the County of San Joaquin, as amended by Ordinance No. 1686, passed and adopted May 28, 1970:

- (a) Deputy clerk I----- Range 23.25
- (b) Deputy clerk II ----- Range 25.25
- (c) Deputy clerk III ----- Range 27.25
- (d) Clerk ----- Range 35.5
- (e) Clerk-typist II ----- Range 23.25
- (f) Deputy marshal ----- Range 32.

Subject to the provisions of the San Joaquin County Salary Ordinance, each person employed in the clerk's office or marshal's office, including the clerk but not including the marshal, may receive an annual increase in salary of one step on his assigned range until the employee reaches the maximum step on the range assigned for his position. Thereafter no additional step increase shall be granted.

SEC. 5. Section 74823 of the Government Code is amended to read:

74823. Certain classifications in the clerk's office and marshal's office are deemed to be equivalent in job and salary level to certain classifications in the service of San Joaquin County and whenever the salary of a classification in the service of San Joaquin County is adjusted by the board of supervisors, the salary of the comparable classification in the clerk's office or marshal's office, as well as the related classifications hereinafter listed, shall be adjusted by an amount which is equivalent to the increase or decrease in the salary of the comparable classification in the classified service of the County of San Joaquin. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications, but such adjustments shall be effective only until 90 days after the final adjournment of the 1973 Regular Session of the Legislature.

(a) The classes of deputy clerk I in the clerk's office and clerk-typist II in the marshal's office are equivalent in job

and salary level to the class of clerk-typist II in the service of San Joaquin County. Whenever the class of clerk-typist II is adjusted, the classes of deputy clerk I, deputy clerk II, deputy clerk III and clerk-typist II shall be adjusted an equal number of ranges on the salary schedule.

(b) Whenever the salary of the class of superior court clerk is adjusted, the salary of the clerk shall be adjusted an equal number of ranges on the salary schedule.

(c) Whenever the salary of the class of deputy sheriff I in the service of San Joaquin County is adjusted, the class of deputy marshal shall be adjusted an equal number of ranges on the salary schedule.

SEC. 6. Section 74824 of the Government Code is repealed.

SEC. 7. Section 74824 is added to the Government Code, to read:

74824. If an adjustment in the salary of the class of superior court clerk in the service of San Joaquin County is made in the fiscal year 1971-1972 prior to the effective date of this section, then the equivalent adjustment authorized by subdivision (b) of Section 74823 shall be made to the salary of the clerk on the day this section becomes effective.

CHAPTER 774

An act to amend Sections 34315 and 34317 of, the Government Code, relating to city boundaries, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 27, 1971. Filed with Secretary of State September 27, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 34315 of the Government Code is amended to read:

34315. On the final hearing, the board may make such changes in the proposed boundaries as it finds proper, and shall define the boundaries, and determine how many inhabitants, or in a county with a population of 2,000,000 or more how many registered voters, reside within the boundaries.

If the board makes any changes in the boundaries of the proposed city it shall resubmit the boundaries as changed to the local agency formation commission pursuant to Section 54799.1 for reconsideration and a final determination of the boundaries.

SEC. 2. Section 34317 of the Government Code is amended to read:

34317. The boundaries established by the board are the boundaries of the city unless the board makes any change in the boundaries of the proposed city in which event the boundaries established by the local agency formation commission pursuant to Section 54799.1 shall be the boundaries of the city.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect.

The facts constituting such necessity are:

The present procedure for a determination of the final boundaries of a proposed city must be corrected immediately in order to insure that persons now proceeding to incorporate a city are entitled to fair treatment and are able to obtain a final determination of city boundaries.

CHAPTER 775

An act to amend Section 65302 of the Government Code, relating to planning.

[Approved by Governor September 28, 1971. Filed with Secretary of State September 28, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall also identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to such areas.

(b) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan.

(c) A housing element consisting of standards and plans for the improvement of housing and for provision of adequate sites for housing. This element of the plan shall endeavor to make adequate provision for the housing needs of all economic segments of the community.

(d) A conservation element for the conservation, development, and utilization of natural resources including water and

its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies which have developed, served, controlled or conserved water for any purpose for the county or city for which the plan is prepared. The conservation element may also cover:

- (1) The reclamation of land and waters.
- (2) Flood control.
- (3) Prevention and control of the pollution of streams and other waters.
- (4) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.
- (5) Prevention, control, and correction of the erosion of soils, beaches, and shores.
- (6) Protection of watersheds.
- (7) The location, quantity and quality of the rock, sand and gravel resources.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560) of this chapter.

(f) A seismic safety element consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking, to ground failures, or to effects of seismically induced waves such as tsunamis and seiches.

(g) A noise element in quantitative, numerical terms, showing contours of present and projected noise levels associated with all existing and proposed major transportation elements. These include but are not limited to the following:

- (1) Highways and freeways,
- (2) Ground rapid transit systems,
- (3) Ground facilities associated with all airports operating under a permit from the State Department of Aeronautics.

These noise contours may be expressed in any standard acoustical scale which includes both the magnitude of noise and frequency of its occurrence. The recommended scale is sound level A, as measured with A-weighting network of a standard sound level meter, with corrections added for the time duration per event and the total number of events per 24-hour period.

Noise contours shall be shown in minimum increments of five decibels and shall be continued down to 65 db(A). For regions involving hospitals, rest homes, long-term medical or mental care, or outdoor recreational areas, the contours shall be continued down to 45 db(A).

Conclusions regarding appropriate site or route selection alternatives or noise impact upon compatible land uses shall be included in the general plan.

The state, local, or private agency responsible for the construction or maintenance of such transportation facilities shall provide to the local agency producing the general plan, a statement of the present and projected noise levels of the facility, and any information which was used in the development of such levels.

CHAPTER 776

An act to amend Sections 5252, 5276, 5328, 5350, 5352.1, 5353, and 5365 of the Welfare and Institutions Code, relating to mental health.

[Approved by Governor September 28, 1971. Filed with Secretary of State September 28, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5252 of the Welfare and Institutions Code is amended to read:

5252. A notice of certification is required for all involuntary 14-day intensive treatment, and shall be in substantially the following form:

To the Superior Court of the State of California for the County of _____

The authorized agency providing evaluation services in the County of _____ has evaluated the condition of:

Name _____
Address _____
Age _____
Sex _____
Marital status _____
Religious affiliation _____

We the undersigned allege that the above-named person is, as a result of mental disorder or impairment by chronic alcoholism:

- (1) A danger to others.
(2) A danger to himself.
(3) Gravely disabled as defined in subdivision (h) of Section 5008 of the Welfare and Institutions Code.
[Strike out all inapplicable classifications.]

The above-named person has been informed of this evaluation, and has been advised of, but has not been able or willing to accept referral to, the following services:

We, therefore certify the above-named person to receive intensive treatment for no more than 14 days beginning this ----- day of -----, 19--, in the intensive treatment (Month)

facility herein named -----.

We hereby state that a copy of this notice has been delivered this day to the above-named person and that he has been informed of his legal right to a judicial review by habeas corpus, and this term has been explained to him and that he has been informed of his right to counsel, including court-appointed counsel pursuant to Section 5276 of the Welfare and Institutions Code.

We hereby state that a copy of this notice has been delivered by ----- and that the patient, when advised of his rights to a judicial review, did not request such review.

Date

Signed -----

Signed -----

Countersigned -----

Representing intensive treatment facility

SEC. 2. Section 5276 of the Welfare and Institutions Code is amended to read:

5276. Judicial review shall be in the superior court for the county in which the facility providing intensive treatment is located or in the county in which the 72-hour evaluation was conducted if the patient or a person acting in his behalf informs the professional staff of the evaluation facility (in writing) that judicial review will be sought. No patient shall be transferred from the county providing evaluation services to a different county for intensive treatment if the staff of the evaluation facility has been informed in writing that a judicial review will be sought, until the completion of the judicial review. The person requesting to be released shall be informed of his right to counsel by the member of the treatment staff and by the court; and, if he so elects, the court shall immediately appoint the public defender or other attorney to assist him in preparation of a petition for the writ of habeas corpus and, if he so elects, to represent him in the proceedings. The person shall pay the costs of such legal service if he is able.

The court shall either release the person or order an evidentiary hearing to be held within two judicial days after the petition is filed. If the court finds, (a) that the person requesting release is not, as a result of mental disorder or impairment by chronic alcoholism, a danger to others, or to himself, or gravely disabled, (b) that he had not been advised of, or had accepted, voluntary treatment, or (c) that the facility providing intensive treatment is not equipped and staffed to provide treatment, or is not designated by the county to provide intensive treatment he shall be released immediately.

SEC. 3. Section 5328 of the Welfare and Institutions Code is amended to read:

5328. All information and records obtained in the course of providing services under Division 5 (commencing with Section 5000), Division 6 (commencing with Section 6000), or Division 7 (commencing with Section 7000), to either voluntary or involuntary recipients of services shall be confidential. Information and records may be disclosed only:

(a) In communications between qualified professional persons in the provision of services or appropriate referrals, or in the course of conservatorship proceedings. The consent of the patient, or his guardian or conservator must be obtained before information or records may be disclosed by a professional person employed by a facility to a professional person not employed by the facility who does not have the medical responsibility for the patient's care.

(b) When the physician in charge of the patient, with the approval of the patient, designates persons to whom information or records may be released, except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him in confidence by members of a patient's family;

(c) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he may be entitled;

(d) If the recipient of services is a minor, ward, or conservatee, and his parent, guardian, or conservator designates, in writing, persons to whom records or information may be disclosed, except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him in confidence by members of a patient's family;

(e) For research, provided that the Director of Mental Hygiene designates by regulation, rules for the conduct of research. Such rules shall include, but need not be limited to, the requirement that all researchers must sign an oath of confidentiality as follows:

Date

As a condition of doing research concerning persons who have received services from ----- (fill in the facility, agency or person), I, -----, agree not to divulge any information obtained in the course of such research to unauthorized persons, and not to publish or otherwise make public any information regarding persons who have received services such that the person who received services is identifiable.

I recognize that unauthorized release of confidential information may make me subject to a civil action under provisions of the Welfare and Institutions Code.

Signed

(f) To the courts, as necessary to the administration of justice.

(g) To governmental law enforcement agencies as needed for the protection of federal and state elective constitutional officers and their families.

(h) To the Senate Rules Committee or the Assembly Rules Committee for the purposes of legislative investigation authorized by such committee.

(i) If the recipient of services who applies for life or disability insurance designates in writing the insurer to which records or information may be disclosed.

(j) To the attorney for the patient in any and all proceedings upon presentation of a release of information signed by the patient, except that when the patient is unable to sign such release, the staff of the facility, upon satisfying itself of the identity of said attorney, and of the fact that the attorney does represent the interests of the patient, may release all information and records relating to the patient except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him in confidence by members of a patient's family.

The amendment of subdivision (d) of this section enacted at the 1970 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the preexisting law.

SEC. 4. Section 5350 of the Welfare and Institutions Code is amended to read:

5350. A conservator of the person, of the estate, or of the person and the estate may be appointed for any person who is gravely disabled as a result of mental disorder or impairment by chronic alcoholism.

The procedure for establishing, administering and terminating conservatorship under this chapter shall be the same as that provided in Division 5 (commencing with Section 1701) of the Probate Code, except as follows:

(a) A conservator may be appointed for a gravely disabled minor.

(b) Appointment of a conservator under this part shall be subject to the list of priorities in Section 1753 of the Probate Code unless the officer providing conservatorship investigation recommends otherwise to the superior court.

(c) When a gravely disabled person already has a guardian or conservator, the superior court may appoint him or another person as conservator under the provisions of this chapter.

(d) The person for whom conservatorship is sought shall have the right to demand a court or jury trial on the issue whether he is gravely disabled. Demand for court or jury trial shall be made within 10 days of the hearing on the conservatorship petition.

Court or jury trial shall commence within 10 days of the date of the demand, except that the court shall continue the trial date for a period not to exceed 30 days upon the request of counsel for the proposed conservatee.

This right shall also apply in subsequent proceedings to reestablish conservatorship.

(e) As otherwise provided in this chapter.

SEC. 5. Section 5352.1 of the Welfare and Institutions Code is amended to read:

5352.1. The court may establish a temporary conservatorship for a period not to exceed 30 days and appoint a temporary conservator on the basis of the comprehensive report of the officer providing conservatorship investigation filed pursuant to Section 5354, or on the basis of an affidavit of the professional person who recommended conservatorship stating the reasons for his recommendation, if the court is satisfied that such comprehensive report or affidavit show the necessity for a temporary conservatorship.

All temporary conservatorships shall expire automatically at the conclusion of 30 days, unless prior to that date the court shall conduct a hearing on the issue of whether or not the proposed conservatee is greatly disabled as defined in subdivision (h) of Section 5008.

SEC. 6. Section 5353 of the Welfare and Institutions Code is amended to read:

5353. A temporary conservator under this chapter shall determine what arrangements are necessary to provide the person with food, shelter, and care pending the determination of conservatorship. He shall give preference to arrangements which allow the person to return to his home, family or friends. If necessary, the temporary conservator may require the person to be detained in a facility providing intensive treatment or in a facility specified in Section 5358 pending the determination of conservatorship. Any person so detained shall have the same right to judicial review set forth in Article 5 (commencing with Section 5275) of Chapter 2 of this part.

Temporary conservatorship shall continue pending a hearing to consider the appointment of a conservator, the trial, but in no event longer than six months. The powers of the temporary conservator shall be those granted in the decree, but in no event may they be broader than the powers which may be granted a conservator.

SEC. 7. Section 5365 of the Welfare and Institutions Code is amended to read:

5365. All petitions under this chapter shall be heard within 30 days and the public defender or other attorney shall be appointed by the court for the conservatee or proposed conservatee.

CHAPTER 777

An act to add Section 13308 to the Education Code, relating to school certificated employees.

[Approved by Governor September 28, 1971 Filed with Secretary of State September 28, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 13308 is added to the Education Code, to read:

13308. The governing board of a school district which employs in a position requiring certification qualifications any person who has become a permanent certificated employee in any school district may employ such person as a permanent certificated employee.

CHAPTER 778

An act to repeal Article 2 (commencing with Section 2670) of Chapter 4 of Title 1 of Part 3 of the Penal Code, relating to asexualization of prisoners.

[Approved by Governor September 28, 1971 Filed with Secretary of State September 28, 1971]

The people of the State of California do enact as follows:

SECTION 1. Article 2 (commencing with Section 2670) of Chapter 4 of Title 1 of Part 3 of the Penal Code is repealed.

CHAPTER 779

An act to amend Section 13800 of the Penal Code, relating to the California Council on Criminal Justice.

[Approved by Governor September 28, 1971 Filed with Secretary of State September 28, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 13800 of the Penal Code is amended to read:

13800. There is hereby created in the state government the California Council on Criminal Justice, hereafter referred to as the council, which shall be composed of the following members: the Attorney General, 17 members appointed by the Governor, three of whom shall be the Commissioner of the Department of the Highway Patrol, the Director of the Department of Corrections, and the Director of the Youth Authority; six members appointed by the Senate Rules Committee, two of whom shall be Members of the Senate; and six members appointed by the Speaker of the Assembly, two of whom shall be Members of the Assembly.

The appointing authorities shall consult in the selection of council members to insure that there is balanced representa-

tion on the council including representatives of the public concerned with the prevention and reduction of crime.

The appointees of the Governor shall include: a chief of police, a district attorney, a sheriff, a public defender, two members of city councils, two members of county boards of supervisors, a county probation officer, a representative of the Commission on Peace Officer Standards and Training, a faculty member of a college or university qualified in the field of criminology, police science, or law, and a person qualified in the general field of research, development, and systems technology. The Speaker and Senate Committee on Rules shall include among their appointments a representative of the Judicial Council, a judge, a representative of the cities and a representative of the counties.

CHAPTER 780

An act to amend Sections 70141.12, 74905, 74906, 74907, 74908, and 74912 of the Government Code, relating to courts.

[Approved by Governor September 28, 1971. Filed with Secretary of State September 28, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 70141.12 of the Government Code is amended to read:

70141.12. In any county with a population exceeding 199,000 and not exceeding 220,000 as determined by the 1960 federal census, the superior court may provide that the commissioner, in addition to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner appointed pursuant to Section 69897 of this code.

The Ventura County Court Commissioner shall receive a salary representing 65 percent, 70 percent, or 75 percent of the annual salary for a superior court judge. The court shall determine the level of salary to be received by the court commissioner, making adjustments on the three levels in accordance with the qualifications, performance, and other factors deemed relevant by the court. He shall also be allowed actual traveling expenses pursuant to Section 70148.

SEC. 2. Section 74905 of the Government Code is amended to read:

74905. (a) There shall be one clerk of the Ventura County Municipal Court, who shall be known as the court executive officer and who shall be appointed by and serve at the pleasure of a majority of the judges of the court. The court executive officer shall receive the monthly compensation specified in range 46.0, set forth in Section 74909. The court executive officer shall not be the same person serving as marshal.

(b) There shall be one assistant clerk of the Ventura County Municipal Court who shall be appointed by and serve at the pleasure of a majority of the judges of the court. The assistant clerk shall receive the monthly compensation specified in range 38.0, set forth in Section 74909. In no event shall the assistant clerk receive monthly compensation less than seven scheduled ranges above that of the chief deputy municipal court clerk.

SEC. 3. Section 74906 of the Government Code is amended to read:

74906. There shall be one marshal of the Ventura County Municipal Court who shall be appointed by and serve at the pleasure of a majority of the judges of the court. The marshal shall have control and supervisorial responsibility over the personnel within the marshal's office. Fiscal matters pertaining to the marshal's office shall be subject to the review and approval of the court executive officer. The salary of the marshal shall be the same monthly rate as the assistant clerk.

SEC. 4. Section 74907 of the Government Code is amended to read:

74907. The court executive officer may appoint:

(a) Four chief deputy municipal court clerks, who shall receive monthly compensation specified in range 31.0, set forth in Section 74909. However, one chief deputy municipal court clerk position shall be filled by the former incumbent chief deputy municipal court clerk II, who shall receive a salary not less than one thousand ninety-six dollars (\$1,096) per month until such time as the salary range of the chief deputy municipal court clerk as herein described reaches said incumbent salary of one thousand ninety-six dollars (\$1,096).

(b) Eight deputy municipal court clerks IV, who shall receive monthly compensation specified in range 26.5, set forth in Section 74909.

(c) Twelve deputy municipal court clerks III, who shall receive monthly compensation specified in range 24.5, set forth in Section 74909. However, one deputy municipal court clerk III position shall be filled by the former incumbent principal account clerk I.

(d) Twenty-one deputy municipal court clerks II, who shall receive monthly compensation specified in range 21.5, set forth in Section 74909. However, two deputy municipal court clerk II positions shall be filled by two former incumbent deputy municipal court clerks V, who shall receive a salary not less than eight hundred thirty-eight dollars (\$838) per month until such time as the salary range of the deputy municipal court clerk II as herein described reaches said incumbent salary of eight hundred thirty-eight dollars (\$838).

(e) Eleven deputy municipal court clerks I, who shall receive monthly compensation specified in range 18.5, set forth in Section 74909.

(f) One deputy municipal court legal process clerk, who shall receive monthly compensation specified in range 23.0, set forth in Section 74909.

(g) Two deputy municipal court clerk interpreters, who shall receive monthly compensation specified in range 21.5, set forth in Section 74909.

(h) Three senior secretaries, who shall receive monthly compensation in range 23.0 set forth in Section 74909.

(i) One principal deputy clerk-keypunch operator, who shall receive monthly compensation specified in range 20.5, set forth in Section 74909.

(j) One senior deputy clerk-keypunch operator, who shall receive monthly compensation specified in range 18.0, set forth in Section 74909.

(k) Two deputy clerk-keypunch operators who shall receive the monthly compensation specified in range 17.0, set forth in Section 74909.

SEC. 5. Section 74908 of the Government Code is amended to read:

74908. The marshal of the Ventura County Municipal Court may, with the concurrence of the court, appoint:

(a) One captain, who shall receive the monthly compensation specified in range 36.0, set forth in Section 74909, and in no event shall the marshal's captain receive monthly compensation less than one scheduled range below that of sheriff's captain.

(b) Three lieutenants, who shall receive the monthly compensation specified in range 34.5, set forth in Section 74909. However, one lieutenant position shall be filled by the former incumbent assistant marshal, who shall receive a salary of not less than one thousand two hundred ninety-eight dollars (\$1,298) per month until such time as the salary of each of the remaining lieutenants as herein described reaches such incumbent salary of one thousand two hundred ninety-eight dollars (\$1,298).

(c) Four sergeants, each of whom shall receive the monthly compensation specified in range 32.5, set forth in Section 74909.

(d) Twenty-one deputy marshals, each of whom shall receive the monthly compensation specified in range 29.0, set forth in Section 74909.

(e) Six senior marshal's process clerks, each of whom shall receive the monthly compensation specified in range 23.0, set forth in Section 74909.

(f) Five marshal's process clerks, each of whom shall receive the monthly compensation specified in range 20.0, set forth in Section 74909. Marshal's process clerk trainees, each of whom shall receive the monthly compensation specified in range 17.0, set forth in Section 74909, may be appointed in lieu of marshal's process clerks until such trainees have satisfactorily completed a six-month training period.

(g) Such deputies who shall be keepers as may be reasonably required pursuant to law at the fee allowed by law for keeping property.

The occupants of positions listed in subdivisions (e) and (f) shall, when required, be assigned to additional duties as matron, and during the period of such assignment shall receive no additional compensation.

SEC. 6. Section 74912 of the Government Code is amended to read:

74912. (a) Certain classifications in the Ventura County Municipal Court are deemed to be equivalent in position responsibility and salary level to certain classifications in the service of Ventura County and whenever the salary of an equivalent classification in the Ventura County service is adjusted by the board of supervisors, the salary of the equivalent classification in the Ventura County Municipal Court shall be adjusted an equivalent amount. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to classifications in the Ventura County service, but such adjustments shall be effective no longer than 90 days after the final adjournment of the next regular session of the Legislature. The intent of this section shall not be construed to mean that any salary adjustments made in 1971 will be forfeited on the effective date of this section. Classifications deemed to be equivalent are as follows:

Municipal court classification	County classification
Court executive officer	County clerk-recorder
Chief deputy municipal court clerk	Chief superior court clerk,
Deputy municipal court clerk IV	Superior court clerk IV
Deputy municipal court clerk III	Superior court clerk III
Deputy municipal court clerk II	Superior court clerk II
Deputy municipal court clerk I	Superior court clerk I
Deputy municipal court legal process clerk	Legal process clerk
Principal deputy clerk-keypunch operator	Principal keypunch operator
Deputy clerk-keypunch operator	Keypunch operator
Senior deputy clerk-keypunch operator	Senior keypunch operator
Senior secretary	Senior secretary
Municipal court/marshal classification	County classification
Lieutenant	Sheriff's lieutenant
Sergeant	Sheriff's sergeant
Deputy marshal	Deputy sheriff
Senior marshal's process clerk	Legal process clerk
Marshal's process clerk	Senior typist-clerk
Marshal's process clerk trainee	Intermediate typist-clerk

Whenever the salary of the class of deputy municipal court clerk I is adjusted as described above, the salary of the class of deputy municipal court clerk interpreter shall be adjusted an equivalent number of ranges or steps on the salary schedule.

CHAPTER 781

An act to add Section 40605 to the Government Code, relating to mayors.

[Approved by Governor September 28, 1971. Filed with Secretary of State September 28, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 40605 is added to the Government Code, to read:

40605. In general law cities where the office of mayor is an elective office pursuant to Article 5 (commencing with Section 34900) of Chapter 7 of Part 1 of Division 2 of Title 4, the mayor, with the approval of the city council, shall make all appointments to boards, commissions, and committees unless otherwise specifically provided by statute.

CHAPTER 782

An act to repeal Section 1756.5 of the Welfare and Institutions Code, relating to the Youth Authority.

[Approved by Governor September 28, 1971. Filed with Secretary of State September 28, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1756.5 of the Welfare and Institutions Code is repealed.

CHAPTER 783

An act to amend Section 18734 of the Business and Professions Code, relating to boxing and wrestling.

[Approved by Governor September 28, 1971. Filed with Secretary of State September 28, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 18734 of the Business and Professions Code is amended to read:

18734. No person under the age of 18 years shall participate as a contestant in any boxing contest, sparring or wrestling match, or wrestling exhibition, except that any person of the age of 16 years or over, who is a registered amateur boxer in this state or any state or territory where a person who has attained the age of 16 years may box legally, may participate in an amateur boxing contest held in this state.

Every contestant in an amateur boxing contest or sparring match shall be a registered amateur in the district in which he resides, and shall be examined by a physician immediately before the contest.

CHAPTER 784

An act to amend Section 6704 of the Business and Professions Code, relating to professional engineers.

[Approved by Governor September 28, 1971 Filed with Secretary of State September 28, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 6704 of the Business and Professions Code is amended to read:

6704. In order to safeguard life, health, property, and public welfare, only persons registered under the provisions of this chapter shall be entitled to take and use the titles "consulting engineer," "professional engineer," or "registered engineer," or any combination of such titles, and according to registration with the board the titles "civil engineer," "structural engineer," "chemical engineer," "electrical engineer," "industrial engineer," "mechanical engineer," "metallurgical engineer," "petroleum engineer," "engineer-in-training" or the titles in such other branches as the board may establish. The provisions of this act pertaining to registration of professional engineers in the branches of chemical, electrical, industrial, mechanical, metallurgical, and petroleum engineering do not apply to employees in the communication industry; nor to the employees of contractors while engaged in work on communication equipment; provided, that such employees may not use the title unless registered. All persons registered with the board as civil engineers shall immediately have the right to use the title "professional engineer," by virtue of such registration without application or payment of any fee therefor. Nor shall the provisions of this section prevent the use of the title "consulting engineer" by a person who has qualified for and maintained exemption for using such title under the provisions of Section 6732.1, or by a person licensed as a photogrammetric surveyor under the provisions of Chapter 15 (commencing with Section 8700) of Division 3 regardless of whether or not he has received commissions from clients and fees for services rendered.

CHAPTER 785

An act to amend Section 1773 of, and to add Section 1773.2 to, the Labor Code, relating to public works contracts.

[Approved by Governor September 28, 1971 Filed with Secretary of State September 28, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1773 of the Labor Code is amended to read:

1773. The body awarding any contract for public work, or otherwise undertaking any public work, shall ascertain the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work in the locality in which the public work is to be performed for each craft, classification or type of workman needed to execute the contract. The holidays upon which such rates shall be paid need not be specified by the awarding body, but shall be all holidays recognized in the collective bargaining agreement applicable to the particular craft, classification or type of workman employed on the project.

In determining such rates, the awarding body shall ascertain and consider the applicable wage rates established by collective bargaining agreements and such rates as may have been predetermined for federal public works, within the locality and in the nearest labor market area. Where such rates do not constitute the rates actually prevailing in the locality, the awarding body shall obtain and consider further data from the labor organizations and employers or employer associations concerned, including the recognized collective bargaining representatives for the particular craft, classification or type of work involved. The rate fixed for each craft, classification or type of work shall be not less than the prevailing rate paid in such craft, classification or type of work.

If the awarding body determines that the rate of prevailing wage for any craft, classification or type of workman is the rate established by a collective bargaining agreement, the awarding body may adopt such rate by reference as provided for in such agreement and such determination shall be effective for the life of such agreement or until the awarding body determines that another rate should be adopted.

SEC. 2. Section 1773.2 is added to the Labor Code, to read:

1773.2. The body awarding any contract for public work, or otherwise undertaking any public work, shall specify in the call for bids for the contract, and in the bid specifications and in the contract itself, what the general rate of per diem wages is for each craft, classification or type of workman needed to execute the contract.

In lieu of specifying the rate of wages in the call for bids and in the contract the awarding body may refer to copies thereof on file at its principal office, which shall be made available to any interested party on request. In the event that the awarding body chooses to refer to a copy of the prevailing rate of per diem wages on file at its principal office, in lieu of specifying them in each call for bids and in the contract, the awarding body shall publish its determination of the prevailing rate of wages at least one time during each year, and in such event, the awarding body shall cause a copy thereof to be posted at each jobsite.

CHAPTER 786

An act to amend Sections 3258 and 3260 of the Unemployment Insurance Code, relating to voluntary disability insurance plans.

[Approved by Governor September 28, 1971 Filed with Secretary of State September 28, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 3258 of the Unemployment Insurance Code is amended to read:

3258. If a voluntary plan does not provide for the assumption by an admitted disability insurer of the liability of the employer to pay the benefits afforded by the plan, the director shall not approve it unless the employer files with the director the bond of an admitted surety insurer conditioned on the payment by the employer of his obligations under the plan, or deposits with the director securities approved by him to secure the payment of such obligations. The penal sum of the bond or the amount of the deposit shall be determined by the director and shall be not less than five-tenths of 1 percent of the taxable wages prescribed by Section 985 paid during the preceding year to the employees to be covered by the plan, or five-tenths of one percent (0.5%) of the estimated taxable wages prescribed by Section 985 to be paid to such employees for the ensuing year, whichever is greater. Upon approval, such bond, money, or securities shall upon his written order be deposited with the State Treasurer for the purpose herein specified. The Treasurer shall give his receipt for such deposits and the state shall be responsible for the custody and safe return of any securities so deposited.

Sec. 2. Section 3260 of the Unemployment Insurance Code is amended to read:

3260. An employer may, but need not, assume all or part of the cost of the plan, and may deduct from the wages of an employee covered by the plan, for the purpose of providing the disability benefits specified in this part, an amount not in excess of that which would be required by Sections 984 and 985 if the employee were not covered by the plan. Any such deductions from the wages of an employee remaining in the possession of the employer upon termination of the plan, as a result of plan contributions being in excess of plan costs, which are not disposed of in conformity with authorized regulations, shall be remitted to the Disability Fund. If an employer fails to remit any such deductions to the Disability Fund, the director shall assess the amount thereof against the employer. The provisions of Article 8 (commencing with Section 1126) of Chapter 4 of Part 1 of this division with respect to the assessment of contributions and the provisions of Chapter 7 (commencing with Section 1701) of Part 1 of this division with respect to the collection of contributions shall apply to assessments provided by this section, except that interest

shall not accrue until 30 days after notice of assessment. With respect to individuals covered by a voluntary plan on January 1st of a calendar year for which the limitation on taxable wages under Section 985 is increased or the tax rate under Section 984 is increased, the amount of the deduction on or after that date may be increased to apply to not more than the maximum limitation on taxable wages or to not more than the maximum tax rate without any further consent of the individual or approval of the director, but only if such increase in the amount of the deduction is made immediately effective as of January 1st of that particular year.

CHAPTER 787

An act to amend Section 532 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 28, 1971. Filed with Secretary of State September 28, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 532 of the Revenue and Taxation Code is amended to read:

532. Any assessment to which the penalty provided for in Section 504 must be added shall be made within six years after July 1 of the assessment year in which the property escaped taxation or was underassessed. Any other assessment made pursuant to Article 3 (commencing with Section 501) of this chapter, or pursuant to this article shall be made within four years after July 1 of the assessment year in which the property escaped taxation or was underassessed; provided, however, that with respect to property which escaped taxation for the fiscal years commencing on July 1, 1966, and ending on June 30, 1967, and commencing on July 1, 1967, and ending on June 30, 1968, such assessment shall be made on or before October 6, 1971.

Any assessment made pursuant to Article 3 (commencing with Section 501) of this chapter or made pursuant to this article shall not create or impose a lien or charge on such real property for such assessment or any penalty or interest if (1) such real property has been transferred or conveyed to a bona fide purchaser for value prior to the date of such assessment and the showing thereof on the secured roll with the date of entry specified thereon, or (2) such real property is subject to a lien of a bona fide encumbrance for value created and attaching prior to the date of such assessment and the showing thereof on the secured roll with the date of entry specified thereon. In such cases the assessor or tax collector may record with the county recorder of any county a certificate which shall set forth the name of the person who would have been the assessee in the year in which such real property escaped

assessment and the amount or amounts of any such assessments and penalties. From the date of the recording of such certificate a lien shall be created and attach against any real property owned by such person in the county or counties in which any such certificate may have been recorded which lien shall have the force, effect and priority of a judgment lien. Assessments made pursuant to this section which do not create, impose, or constitute a lien or charge on the property assessed may be enrolled on the unsecured roll of the current year by the county auditor and if so enrolled shall be collected in the same manner as other delinquent taxes on the unsecured roll and shall be subject to delinquent penalties in the same manner as taxes transferred to the unsecured roll under Section 4986. The statute of limitations for the collection of such taxes shall commence to run from the date of enrollment.

The tax collector, with the approval of the board of supervisors, may at any time release all or any portion of real property subject to any lien created or attaching by the recording of such a certificate from such lien or subordinate such lien to other liens and encumbrances if he determines that the assessment or taxes are sufficiently secured by a lien on other property belonging to the person named in such a certificate or that the release or subordination will not endanger or jeopardize the collection of such assessment or taxes.

A written certification by the tax collector to the effect that real property subject to any lien imposed by the recording of the certificate as hereinbefore provided has been released from such lien or that such lien has been subordinated to other liens shall be conclusive evidence as to any bona fide purchaser, encumbrancer or lessee that such lien has been released or has been subordinated as set forth in such written certification. Such written certification may be recorded with the county recorder of any county.

CHAPTER 788

An act to amend Section 14311 of the Government Code, relating to state contracts.

[Approved by Governor September 28, 1971 Filed with Secretary of State September 28, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 14311 of the Government Code is amended to read:

14311. The department shall adopt and apply a uniform system of rating bidders, on the basis of the standard questionnaires and financial statements, in respect to the size of the contracts upon which each bidder is qualified to bid. When bids for more than one project are to be received at the same bid opening, the department may permit a bidder to

submit bids for each project within such bidder's prequalification rating, even though such rating is insufficient to permit the bidder to be awarded the contract for each project bid upon.

In no event shall any bidder be awarded a contract if such contract award would result in the bidder having under contract work in excess of that authorized by his prequalification rating. If the department determines that a bidder would be awarded the contract for two or more projects but cannot be awarded the contract for all such projects because of the inadequacy of his prequalification rating, the department shall determine which of the bids of such bidder are to be accepted and the contract awarded thereon and which of the bids of such bidder are to be disregarded. In making its decision the department shall be guided by the combination of contract awards which will result in the lowest total cost for the projects involved.

CHAPTER 789

An act to amend Section 36003 of the Agricultural Code, relating to cream, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 1971. Filed with Secretary of State September 28, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 36003 of the Agricultural Code is amended to read:

36003. In the labeling, advertising, and sale of market cream only the following designations may be used:

(a) Whipping cream which shall have a milk fat content of not less than 35 percent.

(b) Pastry cream, or all purpose cream, or light whipping cream which shall have a milk fat content of not less than 30 percent.

(c) Table cream which shall have a milk fat content of not less than 20 percent.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The change in labeling and advertising permitted by this act will take time to implement. In order for preparations to be completed before the holiday season, which commences with Thanksgiving, it is therefore necessary that this act go into immediate effect.

CHAPTER 790

*An act to add Section 71947 to the Water Code,
relating to municipal water districts.*

[Approved by Governor September 28, 1971. Filed with
Secretary of State September 28, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 71947 is added to the Water Code, to read:

71947. If bonds have been authorized at an election held pursuant to this chapter prior to January 1, 1960, a portion of which bonds have not yet been issued, and the board determines that the sale of such unissued portion would be insufficient to finance the completion of the improvement for which the bonds were authorized, the board by resolution adopted prior to January 1, 1972, may modify the improvement and may authorize the issuance of bonds in an amount not exceeding the amount of such unissued portion for the purpose of paying the cost of the improvement as modified, without any further election, but only after notice and hearing in the same manner as provided in Article 2 (commencing with Section 71880) of Chapter 3 of this part and Article 6 (commencing with Section 53520) of Chapter 3, Part 1, Division 2, Title 5 of the Government Code, and provided that at the conclusion of the hearing the board shall by resolution determine that the territory within the district or improvement district will be benefited by the improvement as modified. Bonds so authorized may be issued and sold in the same manner as bonds authorized by an election under this chapter.

CHAPTER 791

*An act to repeal Sections 8573 and 8574 of the Water
Code, relating to conflicts of interest.*

[Approved by Governor September 28, 1971. Filed with
Secretary of State September 28, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 8573 of the Water Code is repealed.

SEC. 2. Section 8574 of the Water Code is repealed.

CHAPTER 792

*An act to add Section 21661.6 to the Public Utilities Code,
relating to airports.*

[Approved by Governor September 28, 1971. Filed with
Secretary of State September 28, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 21661.6 is added to the Public Utilities Code, to read:

21661.6. (a) Prior to the acquisition of land by any political subdivision for the purpose of expanding or enlarging an existing publicly owned airport, the acquiring entity shall submit a plan of such expansion or enlargement to the board of supervisors of the county, or the city council of the city, in which the property proposed to be acquired is located.

(b) The plan shall show in detail the airport-related uses and other uses proposed for the property to be acquired.

(c) The board of supervisors or the city council, as the case may be, shall, upon notice, conduct a public hearing on such plan, and shall thereafter approve or disapprove the plan.

(d) Upon approval of the plan, the proposed acquisition of property may begin.

(e) The use of property so acquired shall thereafter conform to the approved plan, and any variance from such plan, or changes proposed therein, shall first be approved by the appropriate board of supervisors or city council after a public hearing on the subject of the variance or plan change.

(f) The requirements of this section are in addition to any other requirements of law relating to construction or expansion of airports.

CHAPTER 793

*An act to add Section 175.5 to the Water Code,
relating to water quality.*

[Approved by Governor September 28, 1971. Filed with
Secretary of State September 28, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 175.5 is added to the Water Code, to read:

175.5. (a) No member of the board shall participate in any board action pursuant to Article 2 (commencing with Section 13320) of Chapter 5 of Division 7 which involves himself or any waste discharger with which he is connected as a director, officer or employee, or in which he has a direct personal financial interest within the meaning of Section 1120 of the Government Code.

(b) No board member shall participate in any proceeding before any regional board as a consultant or in any other capacity on behalf of any waste discharger.

(c) Upon request of any person or on his own initiative the Attorney General may file a complaint in the superior court for the county in which the board has its principal office alleging that a board member has knowingly violated this section and the facts upon which the allegation is based and asking

that the member be removed from office. Further proceedings shall be in accordance as near as may be with rules governing civil actions. If after trial the court finds that the board member has knowingly violated this section it shall pronounce judgment that the member be removed from office.

CHAPTER 794

An act to amend Sections 186, 275, 1410, and 1675 of, and to add Sections 1410.1, 1410.2, 1675.1, 1675.2, 2500.5, 2502, and 2503 to, the Water Code, relating to water.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 186 of the Water Code is amended to read:

186. The board shall have such powers, and may employ such legal counsel and other personnel and assistance, as may be necessary or convenient for the exercise of its duties authorized by law.

For the purpose of administration, the board shall organize itself, with the approval of the Governor, in the manner it deems necessary properly to segregate and conduct the work of the board. The work of the board shall be divided into at least two divisions, known as the Division of Water Rights and the Division of Water Quality. The board shall appoint a chief of each division, who shall supervise the work thereof and act as technical adviser to the board on functions under his jurisdiction.

The Attorney General shall represent the board and the state in litigation concerning affairs of the board unless another state agency, represented by the Attorney General, is a party to the action. In such case the legal counsel of the board shall represent the board. Sections 11041, 11042, and 11043 of the Government Code are not applicable to the State Water Resources Control Board. The legal counsel of the board shall advise and furnish legal services, except representation in litigation, to the regional boards upon their request.

SEC. 2. Section 275 of the Water Code is amended to read:

275. The department and board shall take all appropriate proceedings or actions before executive, legislative, or judicial agencies to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water in this state.

SEC. 3. Section 1410 of the Water Code is amended to read:

1410. If the board finds that the work is not commenced, prosecuted, and completed, or the water applied to beneficial use as contemplated in the permit and in accordance

with this division and the rules and regulations of the board, the board shall, after notice in writing and mailed in a sealed, postage prepaid and registered letter addressed to the permittee at his last known address, and after a hearing, when a hearing is requested by the permittee pursuant to Section 1410.1, revoke the permit and declare the water subject to further appropriation.

SEC. 4. Section 1410.1 is added to the Water Code, to read:

1410.1. The notice of proposed revocation of the permit pursuant to Section 1410 shall contain a statement of facts and information upon which the proposed revocation is based, and shall include a statement substantially in the following form:

Unless a written request for a hearing signed by or on behalf of the permittee is delivered or mailed to the board within 15 days after receipt of this notice, the board may act upon the proposed revocation of the permit without a hearing. Any request for a hearing may be made by delivering or mailing the request to the board at the address given on the notice.

SEC. 4.5. Section 1410.2 is added to the Water Code, to read:

1410.2. In any case when a permit is revoked without a hearing, as provided in Section 1410.1, the permittee, within 90 days of the date of the order of revocation, may file with the board a request to set aside the revocation, and the board, for good cause shown, may reinstate the permit.

SEC. 5. Section 1675 of the Water Code is amended to read:

1675. If at any time after a license is issued, the board finds that the licensee has not put the water granted under the license to a useful or beneficial purpose in conformity with this division or that the licensee has ceased to put the water to such useful or beneficial purpose, or that the licensee has failed to observe any of the terms and conditions in the license, the board, after due notice to the licensee and after a hearing, when a hearing is requested by the licensee pursuant to Section 1675.1, may revoke the license and declare the water to be subject to appropriation in accordance with this part. As used in this section "licensee" includes the heirs, successors, or assigns of the licensee.

SEC. 6. Section 1675.1 is added to the Water Code, to read:

1675.1. The notice of proposed revocation of the license pursuant to Section 1675 shall contain a statement of facts and information upon which the proposed revocation is based, and shall include a statement substantially in the following form:

Unless a written request for a hearing signed by or on behalf of the licensee is delivered or mailed to the board within 15 days after receipt of this notice, the board may act upon

the proposed revocation of the license without a hearing. Any request for a hearing may be made by delivering or mailing the request to the board at the address given on the notice.

SEC. 6.5. Section 1675.2 is added to the Water Code, to read:

1675.2. In any case when a license is revoked without a hearing, as provided in Section 1675.1, the licensee, within 90 days of the date of the order of revocation, may file with the board a request to set aside the revocation, and the board, for good cause shown, may reinstate the license.

SEC. 7. Section 2500.5 is added to the Water Code, to read:

2500.5. (a) As used in this chapter with respect to the Scott River in Siskiyou County, "stream system" includes ground water supplies which are interconnected with the Scott River, but does not include any other underground water supply.

(b) The Legislature finds and declares that by reason of the geology and hydrology of the Scott River, it is necessary to include interconnected ground waters in any determination of the rights to the water of the Scott River as a foundation for a fair and effective judgment of such rights, and that it is necessary that the provisions of this section apply to the Scott River only.

(c) If this section is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter, or of any proceedings thereunder, but shall affect only the validity of the proceedings with respect to such interconnected ground water supplies.

SEC. 8. Section 2502 is added to the Water Code, to read:

2502. If the board finds that the use by any persons under claim of right of only minor quantities of water, as defined in Section 2503, would have no material effect on the rights of other claimants, the board may exempt such persons from being subject to these proceedings as claimants or parties with respect to such minor quantities of water; provided, that any person so exempted may elect to continue to be subject to these proceedings by giving prompt notice to the board.

SEC. 9. Section 2503 is added to the Water Code, to read:

2503. As used in this chapter, "minor quantities of water" refers to the diversion or extraction by any person of not to exceed 10 acre-feet of water annually.

CHAPTER 795

An act to amend Sections 9301.5 and 9312 of the Education Code, relating to elementary textbooks, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 9301.5 of the Education Code is amended to read:

9301.5. For the purpose of this chapter:

(a) "Elementary schools" include all public schools in which instruction is given in grades kindergarten through eighth, or in any one or more of such grades.

(b) "Basic textbook" is a book designed for use by pupils as a principal source of instructional material for a given subject, at a given grade level, and meeting in organization and content the basic requirements of the intended course.

(c) "Board" means the State Board of Education.

(d) "Supplementary textbook" is a book designed to serve, but is not limited to, one or more of the following purposes, for a given subject, at a given grade level:

(1) To provide more complete coverage of a subject or subjects included in a given course.

(2) To provide for meeting the various learning ability levels of pupils in a given age group or grade level.

(3) To provide for meeting the diverse educational needs of pupils with a language disability in a given age group or grade level.

(4) To provide for meeting the diverse educational needs of pupils caused by a condition of cultural disparity.

(e) "Reusable educational material" is any audiovisual or manipulative learning device that is not consumable, including, but not limited to, films, tapes, flash cards, reading kits, phonograph records, study prints, and science kits. Reusable educational materials do not include laboratory supplies and do not constitute equipment as defined in the California School Accounting Manual.

(f) "Teacher's edition" is a book directly related to the specific content of the basic or supplementary textbook. It may be a book containing the basic or supplementary textbook along with annotations, suggestions, plans, outlines, questions and answers, and may either be printed over the basic or supplementary textbook, printed in a separate section of the basic or supplementary textbook, or printed in a separate volume.

(g) "Teacher's manual" is a book, the content of which has no direct relation to the basic or supplementary textbook, specifically designed to aid a teacher in the instruction of a subject.

SEC. 2. Section 9312 of the Education Code is amended to read:

9312. The board shall make available basic textbooks under the conditions prescribed in Section 9307, supplementary textbooks under the conditions prescribed in Sections 9308 and 9316, and reusable educational materials, subject to the following conditions:

(a) If a total of less than 25,000 copies of a given basic or supplementary textbook is selected on a statewide basis, such

basic or supplementary textbook shall not be adopted. For the purposes of this subdivision, orders for a given text also submitted under the category of a teacher's manual shall be included in computing the total number of copies of a given supplementary text ordered.

(b) If a total of less than 2,500 items of reusable educational material is selected on a statewide basis, such reusable material shall not be adopted.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Art. IV of the Constitution, and shall go into immediate effect. The facts constituting such necessity are:

In order to insure that the need for textbooks of the school children of the state are met, and in order to provide for a more efficient textbook adoption process, it is necessary that this act which clarifies the adoption regulations take effect immediately.

CHAPTER 796

An act to amend Sections 10451.5, 10471 and 10473.1 of the Business and Professions Code, relating to Real Estate Education, Research and Recovery Fund.

[Approved by Governor September 29, 1971 Filed with Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 10451.5 of the Business and Professions Code is amended to read:

10451.5. All money paid into the State Treasury and credited to the Real Estate Education, Research and Recovery Fund is available for appropriation by the Legislature to be used by the commissioner in carrying out the provisions of this part and Chapter 1 (commencing with Section 11000) of Part 2 in the advancement of education and research in real estate at the University of California, state colleges and junior colleges, or in contracting for a particular research project in the field of real estate for the state at any university in the State of California accredited by the Western Association of Schools and Colleges, and is a continuing appropriation in carrying out the provisions of Article 3 (commencing with Section 10470) of Chapter 6 of this part.

SEC. 2. Section 10471 of the Business and Professions Code is amended to read:

10471. When any aggrieved person obtains a final judgment in any court of competent jurisdiction against any person or persons licensed under this part, under grounds of fraud, misrepresentation, deceit, or conversion of trust funds arising directly out of any transaction when the judgment debtor was licensed and performed acts for which a license is required under this part, and which cause of action occurred

on or after July 1, 1964, the aggrieved person may, upon the judgment becoming final, file a verified application in the court in which the judgment was entered for an order directing payment out of the Real Estate Education, Research and Recovery Fund of the amount of actual and direct loss in such transaction up to the sum of ten thousand dollars (\$10,000) of the amount unpaid upon the judgment, provided that nothing shall be construed to obligate the fund for more than ten thousand dollars (\$10,000) per transaction regardless of the number of persons aggrieved or parcels of real estate involved in such transaction.

A copy of the verified application shall be served upon the commissioner and the judgment debtor and a certificate or affidavit of such service filed with the court.

SEC. 3. Section 10473.1 of the Business and Professions Code is amended to read:

10473.1. The commissioner may defend any such action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of witnesses. The judgment debtor may defend any such action on his own behalf and shall have recourse to all appropriate means of defense and review, including examination of witnesses. Whenever an applicant's judgment is by default, stipulation, or consent, or whenever the action against the licensee was defended by a trustee in bankruptcy, the applicant shall have the burden of proving his cause of action for fraud, misrepresentation, deceit, or conversion of trust funds. Otherwise, the judgment shall create a rebuttable presumption of the fraud, misrepresentation, deceit, or conversion of trust funds. This presumption is a presumption affecting the burden of producing evidence.

CHAPTER 797

An act to amend Sections 6500, 6504, 6508 and 6554 of the Streets and Highways Code, relating to improvement bonds.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 6500 of the Streets and Highways Code is amended to read:

6500. Whenever payment upon either the principal or the interest of any bond is not made to the bondholder when the coupon therefor is due, and the holder of the bond demands in writing that the treasurer proceed to advertise and sell the lot or parcel of land described in the bond as being that upon which the assessment represented by the bond was levied, the treasurer shall proceed to advertise and sell the lot or parcel of land as provided in this chapter. The treasurer may require the holder of the bond to deposit with him an amount of money estimated by the treasurer to be sufficient to reimburse

the city for costs incurred in obtaining an abstract of title or title search of the real property to be sold, if the treasurer deems it necessary to determine ownership of the property. Amounts deposited which remain after such expenses have been paid shall be returned to the depositor or his representative.

SEC. 2. Section 6504 of the Streets and Highways Code is amended to read:

6504. The notice of sale shall be in substantially (filling in all blanks) the following form:

“Notice of Sale of Property Delinquent for Nonpayment of
Bond No. _____, Series No. _____, Issued for the
Improvement of _____

Default having been made in the payment of the following named coupons (here fill in date and amounts of the coupon or coupons which have not been paid) and the holder of said bond having demanded in writing that the treasurer of the City (or County) of _____ proceed to advertise and sell the lot or parcel of land mentioned in said bond. Now, therefore, I give notice that I will on the _____ day of _____, 19 ____, at the hour of _____ o'clock __m., of said day, sell at public auction the lot or parcel of land mentioned in said bond, or so much thereof as may be necessary at (here state the place of sale, which shall be at the office of said treasurer or at some public place in said city (or county)) unless the amount due on said bond and the accrued interest thereon together with the cost of the publication of this notice and, if incurred, costs of obtaining an abstract of title or title search are paid; and that I will so sell the same to the person who will take the least amount of said lot or parcel of land and pay the full amount of unpaid principal and interest on said bond, together with costs of publication and, if incurred, costs of obtaining an abstract of title or title search. The lot or parcel of land mentioned in said bond and to be sold, is more particularly described, to wit: (here set forth the description of the lot or parcel of land as contained in the bond). The amount due on said bond up to the date of this notice is as follows: Due on the principal thereof, _____ dollars (\$_____); due on account of interest _____ dollars (\$_____) (here set forth the interest calculated and compounded semiannually up to the date on which the notice is dated at the interest rate named in said bond upon the unpaid principal for the full period for which no interest has been paid) due on account of penalties _____ dollars (\$_____). Total amount due on said bond (here set forth the total of the foregoing items).

In order to avoid this sale, payment of the total amount above named will be required together with the cost of publications made before such payment, the additional interest accruing up to the date of payment and, if incurred, costs of obtaining an abstract of title or title search. Bond may be

reinstated upon payment of amounts due, interest, penalties, and fees, in the manner provided by law.

In the event of sale, such sale will include interest in addition to the above total amount due accruing up to date of sale, the cost of publication of notice of sale, and one dollar (\$1) for the issuing of certificate of sale. The _____ (here name newspaper) is designated as the newspaper in which this notice shall be published.

Dated _____

Treasurer of the City (or County) of _____”

SEC. 3. Section 6508 of the Streets and Highways Code is amended to read:

6508. If at any time prior to the sale any person interested in the lot or parcel of land described in the notice of sale pays the whole amount of the unpaid principal of the bond, the interest thereon compounded semiannually up to the date of such payment, at the rate named in the bond upon the amount of the principal remaining unpaid for the whole period for which interest has not been paid, and all penalties which have accrued, together with the cost of the publication of the notice of sale and, if incurred, the cost of obtaining an abstract of title or title search, the bond shall be canceled. If redemption of the bond is made by the property owner prior to publication of notice of sale, but after the treasurer has incurred any expense for such publication or for an abstract of title or title search, the property owner, in addition to all other costs, shall pay to the treasurer such expense incurred by the treasurer.

SEC. 4. Section 6554 of the Streets and Highways Code is amended to read:

6554. If the property is not redeemed within the time allowed the treasurer shall upon application of the purchaser or his assignee make a deed to the property, reciting in the deed substantially the matter contained in the certificate of sale, and that no person has redeemed the property during the time allowed for its redemption. The treasurer shall be entitled to receive seven dollars (\$7) from the purchaser for making the deed. All money so received by the treasurer shall be deposited in the treasury for the use of the city after payment has been made therefrom for the acknowledgment of the deed.

CHAPTER 798

An act to add Article 4 (commencing with Section 560) to Chapter 6 of Part 1 of Division 1 of the Insurance Code, relating to insurance.

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing with Section 560) is added to Chapter 6 of Part 1 of Division 1 of the Insurance Code, to read:

Article 4. Payment of Automobile Collision Repairs

560. Every insurer issuing an automobile collision policy, as defined in subdivision (d) of Section 660, shall, in the event of damage to a covered automobile by collision and the election by the insurer to have such automobile repaired by the repairer, make payment by check or draft, payable to the repairer or to the named insured and the repairer, jointly, not later than 10 days subsequent to receipt of an itemized bill or invoice covering repairs authorized by the insurer which have been satisfactorily completed.

CHAPTER 799

An act to amend Sections 1408, 1409, and 1410 of the Penal Code, relating to property.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1408 of the Penal Code is amended to read:

1408. On the application of the owner and on satisfactory proof of his ownership of the property, after reasonable notice and opportunity to be heard has been given to the person from whom custody of the property was taken and any other person as required by the magistrate, the magistrate before whom the complaint is laid, or who examines the charge against the person accused of stealing or embezzling it, shall order it to be delivered, without prejudice to the state, to the owner, on his paying the necessary expenses incurred in its preservation, to be certified by the magistrate. The order entitles the owner to demand and receive the property.

SEC. 2. Section 1409 of the Penal Code is amended to read:

1409. If property stolen or embezzled comes into the custody of the magistrate, it shall be delivered, without prejudice to the state, to the owner upon his application to the court and on satisfactory proof of his title, after reasonable notice and opportunity to be heard has been given to the person from whom custody of the property was taken and any other person as required by the magistrate, and on his paying the necessary expenses incurred in its preservation, to be certified by the magistrate.

SEC. 3. Section 1410 of the Penal Code is amended to read:

1410. If the property stolen or embezzled has not been delivered to the owner, the court before which a trial is had for

stealing or embezzling it, upon the application of the owner to the court and on proof of his title, after reasonable notice and opportunity to be heard has been given to the person from whom custody of the property was taken and any other person as required by the court, may order it to be restored to the owner without prejudice to the state.

CHAPTER 800

An act to add Sections 1241 and 1241.1 to, and to repeal Section 1241 of, the Business and Professions Code, relating to clinical laboratory technology.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1241 is added to the Business and Professions Code, to read:

1241. This chapter applies to all clinical laboratories in California except those owned and operated by:

(a) The United States of America, or any department, agency, or official thereof acting in his official capacity.

(b) An individual licensed physician and surgeon for laboratory work performed on his own patients. If direct or indirect referred work is received from any source, all provisions of this chapter shall apply

(c) An academic institution accredited by an accrediting agency approved by the department when clinical laboratory procedures are performed for teaching or research purposes only, if the results of any examinations performed in such laboratories are not used in the diagnosis or treatment of disease.

(d) The Department of Corrections. The provisions of this subdivision shall be operative until January 1, 1973, and shall have no force or effect after that date.

(e) The California Youth Authority.

SEC. 2. Section 1241 of the Business and Professions Code is repealed.

SEC. 3. Section 1241.1 is added to the Business and Professions Code, to read:

1241.1. On and after January 1, 1972, a laboratory exempt from this chapter pursuant to subdivision (b) of Section 1241 shall nevertheless be required to demonstrate to the board satisfactory performance in a proficiency testing program approved by the board in laboratory procedures which such a laboratory performs.

The board shall adopt regulations establishing the standards of satisfactory performance. Such standards shall not be higher than those established for licensed laboratories.

CHAPTER 801

An act to add Section 25427.5 to the Education Code, relating to community colleges.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 25427.5 is added to the Education Code, to read:

25427.5. The governing board of a school district maintaining a community college may impose a fee, not to exceed one dollar (\$1), for the actual pro rata cost for services relative to a program change consisting of adding or dropping one or more courses any time after two weeks from the commencement of instruction in any term. Such fee shall not be charged for changes initiated or required by the community college.

CHAPTER 802

An act to amend Section 26827.1 of the Government Code, relating to fee for order or decree in counties of certain population.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 26827.1 of the Government Code is amended to read:

26827.1. In any county in which the population is 4,000,000 or more, as determined by the 1970 Federal Decennial Census, whenever the court directs that an order or decree in a probate proceeding be prepared by the clerk, the fee for preparing such order or decree shall be ten dollars (\$10). The fee so paid shall be an expense of administration.

CHAPTER 803

An act to amend Section 2 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), relating to the Los Angeles County Flood Control District.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915) is amended to read:

Sec. 2. The objects and purposes of this act are to provide for the control and conservation of the flood, storm and other

waste waters of said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining or causing to percolate into the soil within said district, or to save or conserve in any manner, all or any of such waters, and to protect from damage from such flood or storm waters, the harbors, waterways, public highways and property in said district.

Said Los Angeles County Flood Control District is hereby declared to be a body corporate and politic, and as such shall have power:

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To take by grant, purchase, gift, devise or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its power.
5. To acquire or contract to acquire lands, rights-of-way, easements, privileges and property of every kind, and construct, maintain and operate any and all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements acquired by it as herein authorized. Construction or improvement of existing facilities may involve landscaping and other aesthetic treatment in order that the facility will be compatible with existing or planned development in the area of improvement.
6. To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to the same use by any district or other public corporation or agency or otherwise, and may condemn any existing works or improvements in said district now used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district from damage from such flood or storm waters.
7. To incur indebtedness, and to issue bonds in the manner herein provided.
- 7a. In addition to the powers given in the next preceding subsection, to borrow money from the United States of America, any agency or department thereof, or from any non-profit corporation, organized under the laws of this state, to which the Reconstruction Finance Corporation, a corporation organized and existing under and by virtue of an act of Congress, entitled "Reconstruction Finance Corporation Act," or other agency, or department, of the United States government,

has authorized, or shall hereafter authorize, a loan to enable such nonprofit corporation to lend money to said Los Angeles County Flood Control District, for any flood control work authorized under this act, and to repay the same, in annual installments, over a period of not to exceed twenty (20) years, with interest at a rate of not to exceed four and one-fourth per centum ($4\frac{1}{4}\%$) per annum, payable semiannually, and, without the necessity of an election when authorized by resolution of the board of supervisors, as evidences of such indebtedness, said district is hereby authorized to execute and deliver a note, or a series of notes, or bonds, or other evidences of indebtedness, signed by the chairman of the board of supervisors of said district, which notes, bonds, or other evidences of indebtedness, shall be negotiable instruments if so declared in said resolution of the board of supervisors providing for their issuance, and said notes, bonds, or other evidences of indebtedness, may have interest coupons attached to evidence interest payments, signed by the facsimile signature of said chairman of said board. All applications for such loans shall specify the particular flood control work or projects for which the funds will be expended, and when received, the money shall be deposited in a special fund, and shall be expended for those purposes only which are described and referred to in the applications. If a surplus remains after the completion of said work, such surplus shall be applied to the payment of the note, notes, bonds, or other evidences of indebtedness, executed as aforesaid, for the loan including interest coupons. The board of supervisors shall annually, levy a tax upon the taxable real property of said district, clearly sufficient to pay the interest and installments of principal, as the same shall become due and payable, under any loan made pursuant to the authority of this section, and to create and maintain a reserve fund to assure the prompt payment thereof, as may be provided by said resolution of the board of supervisors; provided, however, that the amount of taxes levied in any year, pursuant to the provisions of this subsection, shall, pro tanto, reduce the authority of the board of supervisors, during any such year, to levy taxes under Section 14 of this act, but this proviso shall not be a limitation upon the power and duty to levy and collect taxes under this subsection.

Notwithstanding anything in this subsection 7a to the contrary, the total amount which said district may borrow under the authority of any or all of the provisions of this subsection is limited to and shall not exceed in the aggregate the sum of four million five hundred thousand dollars (\$4,500,000).

7b. The power granted in the next preceding subsection is hereby extended to authorize the issuance and sale of bonds or other evidences of indebtedness of said district to the County of Los Angeles and the purchase thereof by said county in accordance with "An act authorizing the investment and rein-

vestment and disposition of any surplus moneys in the treasury of any county, city and county, incorporated city or town or municipal utility district or flood control district," approved April 23, 1913, as amended; all subject to the provisions and limitations of the next preceding subsection relative to the disposition and use of funds, interest rate, period of repayment, tax rate and mode of issuance. The total amount of bonds or other evidence of indebtedness, in the aggregate, which the district may issue and sell under the authority of subsection 7a and of this subsection is limited to and shall not exceed four million five hundred thousand dollars (\$4,500,000).

8. To cause taxes to be levied and collected for the purpose of paying any obligation of the district in the manner hereinafter provided.

9. To make contracts, and to employ for temporary services only, expert appraisers, consultants and technical advisers, and to do all acts necessary for the full exercise of all powers vested in said district, or any of the officers thereof, by this act.

10. To grant or otherwise convey to counties, cities and counties, cities or towns easements for street and highway purposes, over, along, upon, in, through, across or under any real property owned by said Los Angeles County Flood Control District.

11. To remove, carry away and dispose of any rubbish, trash, debris or other inconvenient matter that may be dislodged, transported, conveyed or carried by means of, through, in, or along the works and structures operated or maintained hereunder and deposited upon the property of said district or elsewhere.

12. To pay premiums on bonds of contractors required under any contract wherein the amount payable to the contractor exceeds five million dollars (\$5,000,000); provided, that the specifications in such cases shall specifically so provide and state that the bidder shall not include in his bids the cost of furnishing the required bonds.

13. To lease, sell or dispose of any property (or any interest therein) whenever in the judgment of said board of supervisors said property, or any interest therein or part thereof, is no longer required for the purposes of said district, or may be leased for any purpose without interfering with the use of the same for the purposes of said district, and to pay any compensation received therefor into the general fund of said district and use the same for the purposes of this act; provided, however, that nothing herein shall authorize the board of supervisors or other governing body of the district or any officer thereof to sell, lease or otherwise dispose of any water, water right, reservoir space or storage capacity or any interest or space therein except to public agencies for recreational purposes when such use is not inconsistent with the use thereof by the district for flood control and water conservation pur-

poses; or except as hereinafter provided by Section 17 of this act; provided, however, that said district may grant and convey to the United States of America, or to any federal agency authorized to accept and pay for such land or interests in land, all lands and interests in land, now owned or hereafter acquired, lying within any channel, dam or reservoir site, improved or constructed, in whole or in part, with federal funds, upon payment to the district of sums equivalent to actual expenditures made by it in acquiring the lands and interests in land so conveyed and deemed reasonable by the Secretary of War and the Chief of Engineers.

14. To provide, by agreement with other public agencies or private persons or entities or otherwise, for the recreational use of the lands, facilities, and works of such district which shall not interfere, or be inconsistent, with the primary use and purpose of such lands, facilities, and works by such district.

15. In addition to its other powers, the district shall have the power to preserve and enhance its properties and, upon a finding by the board of supervisors that the acquisition is necessary for such purposes, to acquire, preserve, and enhance lands or interests in lands contiguous to its properties, for the protection and preservation of the scenic beauty and natural environment for such properties or such lands.

The said district by or through its board of supervisors, or other board or officers at any time succeeding to the duties or functions of its board of supervisors, is hereby authorized and empowered to warrant and defend the title to all land and interests therein so conveyed to the United States of America or to any such agency and their respective assigns; to covenant and agree to indemnify and keep indemnified and to hold and save harmless and exonerated the United States of America or any such agency, to which such lands or any interest therein are so conveyed by said district, from and against all demands, claims, liabilities, liens, actions, suits, charges, costs, loss, damages, expenses and attorneys' fees of whatsoever kind or nature, resulting from, arising out of or occasioned by any defect or defects whatsoever in the title to any such land or interest in land so conveyed by said district; to reimburse and save harmless and exonerated the United States of America or any such agency for any and all amounts, paid, and expenses incurred, in the compromise or settlement of any demands, claims, liabilities, liens, actions, suits, charges, costs, loss, damages, expenses and attorneys' fees of whatsoever kind or nature, resulting from, arising out of or occasioned by any claim to or defect or defects whatsoever in the title to any such land or interests in land so conveyed by said district; to pay all just compensation, costs and expenses, which may be incurred in any condemnation proceeding deemed necessary by the United States of America or such agency, in order to perfect title to any such land or interests in land, including without limitation all attorneys' fees, court costs and fees, costs of ab-

stracts and other evidences of title, and all other costs, expenses or damages incurred or suffered by the United States of America or such agency; and consent is hereby given to the bringing of suit or other legal proceedings against said district by the United States of America or such agency, as the case may be, in the proper district court of the United States, upon any cause of action arising out of any conveyance, contract or covenant made or entered into by said district pursuant to the authority granted in this act, or to enforce any claims, damages, loss or expenses arising out of or resulting from any defect whatsoever in the title to such land or any interest therein or any claims of others in or to such land or interest therein.

CHAPTER 804

An act to amend Section 1352 of the Labor Code, relating to female employees.

[Approved by Governor September 29, 1971. Filed with
Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1352 of the Labor Code is amended to read:

1352. The provisions of this article in relation to hours of employment shall not apply to or affect any employee of a licensed hospital during an emergency; provided, that any such employee who, by reason of an emergency, is permitted or required by her employer to work in excess of the maximum hours prescribed by other provisions of this article, shall be paid, for time worked in excess of such hours, at a rate of not less than $1\frac{1}{2}$ times her straight time rate of pay, nor the harvesting, curing, canning, packing, or drying of any variety of perishable fruit, fish, or vegetable during the periods when it is necessary to harvest, cure, can, pack, or dry fruit, fish, or vegetables to prevent spoiling, nor to employees actually engaged in the processing of biologicals, human blood products and other such products of laboratories operating under license from either or both the United States Department of the Treasury and the United States Department of Agriculture during such periods when it is necessary to continue the processing of such products to prevent spoilage or deterioration. Emergency within the meaning of this section means an unpredictable or unavoidable occurrence at unscheduled intervals, requiring immediate action. The exception provided herein shall be effective only in cases where the employer, upon learning of the emergency, exercises reasonable diligence to provide immediately relief for the employee required to work over the prescribed number of hours.

CHAPTER 805

An act to add Section 53216.6 to the Government Code, relating to pension trusts.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 53216.6 is added to the Government Code, to read:

53216.6. Notwithstanding the provisions of Section 53216, funds received by local agencies for pension trust purposes may be invested in:

(a) Securities which are legal for savings bank investments in this state, or which have been certified as legal investments for savings banks pursuant to Division 10 (commencing at Section 20000) of the Water Code.

(b) Securities which, pursuant to the statutes or laws providing for the issuance of such securities, are entitled to the same force or value or use as bonds issued by any municipality.

(c) Securities issued pursuant to those acts, statutes or laws of this state, wherein such law specifically states by reference or otherwise that such securities shall be legal investments for either savings banks, insurance companies, all trust funds, state school funds, and any funds which may be invested in bonds of cities, counties, cities and counties, school districts or municipalities in the state.

(d) Securities which have been investigated and approved by a commission or board now or hereafter authorized by law to conduct such investigation and give such approval, and by authority of which such securities are declared to be legal investments for insurers.

(e) Securities issued pursuant to those acts, statutes or laws of this state, wherein such law specifically states by reference or otherwise that such securities shall be legal investments for any pension fund, retirement fund or retirement plan.

(f) Deposits at interest in any state or national bank in accordance with law authorizing and controlling the deposit of public funds in banks.

(g) Certificates and shares of a savings and loan association or a federal savings and loan association, if the certificates or shares are insured as defined in Title IV of the National Housing Act.

(h) Registered warrants of any political subdivision of this state.

(i) Real property or improvements constructed, or to be constructed on real property, when such real property or such improvements are acquired for sale or lease to a city, county, school district, political subdivision, or political corporation of this state, subject to the following limitations:

1. No investment shall be made in such real property or improvements unless it is approved by a four-fifths vote of the

members of the body authorized by ordinance to invest the retirement funds.

2. No such investment shall be made unless the assets of the retirement system exceed five hundred thousand dollars (\$500,000) and the investment, together with other investments in real property and improvements, do not exceed 25 percent of the assets of the retirement system.

3. Before an investment is made in such real property or improvements, the investing authority shall enter into a lease or lease-option agreement with the public agency hereinbefore mentioned, under which such public agency agrees to rent the property at a monthly rental and for a period not to exceed 50 years, sufficient to return not less than the investment, together with interest at a rate hereinafter prescribed. The agreement may contain an option or options to purchase; provided such option, together with the rentals, will return not less than the investment, together with interest at a rate hereinafter prescribed. In the event a building is built on land owned by the public agency, the agreement may contain an option to purchase the land at any time or at the termination of the lease at its fair market value.

4. The interest rate each year shall be $\frac{1}{4}$ percent higher than the average interest rate received by the retirement system on assets other than real property or improvements for the preceding year.

5. In order to make the provisions of this section relating to the investment in real property or improvements completely effective, the investing authority is authorized, for investment purposes only, to purchase, sell, or lease real property, or to enter into options therefor; and when necessary for investment purposes to enter into contracts for the construction of buildings, and to repair and maintain such property, and to do any and all things necessary to protect the investment including, but not limited to, purchasing insurance against the loss of the property. It may also take any other action necessary to carry out the investment provisions of this section. In the construction of buildings, the investing authority shall follow, substantially and insofar as applicable, the procedure and limitations prescribed by law for the construction of buildings by the city in which the retirement system is established.

(j) Bonds issued pursuant to the Improvement Bond Act of 1915; provided, that an ad valorem tax on all property taxable by the public agency which authorized the issuance of such bonds, at a rate not exceeding ten cents (\$.10) for each one hundred dollars (\$100) of assessed value, computed as of the date of such investment, would produce an amount equal to at least 100 percent of the principal and interest payable in any year thereafter on the issue of bonds in which such investment is made.

(k) First liens on real property if the loan is fully guaranteed or insured, or covered by a commitment to guarantee or insure by the Federal Housing Commissioner.

(l) First liens on real property if the loan is fully guaranteed by the United States or any agency thereof pursuant to the "Servicemen's Readjustment Act of 1944," or any act of Congress supplementary or amendatory thereof.

CHAPTER 806

An act to amend Section 26838 of the Government Code, relating to court fees.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 26838 of the Government Code is amended to read:

26838. The fee for a certificate required by courts of appeal or the Supreme Court on filing a notice of motion prior to the filing of the record on appeal in the reviewing court is ten dollars (\$10).

CHAPTER 807

An act to amend Section 170 of the Code of Civil Procedure, relating to judges.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 170 of the Code of Civil Procedure is amended to read:

170. No justice or judge shall sit or act as such in any action or proceeding:

1. To which he is a party; or in which he is interested other than as a holder or owner of any capital stock of a corporation, or of any bond, note or other security issued by a corporation;

2. In which he is interested as a holder or owner of any capital stock of a corporation, or of any bond, note or other security issued by a corporation;

3. When he is related to either party, or to an officer of a corporation, which is a party, or to an attorney, counsel, or agent of either party, by consanguinity or affinity within the third degree computed according to the rules of law, or when he is indebted, through money borrowed as a loan, to either party, or to an attorney, counsel or partner of either party, or when he is so indebted to an officer of a corporation or unincorporated association which is a party; provided, however, that if the parties appearing in the action and not then in default, or the petitioner in any probate proceeding, or the executor, or administrator of the estate, or the guardian of the

minor or incompetent person, or the commissioner, or the referee, or the attorney for any of the above named, or the party or his attorney in all other or special proceedings, shall sign and file in the action or matter, a stipulation in writing waiving the disqualification mentioned in this subdivision or in subdivision 2 or 4 hereof, the judge or court may proceed with the trial or hearing and the performance of all other duties connected therewith with the same legal effect as if no such disqualification existed;

4. When, in the action or proceeding, or in any previous action or proceeding involving any of the same issues, he has been attorney or counsel for any party; or when he has given advice to any party upon any matter involved in the action or proceeding; or when he has been retained or employed as attorney or counsel for any party within two years prior to the commencement of the action or proceeding;

5. When it is made to appear probable that, by reason of bias or prejudice of such justice or judge a fair and impartial trial cannot be had before him.

Whenever a judge or justice shall have knowledge of any fact or facts, which, under the provisions of this section, disqualify him to sit or act as such in any action or proceeding pending before him, it shall be his duty to declare the same in open court and cause a memorandum thereof to be entered in the minutes or docket. It shall thereupon be the duty of the clerk, or the judge if there be no clerk, to transmit forthwith a copy of such memorandum to each party, or his attorney, who shall have appeared in such action or proceeding, except such party or parties as shall be present in person or by attorney when the declaration shall be made.

In justice courts when, before the trial, either party makes and files an affidavit that he believes that he cannot have a fair and impartial trial before the judge before which the action is pending, by reason of the interest, prejudice or bias of the judge, the court may order the transfer of the action, and the provisions of Section 398 shall apply to such transfer.

Whenever a judge of a court of record who shall be disqualified under the provisions of this section, to sit or act as such in any action or proceeding pending before him, neglects or fails to declare his disqualification in the manner hereinbefore provided, any party to such action or proceeding who has appeared therein may present to the court and file with the clerk a written statement objecting to the hearing of such matter or the trial of any issue of fact or law in such action or proceeding before such judge, and setting forth the fact or facts constituting the ground of the disqualification of such judge. Copies of such written statement shall forthwith be served by the presenting party on each party, or his attorney, who has appeared in the action or proceeding and on the judge alleged in such statement to be disqualified.

Within 10 days after the filing of any such statement, or 10 days after the service of such statement as above provided, whichever is later in time, the judge alleged therein to be disqualified may file with the clerk his consent in writing that the action or proceeding be tried before another judge, or may file with the clerk his written answer admitting or denying any or all of the allegations contained in such statement and setting forth any additional fact or facts material or relevant to the question of his disqualifications. The clerk shall forthwith transmit a copy of the judge's consent or answer to each party or his attorney who shall have appeared in such action or proceeding. Every such statement and every such answer shall be verified by oath in the manner prescribed by Section 446 for the verification of pleadings. The statement of a party objecting to the judge on the ground of his disqualification, shall be presented at the earliest practicable opportunity, after his appearance and discovery of the facts constituting the ground of the judge's disqualification, and in any event before the commencement of the hearing of any issue of fact in the action or proceeding before such judge.

No judge of a court of record, who shall deny his disqualification, shall hear or pass upon the question of his own disqualification; but in every such case, the question of the judge's disqualification shall be heard and determined by some other judge agreed upon by the parties who shall have appeared in the action or proceeding, or, in the event of their failing to agree, by a judge assigned to act by the Chairman of the Judicial Council, and, if the parties fail to agree upon a judge to determine the question of the disqualification, within five days after the expiration of the time allowed herein for the judge to answer, it shall be the duty of the clerk then to notify the Chairman of the Judicial Council of that fact; and it shall be the duty of the Chairman of the Judicial Council forthwith, upon receipt of notice from the clerk, to assign some other judge, not disqualified, to hear and determine the question.

If such judge admits his disqualification, or files his written consent that the action or proceeding be tried before another judge, or fails to file his answer within the 10 days herein allowed, or if it shall be determined after hearing that he is disqualified, the action or proceeding shall be heard and determined by another judge or justice not disqualified, who shall be agreed upon by the parties, or, in the event of their failing to agree, assigned by the Chairman of the Judicial Council; provided, however, that when there are two or more judges of the same court, one of whom is disqualified, the action or proceeding may be transferred to a judge who is not disqualified.

A judge who is disqualified may, notwithstanding his disqualification, request another judge, who has been agreed upon by the parties, to sit and act in his place.

6. In an action or proceeding brought in any court by or against the Reclamation Board of the State of California, or any irrigation, reclamation, levee, swampland or drainage district, or trustee, officer or employee thereof, affecting or relating to any real property, or an easement or right-of-way, levee, embankment, canal, or any work provided for or approved by the Reclamation Board of the State of California, a judge of the superior court of the county, or a judge of the municipal court or justice court of the judicial district, in which such real property, or any part thereof, or such easement or right-of-way, levee, embankment, canal or work, or any part thereof is situated shall be disqualified to sit or act, and such action shall be heard and tried by some other judge assigned to sit therein by the Chairman of the Judicial Council, unless the parties to the action shall sign and file in the action or proceeding a stipulation in writing, waiving the disqualification in this subdivision of this section provided, in which case such judge may proceed with the trial or hearing with the same legal effect as if no such legal disqualification existed. If, however, the parties to the action shall sign and file a stipulation, agreeing upon some other judge to sit or act in place of the judge disqualified under the provisions of this subdivision, the judge agreed upon shall be called by the judge so disqualified to hear and try such action or proceeding; provided, that nothing herein contained shall be construed as preventing the judge of the superior court of such county, or of the municipal court of such judicial district, from issuing a temporary injunction or restraining order, which shall, if granted, remain in force until vacated or modified by the judge designated as herein provided.

7. When, as a judge of a court of record, by reason of permanent or temporary physical impairment, he is unable to properly perceive the evidence or properly conduct the proceedings.

8. Notwithstanding anything contained in subdivision 6 of this section, a judge of the superior court or a judge of the municipal court or justice court of the judicial district, in which any real property is located shall not be disqualified to hear or determine any matter in which the opposing party shall have failed to appear within the time allowed by law, or as to such of the opposing parties who shall have failed to appear within the time allowed by law, and as to which matter or parties the same shall constitute purely a default hearing; provided, that nothing in this section contained shall be construed as preventing the judge of the superior court of such county, or of the municipal court of such judicial district, from issuing an order for immediate possession in proceedings in eminent domain.

Nothing in this section contained shall affect a party's right to a change of the place of trial in the cases provided for in Title 4 (commencing with Section 392) of Part 2 of this code.

CHAPTER 808

An act to amend Section 24207 of the Education Code, relating to the California State Colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 24207 of the Education Code is amended to read:

24207. The employment of any employee of the trustees, excepting those employees who on October 1, 1949, and on September 7, 1955, were members of the State Teachers' Retirement System, shall terminate on the first day of the calendar month next succeeding that in which he attains mandatory retirement age, except as provided in this section.

An academic or administrative employee may elect to continue in active service until the end of the college term or academic year during which he attains mandatory retirement age. An academic employee who reaches the mandatory retirement age, if mentally and physically sound, may be employed from year to year without tenure, for the good of the service, at the discretion of the trustees. The payment of retirement allowances by either the State Teachers' Retirement System or the Public Employees' Retirement System, or both of said systems, to such a person employed from year to year shall be suspended during the period of such employment or reemployment and such suspension shall not serve to reinstate such a person to membership in either of said systems. If a person should die during such a period of suspension, said systems shall pay any death benefits that would have been payable had the death not occurred during such a period. A period of suspension shall end on the last day of the month during which such employment or reemployment is terminated. Said systems shall then resume the payment of the retirement allowance to such a person without change from what it was at the beginning of the latest period of suspension except for any change in the provisions governing the calculation of the allowance which was made during said period and made applicable to the persons then retired.

Any person over the mandatory retirement age who otherwise has the qualifications of an academic or administrative employee and who is not retired under the State Teachers' Retirement System or the Public Employees' Retirement System, if mentally and physically sound, may be employed from year to year without tenure at the discretion of the trustees. Such employment shall not entitle him to become a member of nor serve to reinstate him as a member of either of said systems.

As used in this section, "mandatory retirement age" means the mandatory retirement age as provided in Government Code Section 20981.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the law respecting the retirement of state college employees may be brought into conformity with the law respecting the retirement of state employees generally at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 809

An act to amend Section 70046 of the Government Code, relating to courts.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 70046 of the Government Code is amended to read:

70046. In a county with a population of 503,000 or more and under 600,000, as determined by the 1960 federal decennial census, each regular official reporter shall be paid an annual salary of fourteen thousand two hundred sixty-eight dollars (\$14,268), and each pro tempore official reporter shall be paid forty-five dollars (\$45) a day for the days he actually is on duty under order of the court.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

CHAPTER 810

An act to add Section 6268.15 to the Education Code, relating to vocational education opportunities.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 6268.15 is added to the Education Code, to read:

6268.15. Each area vocational committee shall arrange for at least one meeting each year for county superintendents of schools and superintendents of secondary and community college districts located in the area for the purpose of communi-

eating progress toward the development of the area master plan and for the purpose of jointly planning vocational education opportunities as predicated upon employment projections within the area.

Copies of the minutes of such meetings shall be submitted to the Superintendent of Public Instruction and to the Chancellor of California Community Colleges.

CHAPTER 811

An act to amend Section 22053 of the Financial Code, relating to personal property brokers.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 22053 of the Financial Code is amended to read:

22053. The following sections of this division do not apply to any loan of a bona fide principal amount of ten thousand dollars (\$10,000) or more, or to any commercial loan of a bona fide principal amount of five thousand dollars (\$5,000) or more, or to any commercial loan made to a person engaged in the business of selling goods for the purpose of financing the purchase of goods for resale, or to a duly licensed personal property broker in connection with any such loan or loans, if the provisions of this section are not used for the purpose of evading this division: Sections 22004, 22005, 22404, 22405, 22450, 22451, 22451.1, 22453, 22454, 22455, 22456, 22457, 22458, 22458.1, 22458.2, 22458.3, 22458.4, 22458.5, 22459, 22460, 22461, 22462, 22463, 22464, 22465, 22467, 22468, 22469, 22470, 22472, 22473, 22474, 22480, 22650, 22651, and 22652.

CHAPTER 812

An act to add Chapter 1.5 (commencing with Section 10020) to Part 1 of Division 9 of the Welfare and Institutions Code, relating to health care insurance.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.5 (commencing with Section 10020) is added to Part 1 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 1.5. HEALTH CARE INSURANCE

10020. No person having private health care coverage shall be entitled to receive the same health care furnished or paid for by a publicly funded health care program. As used in this chapter, "publicly funded health care program" shall mean care or services rendered by a local government or any facility thereof, or health care services for which payment is made under the California Medical Assistance Program established by Chapter 7 (commencing with Section 14000) of Part 3 of this division by the Department of Health Care Services or by its fiscal intermediary or by a carrier or organization with which said department has contracted to furnish such services or to pay providers who furnish such services. As used in this chapter, "private health care coverage" means: (a) service benefit plans under which payment is made by a carrier under contracts with physicians, hospitals, or other providers of health services rendered to employees or annuitants or family members, or under which, under certain conditions, payment is made by a carrier to the employee or annuitant or family member; (b) indemnity benefit plans under which a carrier agrees to pay certain sums of money, not in excess of actual expenses incurred, for health services; and (c) individual practice prepayment plans which offer health services in whole or in part on a prepaid basis, with professional services thereunder provided by individual physicians who agree, under such conditions as may be prescribed by the board, to accept the payments provided by the plans as full payment for covered services rendered by them.

If such person receives health care furnished or paid for by a publicly funded health care program, the carrier of his private health care coverage shall reimburse the publicly funded health care program the cost incurred in rendering such care to the extent of the benefits provided under the terms of the policy for the services rendered.

10022. Each publicly funded health care program that furnishes or pays for health care services under this division to a person having private health care coverage shall be entitled to be subrogated to the rights that such person has against the carrier of such coverage to the extent of the health care services rendered. Such action may be brought within three years from the date that service was rendered such person.

10024. Every contract or agreement for private health care coverage entered into or renewed after January 1, 1972, is deemed to provide for payment to a publicly funded health care program for the actual cost that such program incurs in rendering health care services to any party or beneficiary of such contract or agreement to the extent of the benefits provided under the terms of the policy for the services rendered.

10025. The state shall not reimburse any local government or any facility thereof, under Medi-Cal or under any other health program where the state pays part or all of the costs, for care provided to a person covered under any disability insurance, health insurance, or prepaid health plan.

In local programs fully or partially funded by the state, state participation shall be reduced in an amount proportionate to the cost of service provided to a person violating Section 10020.

CHAPTER 813

An act to amend Section 2954.5 of the Civil Code, relating to mortgages, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 29, 1971 Filed with
Secretary of State September 29, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 2954.5 of the Civil Code is amended to read:

2954.5. (a) Before the first default, delinquency, or late payment charge may be assessed by any lender on a delinquent payment of a loan, other than a loan made pursuant to Section 22466 of the Financial Code, secured by real property, and before the borrower becomes obligated to pay such a charge, the borrower shall either (1) be notified in writing and given at least six days from mailing of such notice in which to cure the delinquency, or (2) be informed, by a billing or notice sent for each payment due on the loan, of the date after which such a charge will be assessed.

The notice provided in either paragraph (1) or (2) shall contain the amount of such charge or the method by which it is calculated.

(b) If a subsequent payment becomes delinquent the borrower shall be notified in writing, before the late charge is to be imposed, that the charge will be imposed if payment is not received, or the borrower shall be notified at least semiannually of the total amount of late charges imposed during the period covered by the notice.

(c) Notice provided by this section shall be sent to the address specified by the borrower, or, if no address is specified, to the borrower's address as shown in the lender's records.

(d) In case of multiple borrowers obligated on the same loan, a notice mailed to one shall be deemed to comply with the provisions of this section.

(e) The failure of the lender to comply with the requirements of this section does not excuse or defer the borrower's performance of any obligation incurred in the loan transaction,

other than his obligation to pay a late payment charge, nor does it impair or defer the right of the lender to enforce any other obligation including the costs and expenses incurred in any enforcement authorized by law.

The provisions of this section shall only affect loans made on and after January 1, 1971.

SEC. 2. The amendment of Section 2954.5 of the Civil Code made by Section 1 of this act does not constitute a change in, but is declaratory of, the existing law.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Questions of interpretation involving existing secured loan transactions affected by Civil Code Section 2954.5 have arisen which require immediate action to secure stability in land titles. In order that these questions may be resolved as soon as possible, it is necessary that this act go into effect immediately.

CHAPTER 814

An act to amend Section 1803 of the Vehicle Code, relating to violations of the Vehicle Code.

[Approved by Governor September 29, 1971. Filed with
Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1803 of the Vehicle Code is amended to read:

1803. (a) Every clerk of a court, or judge if there be no clerk, in which a person was convicted for any violation of this code, and of any narcotic offense under Division 10 (commencing with Section 11000) of the Health and Safety Code, and of any violation of any other statute relating to the safe operation of vehicles, and of any offense relating to littering under Section 13002 of the Health and Safety Code or Section 374b or 374e of the Penal Code or punishable under Section 5008.7 of the Public Resources Code shall prepare within 10 days after conviction and immediately forward to the department at its office at Sacramento an abstract of the record of the court covering the case in which the person was so convicted which abstract must be certified by the person so required to prepare the same to be true and correct.

For the purposes of this section, a forfeiture of bail shall be equivalent to a conviction.

(b) The following violations are not required to be reported under subdivision (a) of this section:

(1) Division 3.5 (commencing with Section 9840).

(2) Chapter 9 (commencing with Section 22500) of Division 11.

(3) Division 12 (commencing with Section 24000), except Sections 24002, 24004, 24250, 24409, 24604, 24800, 25103, Chapter 3 (commencing with Section 26301), 26707, 27800, and 27801.

(4) Division 15 (commencing with Section 35000), except Chapter 5 (commencing with Section 35550).

(5) Violations for which a person was cited as a pedestrian or while operating a bicycle.

(c) If the court impounds a license or orders a person to limit his driving pursuant to subdivision (c) of Section 40508, the court shall notify the department concerning the impoundment or limitation on an abstract prepared pursuant to subdivision (a) of this section or on a separate abstract, which shall be prepared within 10 days after the impoundment or limitation was ordered and immediately forwarded to the department at its office in Sacramento.

CHAPTER 815

An act to add Section 5120 to the Welfare and Institutions Code, relating to mental health.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5120 is added to the Welfare and Institutions Code, to read:

5120. It is the policy of this state as declared and established in this act and in the Lanterman-Petris-Short Act that the care and treatment of mental patients be provided in the local community. In order to achieve uniform statewide implementation of the policies of this act, it is necessary to establish the statewide policy that the use of property for the treatment of general hospital patients may also be used for the psychiatric care and treatment of patients, both inpatient and outpatient.

Inpatient and outpatient psychiatric care and treatment shall be permitted in any area zoned for hospitals.

CHAPTER 816

An act to add Section 5237 to the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5237 is added to the Streets and Highways Code, to read:

5237. Subject to the limitations of Section 5236, the contract may include a provision to determine a fair and equitable price for changes in the work including, but not limited to, arbitration or cost plus a fixed fee.

CHAPTER 817

An act to amend Section 26875 of the Water Code, relating to irrigation districts.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 26875 of the Water Code is amended to read:

26875. Land which is not a part of the district, whether or not contiguous to it, may be included within the district.

If such land is not capable of being served water at the time of inclusion, the board may exempt the included parcel from the imposition of district assessments, in whole or in part, until such time as a water supply is available for service to such land.

CHAPTER 818

An act to amend Section 2362 of, and to add Sections 2364.1, 2364.2, and 2364.3 to, the Education Code, relating to school district organization.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 2362 of the Education Code is amended to read:

2362. An action to transfer inhabited territory from an elementary, unified, or community college district to another elementary, unified, or community college district is initiated upon the filing with the county superintendent of schools of a petition for transfer signed by both:

(a) Twenty-five percent of the registered electors residing in the territory proposed to be transferred, or

(b) A majority of the members of the governing board of each school district affected by the proposed change.

This section shall not be applicable to any transfer to which the provisions of Section 2364.1 apply.

SEC. 2. Section 2364.1 is added to the Education Code, to read:

2364.1. An action to transfer inhabited territory from a community college district which is situated within a county of the first class to another such community college district is initiated upon the filing with the county superintendent of schools of a petition for transfer signed by:

(a) Ten percent of the registered electors residing in the district from which the territory is proposed to be transferred, and

(b) A majority of the members of the governing board of each school district affected by the proposed change.

SEC. 3. Section 2364.2 is added to the Education Code, to read:

2364.2. Within 20 days after the filing of a petition under Section 2364.1, the county superintendent of schools shall transmit the petition to the governing boards of the districts affected by the proposed change. Each governing board shall set a date for a hearing on the petition which shall be within 30 days of the receipt of the petition and the county superintendent shall notify the petitioners of the times and places of the hearings. At the hearings the petitioners and any other interested persons shall be given an opportunity to present their views on the petition. The governing boards then shall either approve or deny the petition. No transfer shall be made unless a majority of the members of both governing boards each sign a statement agreeing to the transfer. Upon completion of the hearings the governing boards shall return the petition, together with a notice of action from each governing board, to the county superintendent of schools.

SEC. 4. Section 2364.3 is added to the Education Code, to read:

2364.3. The county superintendent of schools shall within 20 days after the filing of the petition pursuant to Section 2364.1, examine it and, if he finds it to be sufficient and signed as required by law, transmit the petition to the county committee on school district organization.

Notwithstanding any provision of this article to the contrary, if the transfer involves a minor change in district boundaries, defined as a transfer of territory involving less than 5 percent of the territory of the district from which the transfer is being made, the petition may be transmitted directly to the county board of supervisors by the county superintendent of schools, without submission to the county committee on school district organization, provided that this submission may not occur more than once every five years.

CHAPTER 819

An act to repeal Chapter 1775 of the Statutes of 1963, to change the name of the Stockton and East San Joaquin Water Conservation District to the Stockton-East Water District, and to grant certain powers to such district, relating to water conservation and water supply, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 29, 1971 Filed with
Secretary of State September 29, 1971]

The people of the State of California do enact as follows:

SECTION 1. Chapter 1775 of the Statutes of 1963 is repealed.

SEC. 2. (a) The name of the Stockton and East San Joaquin Water Conservation District is changed to the Stockton-East Water District.

(b) In all respects not inconsistent with this act, the Stockton-East Water District shall continue to be organized under, and governed by, the Water Conservation District Law of 1931, Division 21 (commencing with Section 74000) of the Water Code as the same now exists and as it may be amended hereafter. The provisions of Division 21 (commencing with Section 74000) of the Water Code and all other acts of the Legislature applicable to the district and not inconsistent with the provisions of this act shall remain in full force and effect and shall be fully applicable to the district.

(c) In all cases in which it may be otherwise required that the district be described as a "water conservation district" it shall be sufficient to describe the district as a "water district."

SEC. 3. (a) The Legislature finds and declares that the problems of providing for the management of the underground water basin and the provision of supplemental water supplies, in the area of the Stockton-East Water District are peculiar to that district and that area and for that reason it is necessary to deal specially with such area and to provide special provisions for the government and operation of that district.

(b) The Legislature further finds and declares that this act is necessary to the solution of a problem arising out of the following unique and special circumstances: The water supplies in the underground basin in the area of the Stockton-East Water District are insufficient to meet the water demands of the area, and, because of the geologic conditions peculiar to the area and because excessive

pumping has seriously depleted the underground water storage, there has been an intrusion of saline waters into the underground water basin causing serious water quality deterioration and the destruction of the usefulness of a portion of the underground water basin. Further excessive pumping, without proper management of the underground water basin and the provision of supplemental water supplies, is certain to destroy the usefulness of a major portion of the underground water basin and endanger the health and welfare of the district.

(c) The Legislature further finds and declares that the district includes within its territory a large urban area, a large agricultural area, and territory formerly within an irrigation district, and that for these reasons it is necessary in order to accommodate the various interests within the district to provide special procedures to be observed by the district in its government and operation.

(d) The Legislature further finds and declares that only a portion of the City of Stockton and only a portion of the Metropolitan Stockton Planning Area as defined by the City of Stockton and the County of San Joaquin are within the district, and that unless all of such city and all of the Metropolitan Stockton Planning Area are within the district there will be uneconomic duplications and inefficiencies and it will be both more costly and more difficult to solve the grave and urgent water problems of the Stockton Metropolitan Area and the existing Stockton-East Water District. The Legislature further finds and declares that the territory that is outside the district but within the Metropolitan Stockton Planning Area includes territory that is within the City of Stockton, within county maintenance districts, within other water conservation districts, and within an irrigation district. The Legislature further finds and declares that the special problems of including all of the City of Stockton and the Metropolitan Stockton Planning Area within the Stockton-East Water District are peculiar to that district and that area, and for that reason it is necessary to deal specially with such inclusion and to provide special provisions and procedures for such inclusion and the necessary adjustment of district boundaries.

SEC. 4. (a) The definition of a word applies to any of its variants.

(b) "Accumulated overdraft" means the aggregate amount by which the quantity of ground water removed from the ground water supplies within the district during all preceding water years shall have exceeded the quantity of water replaced therein by the replenishment of the ground water supplies in such water years by any natural or artificial means, based upon reports, records, and other data or

evidence appropriate for the purpose of making such determination.

(c) "Agricultural water" and "water used for agricultural purposes" shall mean water used primarily in the commercial production of agricultural crops or livestock on parcels of land operated in units of more than two acres and shall not include water used for agricultural product-processing purposes.

(d) "Annual overdraft" means the amount by which the production of water from the ground water supplies within the district during the water year exceeds the natural replenishment of such ground water supplies in such year.

(e) "Assessor" means the assessor of the county.

(f) "Auditor" means the auditor of the county.

(g) "Benefit review procedure" means the procedure set forth in subdivisions (g) through (i) of Section 28.

(h) "Board" means the board of directors of the Stockton-East Water District.

(i) "Board of supervisors" means the board of supervisors of the county.

(j) "Collector" means the person appointed by the board to determine and collect the accounts due the district prior to their transfer to the auditor, as set forth in this act. The collector shall be appointed by the board and hold office at the pleasure of the board. The collector may hold other offices, including, but not limited to, the office of secretary, or may perform other duties for the district but shall not be a member of the board.

(k) "County" means the County of San Joaquin.

(l) "Delinquent account" means any sum or sums due the district from an owner as disclosed by an annual bill presented by the collector pursuant to Section 13 which is not paid within the times set forth in Section 15, together with all penalties applicable to such sum or sums pursuant to this act.

(m) "Delinquent landowner" means the owner or owners of a parcel of land upon which one or more delinquent water-producing facilities are located as such ownership is disclosed by the last equalized assessment roll of the county.

(n) "Delinquent parcel" means a parcel of land upon which one or more delinquent water-producing facilities are located.

(o) "Delinquent water-producing facility" means a water-producing facility for which payment is required by this act and for which payment in full has not been received by the district within the times set forth in Section 15.

(p) "Director" means a member of the board.

(q) "District" means the Stockton-East Water District.

(r) "Division" means a division of the district established pursuant to the Water Conservation District Law of 1931, Division 21 (commencing with Section 74000) of the Water

Code.

(s) "Full tax area" means any area within a planning area which has been excluded from the partial tax area in the manner provided in subdivision (b) of Section 27.

(t) "Ground water" means potable water beneath the surface of the ground suitable for municipal and irrigation use.

(u) "Owner" means the person or persons owning any water-producing facility or any interest therein other than a lien to secure the payment of a debt or other obligation. Unless there is filed with the district by an owner, information to the contrary, the district may presume that the owner of the parcel of land on which a water-producing facility is located is the owner of the water-producing facility.

(v) "Partial tax area" means all areas of the district which pursuant to the terms of subdivision (a) of Section 27 are not required to pay the taxes, assessments, and charges specified in subdivision (a) of Section 27.

(w) "Person" means any public agency or public corporation, whether federal, state, or local, or any private corporation, firm, partnership, individual, or group of individuals.

(x) "Planning area" means any one of the planning areas mentioned in subdivision (a) of Section 24 or in Section 35.

(y) "Prior act" means Chapter 1775 of the Statutes of 1963, as amended.

(z) "Production" or "producing" means the diversion or taking of stream-delivered water or the extraction or extracting of ground water, by any means, for domestic, municipal, irrigation, industrial, or other beneficial use.

(aa) "Advisory Commission" means the California District Securities Advisory Commission.

(bb) "Stream-delivered water" means surface water used for agricultural purposes and taken by an owner's water-producing facility directly from the Stockton Diverting Canal, the Calaveras River, the Old Calaveras River, Mosher Creek, Mormon Slough, or any other watercourse within the district except those portions of any of the foregoing watercourses which are located within boundaries of the Delta Water Agency as the boundaries of the Delta Water Agency are presently defined by Section 10.1 of the Delta Water Agency Act of 1968 (Chapter 419 of the Statutes of 1968).

(cc) "Tax collector" means the tax collector of the county.

(dd) "Treasurer" means the treasurer of the county.

(ee) "Water-producing facility" means any device or method, mechanical or otherwise, for the production of ground water from the ground water supplies within said district, or for the diversion of stream-delivered water.

SEC. 5. In addition and supplemental to the powers conferred upon the district by the Water Conservation District Law of 1931, Division 21 (commencing with Section 74000) of the Water Code, and by all other laws applicable to the district, the district shall have power:

(a) To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, process, and salvage any water, including sewage and storm waters for the beneficial use or uses of the district, its inhabitants, or the owners of the rights to water in the district.

(b) To sell treated and untreated water under its control to any municipal corporation, political subdivision of the State of California, public utility, or other person at such charges and rates as shall be set by the board by contract, agreement, rule, or otherwise, for use within the district.

(c) Subject to the requirements of Section 6, to sell treated and untreated water under its control to any municipal corporation, political subdivision of the State of California, public utility, or other person for use outside the district.

(d) Within or outside the district to construct, purchase, lease, or otherwise acquire, and to operate and maintain, waterworks, water treatment plants, spreading grounds, pipelines, conduits, canals and other facilities for the distribution of water, pumps and other facilities for the production of water, dams, weirs, reservoirs, and other facilities, installations, works, equipment, and machinery useful or necessary to replenish the underground water basin within the district, to manage, for the purpose of repelling saline intrusion, the underground water basin within the district for the common benefit of the district, to augment the common water supplies of the district, or to otherwise provide water for the beneficial use or uses of the district, its inhabitants, or the owners of rights to water in the district.

(e) For the common benefit of the district to store water in underground water basins or surface reservoirs within or outside the district, to appropriate and acquire water or water rights within or outside the district, to purchase or import water into the district, and to conserve water within or outside the district.

(f) Subject to the provisions of Sections 9 to 19, inclusive, to levy and collect a ground water assessment for the production of water from the ground water supplies within the district, and to fix and collect charges for stream-delivered water and to require such measuring devices as may be necessary for the purposes of this act and to inspect and test any such measuring devices whether installed by the district or by others.

(g) To maintain reserve funds in amounts deemed advisable by the board for the purpose of water for

replenishment purposes, the stream delivery of agricultural surface water, or for other district purposes.

(h) To acquire real and personal property and interests therein, but the district shall not exercise the power of eminent domain for any purpose of this act or in carrying out any power granted by this act outside the boundaries of the district unless the board of supervisors of the county in which the property to be acquired is located has consented to such acquisition.

SEC. 6. (a) The district may sell treated and untreated water under its control for use outside of the district only pursuant to a written agreement made as provided in this section.

(b) The district may make an agreement to sell water for use outside the district for periods not in excess of one year where the board prior to the district's agreement to sell such water has found and declared by resolution that such water is not required for use within the district during the period, not to exceed one year, for which the agreement is to be made. The board's resolution shall be adopted no earlier than three months preceding the commencement of the period for which the agreement is to be made. The price charged for water sold pursuant to an agreement made pursuant to this subdivision shall be sufficient to at least cover the costs of the district, as determined by the board, in furnishing and delivering the subject water to its point of delivery.

(c) The district may make agreements to sell water for use outside the district for periods in excess of one year if the board prior to the district's agreement to sell water has by resolution found and declared that the subject water will not be required for use within the district for the period for which the agreement is made and declares that the sale of the water and its use in the manner provided in the applicable agreement is for the direct and substantial furtherance of the purposes of the district. The charge for water sold pursuant to an agreement made pursuant to this subdivision shall at least be sufficient to cover the costs of the district, as determined by the board, in furnishing and delivering such water to its point of delivery, plus the equivalent of all applicable ad valorem property taxes that would be assessed by district on the property upon which such water is to be used, or in the case of a sale to a political subdivision, municipal corporation, public utility, or other operator of a common water distribution system on all of the property served by such common water distribution system, if the subject property were included within the district during the period covered by the agreement.

(d) The district may make agreements to sell water that would not be otherwise owned or possessed by the district

that comes into the district's possession due to provisions of a contract with another political subdivision that operate when such other political subdivision fails to pay for such water or the costs related to such water, on any basis the board determines if the board makes the determination that such water is not needed for sale within the district for the period of the agreement.

SEC. 7. The board shall, from time to time, order an investigation and report to be made by an engineer or engineers employed by the district for the purpose of investigating and reporting upon the ground water conditions of the district and making recommendations as to water management practices to be followed by the district. The report shall include an estimate as to the accumulated overdraft, if any, as of the date of the report, estimates of the ground water production anticipated by years for the period covered by the report, and an estimate of the average annual overdraft, if any, for the period covered by the report. The report shall also include recommendations as to necessary and desirable surface and underground water management practices to be followed during the period covered by the report.

SEC. 8. The engineering investigation and report shall be delivered to the secretary in writing. The secretary shall publish pursuant to Section 6061 of the Government Code a notice of the receipt of such report and fixing a date for a public hearing to be held by the board, the publication to be in a newspaper of general circulation, printed and published within the district, at least 10 days prior to the date at which the public hearing is to be held. The notice, among other information which the district may include, shall contain an invitation to all owners of water-producing facilities within the district and all other interested parties to call at the office of the district to examine the engineering investigation and report.

SEC. 9. (a) The board at a regular, special, or continued meeting in June of each year shall hold a public hearing to consider the necessity, amount, and rates of a ground water assessment, if any, to be levied for the then current calendar year and charges to be made for stream-delivered water to the extent that such charges for stream-delivered water are not controlled by contract or agreement.

(b) Notice of the hearing shall be published pursuant to Section 6061 of the Government Code at least 10 days prior to the date of the hearing. Any person interested in the district may, in person or by representative, appear and submit evidence concerning the water conditions of the district, the financial needs of the district, proposals for rates, and other relevant matters.

(c) Following the hearing the board may, by adoption of a rule, determine, levy, and assess a ground water assessment against all owners of water-producing facilities within the district which produce water from the ground during the current year and shall determine and fix charges for stream-delivered water for the current year to the extent that such charges for stream-delivered water are not governed by contract or agreement.

(d) The method of computing ground water assessments and charges for stream-delivered water may be uniform for all water-producing facilities or may be uniform for each of several classes of water-producing facilities. The board shall, by rule, establish one or more methods to be used in computing the amount of water production from a water-producing facility which is not measured by a water-measuring device approved by the collector. Such methods shall be established by rule adopted by the board and may be based on any criteria which may be used to determine or estimate with reasonable accuracy the amount of water production.

(e) The board, by rule, may waive a ground water assessment upon any class or classes of water-producing facilities which it determines because of the small amount of water produced by such facilities, would yield to the district a sum less than the estimated cost of making and collecting the assessment.

(f) Any ground water assessment or charges for stream-delivered water levied or made pursuant to this section shall be in addition to any general assessment levied by the district.

(g) The board shall have authority to and may commingle the funds produced by any general assessment, by any ground water assessment, by any charges for stream-delivered water, by the sale of water under contract or agreement, by the sale, lease, or disposition of water otherwise, and by all other sources of district revenue, and may use any of such funds for all lawful district purposes.

(h) The ground water assessment rate and charges for stream-delivered water shall not exceed a rate of four dollars (\$4) per acre-foot for stream-delivered water, or seventy-five cents (\$0.75) per acre-foot for water produced from the underground where such water is used for agricultural purposes, and three dollars (\$3) per acre-foot for water produced from the underground and used for nonagricultural purposes.

(i) Clerical errors in the name of any owner or in other recorded information, or in the making or extension of any assessment upon the records which do not affect the substantial rights of the subject owner or owners shall not

invalidate the assessment.

SEC. 10. All assessments and charges due for water produced within the district during the 1971 calendar year and for water produced within the district prior to 1971 shall be assessed, charged, calculated, determined, billed, and collected pursuant to the prior act and all applicable rules duly adopted by the board, and for those purposes the prior act shall remain in effect until such sums have been collected in full or otherwise discharged in the manner provided by the prior act and the applicable rules duly adopted by the board.

SEC. 11. (a) Commencing with 1972, not later than the first day of October of each year the collector shall mail progress bills to each owner of one or more water-producing facilities within the district. The progress bills shall state an amount due which shall be computed by multiplying one-half of each owner's water production for the preceding calendar year in acre-feet by the respective ground water assessment rates and the stream-delivered water charges applicable for the current year.

(b) Any progress bill may be reduced in amount or canceled by the collector, if upon good cause shown, the collector determines that the production of water from the water-producing facility or facilities of the owner during the current year, to the date of the collector's determination, is such that a progress payment based on one-half of the preceding year's water production will be substantially in excess of one-half of such owner's next succeeding annual bill as the same will ultimately be determined pursuant to Sections 12, 13, and 14.

(c) The board may, by rule, establish alternate procedures for the computation and payment of progress bills in the case of water-producing facilities within the district, the water production of which is measured by a water-measuring device approved by the collector.

(d) Should any owner of a water-producing facility fail to pay on or before the 31st day of October, or any alternate date specified in a rule adopted pursuant to subdivision (c) of this section, the amount disclosed by a progress bill the district shall impose a penalty against such owner in an amount of 5 percent of the total sum due the district for the current calendar year as such sum is finally determined in accordance with Sections 12, 13, and 14. The 5-percent penalty shall be added to the annual bill and shall be due and payable at the same time as the other amounts included in the annual bill.

(e) The board may, by rule, waive the requirement of making a progress payment as required by this section as to any one or more classes of water-producing facilities.

SEC. 12. (a) Commencing with 1973, each owner of one or more water-producing facilities within the district shall,

after January 1st and not later than January 15th, file with the collector on a form acceptable to the collector a water use statement showing the amount of water produced by the water-producing facility or facilities of such owner in the case of facilities the water production of which is measured by a water-measuring device approved by the collector and as to all other facilities the information the collector determines to be reasonably necessary to permit the determination, or estimation with reasonable accuracy, of the amount of water produced during the preceding calendar year by the subject water-producing facility or facilities. The collector may require that all statements of fact in the water use statement be verified by a written declaration that they are made under the penalties of perjury.

(b) The board, by rule, may waive the filing of water use statements as to any one or more classes of water-producing facilities.

SEC. 13. (a) Commencing with 1973, not later than the last day of February, the collector shall mail an annual bill for the preceding calendar year to each owner of one or more water-producing facilities within the district:

(b) The collector in preparing the annual bill for submission to each owner of water-producing facilities shall consider the information disclosed by the annual water use statement if one has been filed, the information disclosed by existing district records, district inspections, if any, of the water-producing facilities or the area served by such water-producing facilities, and any other information, of which the collector is aware and which is relevant to the amount of water production by each of the owner's water-producing facilities and shall determine the amount of each owner's water production.

(c) In all cases where an annual water use statement has been filed and where a water-measuring device approved by the collector is permanently attached to a water-producing facility and the water production has been reported on the basis of the approved water-measuring device, the record of water production as disclosed by such water-measuring device shall be presumed to be accurate and the burden is upon the collector to establish to the contrary.

(d) The amount of the annual bill shall be computed by multiplying the production in acre feet of water as determined by the collector by the respective ground water assessment rates and stream-delivered water charges. After determining the amount due the collector shall add the penalty provided in Section 11, if applicable, and shall also add a penalty of 5 percent of the total sum due the district for water produced during the preceding year by any water-producing facility for which an annual water use

statement was required and not filed within the time specified in Section 12.

(e) Upon the discovery by the collector of any water-producing facility within the district:

(1) For which no water use statement has been filed for any year in which the same was required by virtue of Section 12 and any applicable rules of the district and for which no annual bill was submitted pursuant to this section; or

(2) For which a water use statement was filed as required but for which the collector has good cause to believe that the production of water from such water-producing facility was in excess of that disclosed by a filed water use statement; or

(3) For which no water use statement was required to be filed by virtue of Section 12 and the applicable rules of the district but for which no annual bill has been submitted by the collector pursuant to this section;

the collector shall immediately investigate and estimate the amount of unreported or unbilled water production by such water-producing facility. In making such estimate, as to cases arising under subparagraph (3) above, the estimate of prior water production shall not include water production for more than three (3) preceding calendar years.

(f) After making an estimate of water production pursuant to subdivision (e) of this section, the collector shall calculate the amount due for ground water assessments and stream-delivered water charges during the subject years at the rates applicable during those years, and add the amount so calculated as a separate item to the next annual bill submitted to the owner of such water-producing facility together with the penalties, if any, applicable pursuant to subdivision (d) of Section 11 and subdivision (d) of this section.

(g) After computing the amount of the annual bill the collector shall allow as a credit against the amount due, and show such allowance on the annual bill, the sums paid for the subject water-producing facilities as a result of the applicable progress bill or bills for the subject year.

SEC. 14. (a) An annual bill shall be conclusive on all persons having an interest in the subject water-producing facilities unless the owner files with the secretary on or before March 15th a written objection on forms made available by the district setting forth the owner's ground or grounds for objecting to the amount of current or prior, if any, production and the assessments, charges, and penalties so fixed.

(b) Upon the filing of an objection the secretary shall schedule a hearing on the objection before the board at which time the total amount of the water production and the ground

water assessment and stream-delivered water charges thereon shall be determined together with any applicable penalties, which determinations by the board shall be conclusive if based upon substantial evidence.

(c) A notice of such hearing before the board shall be mailed to the objector at least 10 days before the date fixed for the hearing unless the form furnished by the district for the filing of the objection specifies the date, time, and place for the hearing.

(d) Notice of the final determination by the board as to his objection shall be mailed to each objector by the secretary.

SEC. 15. (a) All annual bills presented by the collector pursuant to Section 13 shall be due when mailed by the collector and shall be delinquent after April 30th with the exception of any bill as to which an objection has been filed pursuant to Section 14.

(b) Annual bills, as to which an objection is filed, shall become delinquent not later than April 30th, or 20 days from the date of mailing by the secretary to the owner a notice of the final determination by the board as to his objection, whichever is later.

SEC. 16. Any annual bill not paid when delinquent shall be subject, on the date of its delinquency, to a further penalty of 5 percent of the amount of the ground water assessment and stream-delivered water charges set forth in the annual bill.

SEC. 17. (a) Upon the delinquency of all or any portion of an annual bill the collector shall transmit to the secretary the amount of the delinquent account, together with the name of the delinquent landowner and the current description of the delinquent parcel as such is then disclosed by the applicable records of the assessor. The description provided for in this section shall be the description or other designation currently used by the assessor and shall include the tax account number and the code area of the delinquent parcel.

(b) The secretary shall maintain a list of delinquent accounts as furnished to him by the collector. If prior to the transmission of the list of delinquent accounts to the auditor pursuant to subdivision (d) of this section, all or any portion of a delinquent account is collected by the collector, the collector shall report such payment to the secretary and the secretary shall reflect such payment in his list of delinquent accounts.

(c) Annually as of August 1st the secretary shall add to each delinquent account then on the list of delinquent accounts a penalty of 5 percent of the sum of the ground water assessments and stream-delivered water charges included in each delinquent account.

(d) Annually after August 1st and on or before August 10th

the secretary shall transmit a certified copy of his current list of delinquent accounts to the auditor. The list of delinquent accounts may combine all assessments, charges, and penalties into a single sum due for each delinquent account.

(e) Upon receipt of the certified copy of the list of delinquent accounts, the auditor shall enter the amount of each delinquent account against the delinquent parcel designated in the list of delinquent accounts as such parcel appears on the then current assessment roll.

(f) The tax collector shall then include the amount of each delinquent account on bills for county taxes levied against the delinquent parcel.

(g) Thereafter the amount of each delinquent account shall be collected at the same time and in the same manner as county taxes are collected, and are subject to the same penalties and the same procedure and sale in case of delinquency, as provided for ordinary county taxes.

(h) Upon collection of delinquent accounts, within a reasonable time the auditor shall deposit the sums so collected to the account of the district, but the auditor may deduct, from time to time, an amount not to exceed one-quarter of 1 percent of the sums collected pursuant to this section to defray the costs of the county in processing such accounts.

(i) All laws applicable to the levy, collection, and enforcement of county taxes are applicable to such delinquent accounts so transmitted to the auditor pursuant to this section.

(j) All or any portion of any such delinquent accounts shall on order of the board of supervisors be canceled by the auditor if uncollected, or except in the case provided for in paragraph (5) of this subdivision, refunded by the treasurer out of district funds, if collected, if it or they were entered, charged, or paid:

(1) More than once;

(2) Through clerical error;

(3) Through the error or mistake of the collector, secretary, or board in respect to any material fact, in the course of establishing the amount of the assessments, charges, and penalties due upon said delinquent account under this act;

(4) Illegally; or

(5) On property acquired after the lien date by the State of California or by any county, city, school district, or other political subdivision of the State of California and because of such public ownership not subject to sale for delinquent taxes.

(k) No order for a refund under the subdivision (j) shall be made except on a claim:

(1) Verified by the person who paid said delinquent account and penalties or his guardian, conservator,

executor, or administrator; and

(2) Filed within three years after making the payment sought to be refunded.

The provisions of this subdivision do not apply to cancellation.

(1) The provisions of this Section 17 shall not be applicable to a delinquent parcel owned by the State of California or by any county, city, school district or other political subdivision of the State of California.

SEC. 18. The owner of any parcel of land within the district, two acres or more in size, on which no water is produced during any calendar year shall file an annual report stating that no water was produced on the property during the subject calendar year. The annual report shall be filed annually on or before January 15th of each year for the immediately preceding calendar year.

SEC. 19. The board shall establish rules providing for the making of refunds in the event of the overpayment of any ground water assessment or stream-delivered water charges. Such rules shall provide that no overpayment shall be refunded unless a request for refund is filed with the secretary within three years of such overpayment. Such rules may provide for the payment of a fee to cover all or a portion of the district's costs in processing a request for refund.

SEC. 20. The district may bring a suit in any court of competent jurisdiction against any person or persons indebted to the district for the collection of any delinquent sums due the district for any ground water assessment, stream-delivered water charge, penalties, or charges due for any sale or use of water by contract, or otherwise. Should the district, as a provisional remedy in bringing suit, seek an attachment against any property of any named defendant therein, the district shall not be required to provide a bond or undertaking as is otherwise provided in Chapter 4 (commencing with Section 537) of Title 7 of Part 2 of the Code of Civil Procedure. All procedures and remedies applicable to the processing, collection, and enforcement of delinquent accounts and penalties granted to the district by this act or otherwise are alternative and the utilization of one such procedure shall not bar the use of another.

SEC. 21. Any person who injures, alters, removes, resets, adjusts, manipulates, obstructs or in any manner interferes or tampers with or procures or causes or directs any person to injure, alter, remove, reset, adjust, manipulate, obstruct or in any manner interfere or tamper with any water-measuring device affixed to any water producing facility as required by this act, so as to cause such water-measuring device to improperly or inaccurately measure and record such water production, is guilty of a misdemeanor and is punishable by a fine not to exceed five hundred dollars (\$500) or

imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.

SEC. 22. The board is authorized to adopt the rules it deems necessary and proper for carrying out the provisions of this act, including but not limited to, rules providing that the district shall not deliver or make available water to water users who fail to pay for water when required by statute, contract, or rule.

SEC. 23. No rules shall be adopted by the board without first reviewing such at a public hearing held by the board. Notice of the public hearing shall be published pursuant to Section 6061 of the Government Code at least 10 days prior to the date of such a hearing and the notice shall contain a brief description of any rule to be considered at the hearing.

SEC. 24. (a) There is hereby included within the Stockton-East Water District the following territories:

(1) The North Stockton Planning Area which shall include the following territory:

Beginning at a point on the Stockton and East San Joaquin Water Conservation District boundary, said point being on the intersection of the north line of Township Two (2) North and the centerline of State Highway 99, said Stockton and East San Joaquin Water Conservation District boundary being described in notice of election for the organization of the Stockton and East San Joaquin Water Conservation District, said election being held on June 1, 1948; thence southerly 3.5 miles, more or less, along said District boundary and along said centerline of State Highway 99 to intersection with the centerline of the Calaveras River; thence westerly six (6) miles, more or less, along said District boundary and said centerline of the Calaveras River downstream to intersection with the centerline of the Stockton Deep Water Channel; thence leaving said District boundary northwesterly one (1) mile, more or less, along said centerline of the Stockton Deep Water Channel to centerline Station 286+00, said Station 286+00 bearing southwesterly 375 feet at right angles to said centerline from U.S.E.D., B.M. 4008; thence northeasterly at right angle to said centerline 300 feet, more or less, to a point on the southerly boundary of the Elmwood Tract; thence easterly and northerly along the southerly and easterly boundary of said Elmwood Tract 1.9 miles, more or less, to the point of intersection of said easterly boundary with the southerly levee of Fourteen Mile Slough (formerly called Twelve Mile Slough); thence North 500 feet, more or less, to the Stockton City Limits Line, said City Limits Line being along the centerline of said Fourteen Mile Slough; thence westerly, northwesterly, and northeasterly 0.6 mile, more or less, along said City Limits Line and said centerline of Fourteen Mile Slough to a point on the west line of Section

19, Township 2 North, Range 6 East, Mount Diablo Base and Meridian; thence northerly 0.5 mile, more or less, along said west line of Section 19 and said City Limits Line to the southeasterly corner of Mitchell Slough-Wright Tract Annexation—A-7-67; thence along the City Limits Lines established by Annexation—A-7-67 and by Wright Tract Annexation—A-1-62 the following eight (8) courses, (1) South $57^{\circ} 47' 30''$ West 150 feet, more or less, to a point, said point being on the water toe of levee of said Fourteen Mile Slough, (2) South $57^{\circ} 47' 30''$ West 949.75 feet, (3) South $58^{\circ} 35' 30''$ West 1011.25 feet to a point on the centerline of an existing drainage ditch, (4) Northerly along said drainage ditch centerline to intersection with centerline of a 75 foot wide Pacific Gas & Electric Company easement, as described in deed recorded in Book of Official Records, Volume 2076, Page 470, San Joaquin County Records, (5) continuing Northerly along said drainage ditch centerline to a point on the water toe of the south levee of said Fourteen Mile Slough, (6) meandering easterly along said water toe of the south levee to intersection with centerline of said 75 foot wide Pacific Gas & Electric Company easement, (7) continue meandering easterly along said water toe of said south levee to a point bearing South $45^{\circ} 00'$ West from the northwest corner of said Section 19, and (8) North $45^{\circ} 00'$ East to said northwest corner of Section 19; thence easterly 1900 feet, more or less, along the north line of said Section 19 and along Stockton City Limits Line to the southeast corner of the Shima Tract; thence leaving said City Limits Line Northerly 6600 feet, more or less, along the easterly boundary of said Shima Tract to a corner thereof; thence westerly 1500 feet, more or less, along the northerly boundary of said Shima Tract to the southeast corner of the Atlas Tract; thence northerly 3800 feet, more or less, along the easterly boundary of said Atlas Tract to the southwest corner of Section 6, Township 2 North, Range 6 East, Mount Diablo Base and Meridian; thence northerly one (1) mile, more or less, along the west line of said Section 6 to the northwest corner thereof; thence easterly six (6) miles, more or less, along said north line of Township 2 North to the point of beginning, containing 20,200 acres, more or less.

(2) The Central Stockton Planning Area which shall include the following territory:

Beginning at the point of intersection of the centerline of the Calaveras River with the centerline of the Stockton Deep Water Channel; thence southerly and easterly along the southerly and westerly line of the Stockton and East San Joaquin Water Conservation District Boundary to the point of intersection of the north line of Section 23, C. M. Weber Grant with the easterly line of McKinley Avenue, said Stockton and

East San Joaquin Water Conservation District Boundary being described in Notice of Election for the organization of the Stockton and East San Joaquin Water Conservation District, said election being held on June 1, 1948; thence southerly 0.5 mile, more or less, along the easterly line of McKinley Avenue to intersection with the centerline of Duck Creek; thence westerly 1.5 miles, more or less, along the centerline of said Duck Creek and along the centerline of Walker Slough and the southwesterly projection of said centerline of Walker Slough to a point on the southerly bank of French Camp Slough, said point being on the boundary of Reclamation District No. 17; thence westerly one (1) mile, more or less, along said boundary of Reclamation District No. 17 to the right or easterly bank of the San Joaquin River; thence northwesterly 1.0 mile, more or less, downstream along the said right or easterly bank of the San Joaquin River to a point bearing East 500 feet, more or less, from the southeast corner of the 3.55 acre parcel of Oxidation Pond Annexation No. 3—A-1-66; thence West 500 feet, more or less, to said southeast corner; thence westerly 1.6 miles, more or less, along the Stockton City Limits Line to the easterly line of Dagget Road; thence Northerly one (1) mile, more or less, along said easterly line of Dagget Road and along the Stockton City Limits Line to a point on the centerline of Burns Cutoff; thence in a general westerly, northerly, and northeasterly direction 3.09 miles, more or less, along said centerline of Burns Cutoff to intersection with said centerline of the Stockton Deep Water Channel; thence southeasterly 0.1 mile, more or less, along said centerline of the Stockton Deep Water Channel to the point of beginning, containing 4,900 acres, more or less.

(3) The South Stockton Planning Area which shall include the following territory:

Beginning at the northeast corner of Section 58, C. M. Weber Grant, said corner being a point on the boundary of the Central San Joaquin Water Conservation District; thence along said Central San Joaquin Water Conservation District boundary the following four (4) courses, (1) Southerly along the west line of Sections 68, 69, and 70 of said C. M. Weber Grant to the southerly line of said Grant being also the north line of Section 28, Township 1 North, Range 7 East, Mount Diablo Base and Meridian; (2) Westerly along said Weber Grant line and along said north line of Section 28 to the northwest corner of said Section 28; (3) Southerly along the west line of said Section 28 to intersection with the south line of Section 59, C. M. Weber Grant; and (4) Westerly along the said south line of Section 59 to a point on the easterly right-of-way line of Highway 99; thence southerly 3.4 miles, more or less, along said easterly right-of-way line of Highway

99 to the intersection of said easterly right-of-way with the southwesterly boundary of French Camp Road, also known as French Camp Toll Road or Turnpike; thence northwesterly 3 miles, more or less, along said southwesterly boundary of French Camp Road to the westerly right-of-way line of the Western Pacific Railroad Company property; thence southerly 1.8 miles, more or less, along said westerly right-of-way to a point on the southerly line of Section P of C. M. Weber Grant; thence westerly 1.2 miles, more or less, along the south line of said C. M. Weber Grant to the northeast corner of the northwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 14, Township 1 South, Range 6 East, Mount Diablo Base and Meridian, said corner being a point in the boundary of Reclamation District No. 17; thence westerly 0.75 mile, more or less, along the boundary of said Reclamation District No. 17 to the southeast corner of fractional Section 10 of said Township and Range and being the southwest corner of the C. M. Weber Grant; thence along the boundary of said Reclamation District No. 17 and the boundary of said C. M. Weber Grant the following four (4) courses, (1) Northerly 232.41 chains, more or less, along the easterly boundary of fractional Sections 10 and 3 of said Township and Range and along the easterly boundary of fractional Section 34, Township 1 North, Range 6 East, Mount Diablo Base and Meridian to the northeast corner of said fractional Section 34, (2) East 20 chains, (3) North 40 chains, and (4) East 1076 feet; thence leaving said C. M. Weber Grant boundary and continuing along the boundary of said Reclamation District No. 17 the following five (5) courses, (1) North 255.64 feet, (2) North $89^{\circ} 15'$ East 364.98 feet, (3) North $66^{\circ} 30'$ East 1246.34 feet to a point on the west line of said French Camp Road, (4) Northerly 1850 feet, more or less, along said west line of French Camp Road to the south bank of French Camp Slough, and (5) Westerly 0.75 mile, more or less, downstream along the southerly bank of French Camp Slough to the intersection of said Reclamation District No. 17 boundary with the southwesterly projection of the centerline of Walker Slough; thence Easterly 1.5 miles, more or less, along said centerline of Walker Slough and the centerline of Duck Creek to the Easterly line of McKinley Avenue; thence Northerly 0.5 mile, more or less, along said easterly line of McKinley Avenue to a point of intersection with the north line of Section 23, C. M. Weber Grant, said point being on the southerly boundary of the Stockton and East San Joaquin Water Conservation District; thence Easterly 3.6 miles, more or less, along said southerly boundary of said Stockton and East San Joaquin Water Conservation District to the point of beginning, containing 12,800 acres, more or less.

(b) The inclusion of each of such three planning areas (the

North Stockton Planning Area, the Central Stockton Planning Area, and the South Stockton Planning Area) shall occur and be complete for all purposes, subject to Section 26, unless on or before the 60th day after the effective date of this act there is filed with the secretary of the district, at the district's office, a petition requesting an election signed by at least 25 percent of the registered voters in such planning area.

(c) A petition may consist of any number of separate instruments, which identify the planning area to which it is applicable and shall contain a request that an election shall be held to determine whether such planning area shall be included within the district.

(d) Within 20 days of the date of the filing of such a petition the secretary of the district shall examine the same and ascertain whether or not such petition is signed by the requisite number of voters.

(e) When the secretary of the district has completed his examination of the petition he shall attach to the same his certificate properly dated showing the result of such examination, and if from such examination he finds that such petition is signed by the requisite number of voters or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

(f) If such petition is sufficient the proposition of whether or not the subject planning area shall be included within the district shall be submitted to the vote of the voters in the subject planning area at an election called by the board and held within 70 days after the filing of a sufficient petition requesting an election.

(g) The manner of holding and conducting the election, the selection of officers to conduct it, the designation of precincts and polling places, the preparation, receipt, counting, and returning of ballots, and the canvassing and determining results of the election shall be as provided in Chapter 3 (commencing with Section 74790) of Part 6 of Division 21 of the Water Code, and in particulars not so provided shall be in accordance with the general laws of the state relative to elections at which propositions are submitted and voted upon.

(h) Upon the canvassing of the votes cast in the election if it appears that a majority of all votes cast are in favor of the inclusion of the subject planning area, then the inclusion of the subject planning area shall occur and be considered completed at the conclusion of the canvass, subject to the provisions of Section 26. Upon the canvassing of the votes cast in the election if it appears that a majority of all votes cast are against the inclusion of the subject planning area within the district, the inclusion shall be of no force and effect.

(i) If on or before the 60th day after the effective date of

this act sufficient petitions have been filed with the secretary of the district requesting elections in more than one planning area, then the question of such inclusion shall be submitted to the vote of the voters in each of the subject planning areas at an election called and held on the same day.

(j) The secretary of the district may contract with the County Clerk of San Joaquin County to perform any of the duties imposed upon the secretary by this section. In such cases the costs of the county clerk in connection with such duties shall be paid by the district.

SEC. 25. (a) There is hereby excluded from the Central San Joaquin Water Conservation District the following territory:

Beginning at the intersection of the North line of Section 24, C. M. Weber Grant, with the easterly line of the Tidewater and Southern Railroad, and being a point on the Central San Joaquin Water Conservation District Boundary; thence along said Central San Joaquin Water Conservation District Boundary the following five (5) courses, (1) Southeasterly along the Easterly boundary of said railroad to its intersection with the North line of Section 39, C. M. Weber Grant, (2) Northeasterly along the northe-ly line of said Section 39 and its extension to a point on the west line of fractional Section 5, Township 1 South, Range 7 East, Mount Diablo Base and Meridian, (3) southerly along said westerly line of fractional Section 5 and the easterly line of C. M. Weber Grant to the North line of the property conveyed to Joe Marchesotti, a married man, by Deed recorded January 8, 1957 in Book of Official Records, Volume 1933, Page 221, San Joaquin County Records, (4) easterly along the North line of said Marchesotti property to the easterly line of Highway 99, and (5) Northerly along said easterly line of Highway 99 to the intersection of the north line of Section 4, Township 1 North, Range 7 East, Mount Diablo Base and Meridian; thence leaving said Central San Joaquin Water Conservation District Boundary northerly along said easterly line of Highway 99 to its intersection with the southerly line of Section 59, C. M. Weber Grant and being a point on the northerly boundary of said Central San Joaquin Water Conservation District; thence along said Central San Joaquin Water Conservation District Boundary the following six (6) courses, (1) westerly along the southerly lines of Sections 59 and 48 of C. M. Weber Grant to the southwest corner of said Section 48, (2) Northerly along the west line of said Section 48 and Section 47 of said C. M. Weber Grant to the northeast corner of land described in Deed to John S. Ladd, Jr. recorded September 17, 1947 in Book of Official Records, Volume 1082, Page 344, San Joaquin County Records, (3) South 72° 35' West along the North line of said Ladd land 35 chains, (4) South 73° 10' West 34.72 chains

to a point on the West line of Section 35, C. M. Weber Grant, (5) Southerly along said West line of Section 35 to the northeast corner of said Section 24, C. M. Weber Grant, and (6) Westerly along the northerly line of said Section 24 to the point of beginning, containing 3150 acres, more or less.

(b) Such exclusion shall take effect at the same time that the inclusion of the South Stockton Planning Area takes effect, and if the inclusion of the South Stockton Planning Area is of no force and effect by virtue of an election held pursuant to Section 24, such exclusion from the Central San Joaquin Water Conservation District shall similarly be of no force and effect.

(c) The inclusion of territory into the district pursuant to this act, except as specifically provided in this section, shall have no effect upon the continuing inclusion of the subject territory in other water conservation districts or in any irrigation district or any other special districts.

SEC. 26. (a) After the time for filing petitions pursuant to Section 24 has expired or an election has been held pursuant to Section 24, as the case may be, the board shall adopt a resolution confirming the inclusion of any planning area within the district pursuant to Section 24 and the exclusion of territory from the Central San Joaquin Water Conservation District pursuant to Section 25 if such inclusion and exclusion has not been disapproved at an election held pursuant to Section 24, and the secretary shall then prepare and execute a certificate of completion. Such certificate shall contain the following:

(1) The name of each district affected.

(2) A description of any territory included in the district and any territory excluded from the Central San Joaquin Water Conservation District, which descriptions may be made by reference to the boundary shown on a map attached to such certificate.

(3) The date of adoption of the resolution confirming the inclusion and exclusion.

(4) A statement of the fact that the territory included shall be subject to a one-half-mill tax rather than the tax permitted by Section 75357 of the Water Code, as provided in Section 27.

(b) The secretary shall file his certificate of completion with the Secretary of State. Thereupon the Secretary of State shall execute a certificate of filing identifying the certificate of completion filed with him and stating the date of such filing. The Secretary of State shall transmit to the secretary a counterpart original of the certificate of filing.

(c) After receipt of the Secretary of State's certificate of filing, the secretary shall file with the County Recorder of the County of San Joaquin:

(1) A counterpart original of the secretary's certificate of

completion; and

(2) The original or a counterpart original of the Secretary of State's certificate of filing.

(d) After recordation of the secretary's certificate of completion the Recorder of the County of San Joaquin shall file with the County Surveyor of the County of San Joaquin a copy of each of the boundary descriptions included in the certificate of completion.

(e) Any inclusion or exclusion confirmed by resolution of the board adopted pursuant to this section shall be completed from the date of filing the certificate of completion with the Secretary of State and shall be effective upon the date of the recordation made with the county recorder.

(f) The secretary shall also make such filings as may be provided for by Chapter 8 (commencing at Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code, and for such purpose the inclusion and exclusion shall be deemed to be effective from the date of filing of the certificate of completion with the Secretary of State.

SEC. 27. (a) Upon the effective date of the inclusion of a planning area into the district pursuant to this act, each planning area shall thereafter be treated in all respects as a part of the district, except that the following special provisions shall apply within each planning area included within the district:

(1) The assessment permitted by Section 75357 of the Water Code shall not exceed one-half mill (\$.0005) on each one hundred cents (\$1) of the assessed value of the lands within such planning area according to the last assessment ~~is~~ instead of the maximum two and one-half mills (\$.0025) permitted by Section 75357 of the Water Code.

(2) No ground water assessment or stream-delivered water charge shall be levied.

(b) A parcel of land within a planning area shall cease to be excluded from the full taxes, assessments, and charges, as such exclusions are set forth in subdivision (a) in the event of either of the following:

(1) A parcel within a planning area is within the service area of a publicly or privately owned water utility which distributes domestic and industrial water which is all or in part furnished to such utility as treated surface water by the district; or

(2) The independent benefit commission pursuant to procedures set forth in Section 28 determines that a subject parcel is receiving a substantial benefit from district operations.

(c) In the case of the North Stockton Planning Area, the Central Stockton Planning Area, and the South Stockton Planning Area, no removal from the partial tax area shall take

effect for any purpose prior to July 1, 1974.

(d) As used in this act "substantial benefit" means an actual raising, by prior district operations, of ground water levels under a subject parcel or the actual retarding, by prior district operations, of the lowering of ground water levels under a subject parcel.

(e) Whenever one or more parcels are transferred from a partial tax area to a full tax area, the secretary shall file a statement as to all parcels which are transferred to a full tax area, as required by Chapter 8 (commencing at Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code.

(f) After a parcel has been excluded from a partial tax area such exclusion shall be permanent.

SEC. 28. (a) If any one or more of the planning areas are finally included within the district, then following such final inclusion the board shall give written notice to the California District Securities Advisory Commission, and the advisory commission shall thereupon appoint a three-member commission, one of whom shall be a civil engineer whose practice encompasses irrigation, and one of whom shall be a civil engineer whose practice encompasses municipal water supply. Such independent benefit commission shall serve at the pleasure of the advisory commission. When a vacancy occurs in the membership of the independent benefit commission the secretary shall give notice to the advisory commission, and the advisory commission shall promptly appoint a successor. If the advisory commission fails to appoint a successor or to initially appoint the three members of the independent benefit commission, then after 60 days' notice in writing to the advisory commission by the board, the board may fill such vacancy or make such appointments and the person so appointed by the board shall serve until such time as they are replaced by the advisory commission. The advisory commission may charge the district for the actual cost of performing the services required of the State Treasurer by this section.

(b) It shall be the duty of the independent benefit commission from time to time, in the manner set forth in this section, to determine whether a parcel within a planning area is receiving a substantial benefit from district operations.

(c) No member of the independent benefit commission shall have any interest in any land in the district, either directly or indirectly.

(d) Each member of the independent benefit commission, before entering upon his duties, shall take and subscribe an oath that he is not in any manner interested either directly or indirectly in any land in the district, and that he will perform the duties of commissioner to the best of his ability.

(e) The members of the independent benefit commission shall be paid by the district compensation for the services rendered by them in the amount or amounts fixed by the State Treasurer from time to time.

(f) The members of the independent benefit commission, upon their appointment and thereafter from time to time, shall select one of their members as chairman.

(g) Within 60 days of its appointment, and thereafter as provided in subdivision (j) of this section, the independent benefit commission shall meet at the district office. At the time of such initial meeting and thereafter as requested by the independent benefit commission the board shall furnish or make available to the independent benefit commission all data and information possessed by the district and which in the judgment of the independent benefit commission is relevant to the determinations to be made by it.

(h) After its initial meeting the independent benefit commission within the next succeeding 120 days shall determine which parcels within the partial tax areas are receiving a substantial benefit by the operations of the district and shall prepare a preliminary report of its findings. Upon its completion the preliminary report of the independent benefit commission shall be delivered to the secretary in writing. Such preliminary report shall list and identify each parcel which the independent benefit commission has determined is receiving a substantial benefit from district operations by the current description of such parcel as such description is then disclosed by the applicable current records of the assessor, and accordingly should be transferred from the partial tax area to the full tax area. Upon receipt of such preliminary report of the independent benefit commission the secretary shall publish pursuant to Section 6061 of the Government Code a notice of the receipt of such preliminary report. Such notice shall fix a date for a public hearing to be held on the report. Such publication shall be by a display advertisement in a newspaper of general circulation printed and published within the district, at least 20 days prior to the date at which the public hearing is to be held. The notice, among other information, shall contain an invitation to all interested persons to call at the office of the district and to examine said report of the independent benefit commission. At the time appointed in the notice, the independent benefit commission shall meet in the district office and hold a public hearing on its preliminary report. At the hearing any person interested in the district, including the board and members of the board, may, in person or by representative, appear and submit evidence concerning the matters contained in the preliminary report and the matters pending before the independent benefit commission. Within 30 days of the

conclusion of its public hearing the independent benefit commission shall deliver its final report to the secretary.

(i) Upon receipt of the final report of the independent benefit commission the secretary shall publish a notice that such final report has been received and that the same is available for inspection by all interested persons at the office of the district. The notice shall be published pursuant to Section 6061 of the Government Code by display advertisement in a newspaper of general circulation printed and published within the district, and shall advise interested persons of their right to request review pursuant to this paragraph. Within 30 days of the publication of the notice required by this paragraph any person interested in a parcel affected by the final report of the independent benefit commission who is dissatisfied with the action of the independent benefit commission in connection with such parcel may file a request for review in writing on forms provided by the secretary requesting review by the board of the action of the independent benefit commission as to the parcel in which such person is interested. Upon the filing of a request for review the secretary shall set the matter for hearing by the board. At least 20 days prior to the hearing the secretary shall mail notice of such hearing to the person or persons requesting review. At the hearing the board shall hear evidence concerning the subject parcel and whether it is receiving a substantial benefit by the operations of the district. At the conclusion of the hearing the board may modify the report of the independent benefit commission by excluding one or more parcels from the list of parcels to be transferred from the partial tax area to the full tax area, but the board shall have no power to include any parcel within the full tax area which was not initially so included by the final report of the independent benefit commission. A final report of the independent benefit commission shall be final and shall take effect for all purposes upon either the expiration of 30 days after the publication of the notice provided for in this subdivision or upon the final action of the board in modifying the final report or determining not to modify the final report following the public hearing of the board in the event of the filing of a request for review pursuant to this subdivision.

(j) After the initial hearing of the independent benefit commission so long as any portion of the district is not within the full tax area the independent benefit commission shall again hold an initial meeting as provided in subdivision (i) of this section during the fifth year next succeeding the year of the final adoption of the last final report of the independent benefit commission or at more frequent intervals upon written request of the board, and after such initial meeting shall proceed to the adoption of a new final report of the

independent benefit commission in the manner set forth in subdivisions (g) to (i), inclusive, of this section.

SEC. 29. Failure of the district at any time to take action to collect any delinquent replenishment assessment or charge shall not be a waiver of the right of the district to collect such account at any time in the future by the utilization of such procedures and remedies as are granted to the district by this act.

SEC. 30. Whenever the district is required to mail any bill or notice to any owner the requirement of mailing shall be satisfied by deposit of such bill or notice in any postal facility regularly maintained by the government of the United States, with postage paid, addressed to the owner at his address as disclosed by the most recent record of the district. If the records of the district do not contain an address for such owner, such mailing shall be to his address as disclosed by the most recent equalized tax roll of the county. Any owner may, from time to time, file notices of change of address with the district.

SEC. 31. Notwithstanding Section 74223 of the Water Code and any other provisions of law in conflict with this section, the board shall hold regular meetings on the third Tuesday of each month. The board may by resolution change the frequency of, and the day for, holding regular meetings. Notice of any such change shall be published once a week for at least two consecutive weeks before the time for a regular meeting on the new meeting date in a newspaper of general circulation circulated in the district.

SEC. 32. Notwithstanding Section 74091 of the Water Code and any other provisions of law in conflict with this section, one director, who shall be an elector of the division in which such director resides, shall be elected for such division, by vote of the electors of the entire district. This section shall be applicable to voting at any district election held after January 1, 1972.

SEC. 33. The boundaries of the divisions of the district are relocated as follows:

Division No. 1

Beginning at a point on the Stockton and East San Joaquin Water Conservation District boundary, said point being the southwest corner of the Northeast $\frac{1}{4}$ of Section 25, Township 2 North, Range 8 East, Mount Diablo Base and Meridian, said Stockton and East San Joaquin Water Conservation District boundary being described in notice of election for the organization of the Stockton and East San Joaquin Water Conservation District, held June 1, 1948; thence along said Stockton and East San Joaquin Water Conservation District

boundary the following thirty-five (35) courses, (1) East 1.0 mile, more or less, along the south line of the northeast $\frac{1}{4}$ of said Section 25 and along the south line of the northwest $\frac{1}{4}$ of Section 30, Township 2 North, Range 9 East to the center of said Section 30, (2) North $2\frac{1}{2}$ miles, more or less, along the half section line running north and south through Sections 30, 19, and 18, Township 2 North, Range 9 East to the southwest corner of the Southeast $\frac{1}{4}$ of Section 7, Township 2 North, Range 9 East, (3) East $\frac{1}{2}$ mile, more or less, along the south line of said Section 7 to the southeast corner thereof, (4) North $\frac{1}{4}$ mile, more or less, along the east line of said Section 7 to the southwest corner of the northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 8, Township 2 North, Range 9 East, (5) East $\frac{1}{4}$ mile, more or less, along the south line of said northwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of said Section 8 to the centerline of the Escalon-Bellota Road, (6) North $\frac{1}{4}$ mile, more or less, along said centerline of the Escalon-Bellota Road to its intersection with the South line of the North one-half of said Section 8, (7) East $\frac{3}{4}$ mile, more or less, along the south line of the north $\frac{1}{2}$ of said Section 8 to the southeast corner of the north $\frac{1}{2}$ of said Section 8, (8) North $\frac{1}{4}$ mile, more or less, along the east line of Section 8 to the southwest corner of the northwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 9, Township 2 North, Range 9 East, (9) East $\frac{1}{4}$ mile, more or less, along the south line of the northwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 9 to the southeast corner thereof in the center of the Gilmore Road No. 616, (10) North along the $\frac{1}{4}$, $\frac{1}{4}$ section line and along the center of said Gilmore Road No. 616 to a point 300.0 feet southerly from the south line of Section 4, Township 2 North, Range 9 East, Mount Diablo Base and Meridian, (11) East 750.0 feet, (12) North 300.0 feet to a point on said south line of Section 4, (13) East along the south line of Section 4 to the southeast corner of the southwest $\frac{1}{4}$ of said Section 4, (14) North $\frac{1}{2}$ mile, more or less, along the east line of the southwest $\frac{1}{4}$ of Section 4 to the center of said Section 4, (15) East $\frac{1}{2}$ mile, more or less, along the south line of the northeast $\frac{1}{4}$ of said Section 4 to the southeast corner of the northeast $\frac{1}{4}$ of said Section 4, (16) North $\frac{1}{2}$ mile, more or less, along the east line of said northeast $\frac{1}{4}$ of Section 4 to the southwest corner of Section 34, Township 3 North, Range 9 East, (17) East 1.0 mile, more or less, along the south line of Section 34 to the southeast corner thereof, (18) South, along the west line of Section 2, Township 2 North, Range 9 East, to the center of the Bellota River Road, (19) Northeasterly along the center of said road to the east line of the Northwest $\frac{1}{4}$ of said Section 2, (20) North along said east line of the Northwest $\frac{1}{4}$ of said Section 2 to the Southwest corner of the Southeast $\frac{1}{4}$ of Section 35, Township 3 North, Range 9 East, (21) East $\frac{5}{16}$ mile, more or less, along the south line of Section 35 to the center of the

Bellota River Road, (22) Northeasterly $\frac{3}{4}$ mile, more or less, along the center of said road to a point on the south line of the North $\frac{1}{2}$ of Section 36, Township 3 North, Range 9 East, Mount Diablo Base and Meridian, (23) East $\frac{5}{8}$ mile, more or less, along the South line of said North $\frac{1}{2}$ of Section 36 to the County line between San Joaquin and Stanislaus Counties, (24) North $\frac{1}{2}$ mile, more or less, along said County line to the corner common to San Joaquin, Stanislaus and Calaveras Counties, (25) Northwesterly $\frac{1}{2}$ mile, more or less, along County Line between San Joaquin and Calaveras Counties to its intersection with the north line of the south $\frac{1}{2}$ of Section 25, Township 3 North, Range 9 East, (26) West, along said north line to the northwest corner of the Southwest $\frac{1}{4}$ of said Section 25, (27) South $\frac{1}{2}$ mile, more or less, to the Southwest corner of said Section 25, (28) West $\frac{1}{2}$ mile, more or less, to the Northwest corner of the Northeast $\frac{1}{4}$ of Section 35 of Township 3 North, Range 9 East, (29) South $\frac{1}{4}$ mile, more or less, to the Northeast corner of the South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of said Section 35, (30) West $\frac{1}{2}$ mile, more or less, to the Northwest corner of said South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of said Section 35, (31) South $\frac{1}{4}$ mile, more or less, to the Northeast corner of the South $\frac{1}{2}$ of Section 34, Township 3 North, Range 9 East, (32) West $1\frac{1}{2}$ miles, more or less, to a point in the center of the Linden Road at the center of Section 33, (33) Westerly $\frac{1}{2}$ mile, more or less, along the center of said Linden Road to its intersection with the west line of Section 33, Township 3 North, Range 9 East, (34) South $\frac{1}{2}$ mile, more or less, along the west line of Section 33 to the northeast corner of Section 5, Township 2 North, Range 9 East, (35) West $3\frac{1}{4}$ miles, more or less, along the north line of Sections 5 and 6 of Township 2 North, Range 9 East, and the north line of Sections 1 and 2 of Township 2 North, Range 8 East to the southwest corner of the East $\frac{1}{2}$ of the East $\frac{1}{2}$ of Section 35, Township 3 North, Range 8 East to a point on the boundary of that certain petition, dated May 14, 1953, for inclusion in the Stockton and East San Joaquin Water Conservation District; thence along the boundary described in said petition, dated May 14, 1953 the following eighteen (18) courses, (1) Northerly $\frac{3}{4}$ mile, more or less, along the westerly line of said East $\frac{1}{2}$ of the East $\frac{1}{2}$ of said Section 35 to the northeast corner of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 35, (2) Westerly 418.3 feet along the north line of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 35, (3) Northerly $\frac{1}{4}$ mile, more or less, along a line parallel with, 418.3 feet westerly of, measured at right angles to the west line of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 35 to intersection with the north line of said Section 35, (4) Westerly 1072.5 feet, more or less, along the north line of said Section 35 to the northwest corner of the East 5 acres of the Northeast $\frac{1}{4}$ of the Northwest

$\frac{1}{4}$ of said Section 35, (5) Southerly along the west line of said 5 acre tract to intersection with the north line of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 35, (6) Westerly along said north line to the Northwest corner of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 35, (7) Southerly 2645 feet, more or less, along the west line of the East $\frac{1}{2}$ of the West $\frac{1}{2}$ of said Section 35 to the Northeast corner of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 35, (8) Westerly 1324.5 feet, more or less, along the north line of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 35 to the northwest corner of said Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 35, (9) Northerly $1\frac{1}{4}$ miles, more or less, along the east line of Sections 34 and 27, Township 3 North, Range 8 East, Mount Diablo Base and Meridian, to the northeast corner of the Southeast $\frac{1}{4}$ of said Section 27, (10) Westerly $\frac{1}{4}$ mile, more or less, along the north line of said Southeast $\frac{1}{4}$ to the northwest corner of the Northeast $\frac{1}{4}$ of said Southeast $\frac{1}{4}$, (11) Southerly $\frac{1}{8}$ mile, more or less, along the west line of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section to the southeast corner of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 27, (12) Westerly $\frac{1}{8}$ mile, more or less, along the south line of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section to the northwest corner of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 27, (13) Southerly $\frac{1}{8}$ mile, more or less, along the west line of the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section to the southwest corner thereof, (14) Westerly $\frac{1}{8}$ mile, more or less, along the north line of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 27 to the northwest corner thereof, (15) Southerly $\frac{1}{4}$ mile, more or less, along the west line of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ to the southwest corner thereof, (16) Westerly $\frac{7}{8}$ mile, more or less, along the north line of Sections 34 and 33, Township 3 North, Range 8 East, Mount Diablo Base and Meridian to the northwest corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 33, (17) Southerly $\frac{1}{4}$ mile, more or less, along the west line of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section to the southwest corner thereof, and (18) Westerly $\frac{1}{4}$ mile, more or less, along the south line of the northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section to the southwest corner thereof being a point on said Stockton and East San Joaquin Water Conservation District boundary; thence along last said boundary the following four (4) courses, (1) Northerly $\frac{1}{4}$ mile, more or less, along the east line of the Northwest $\frac{1}{4}$ of said Section 33 to the Northeast corner of said Northwest $\frac{1}{4}$. (2) Westerly $\frac{1}{2}$ mile, more or less, along the north line of said Northwest $\frac{1}{4}$ to the northwest corner thereof, (3) Northerly $\frac{1}{2}$ mile, more or less, along the

east line of the Southeast $\frac{1}{4}$ of Section 29, Township 3 North, Range 8 East to the northeast corner of said Southeast $\frac{1}{4}$, and (4) Westerly $\frac{1}{2}$ mile, more or less, along the north line of said Southeast $\frac{1}{4}$ to the northwest corner thereof being a point on the centerline of Tully Road; thence leaving said Stockton and East San Joaquin Water Conservation District boundary the following seven (7) courses, (1) Southerly $2\frac{1}{2}$ miles, more or less, along said centerline of Tully Road to intersection with the centerline of Comstock Road, said intersection being at the southeast corner of the West $\frac{1}{2}$ of Section 5, Township 2 North, Range 8 East, Mount Diablo Base and Meridian, (2) Westerly $\frac{1}{4}$ mile, more or less, along said centerline of Comstock Road to intersection with Tully Road at the northeast corner of the West $\frac{1}{2}$ of the West $\frac{1}{2}$ of Section 8, Township 2 North, Range 8 East, Mount Diablo Base and Meridian, (3) Southerly 1.0 mile, more or less, along said centerline of Tully Road to intersection with the centerline of Baker Road at the southeast corner of said West $\frac{1}{2}$ of the West $\frac{1}{2}$ of Section 8, (4) Easterly 3.0 miles, more or less, along said centerline of Baker Road and the $\frac{1}{2}$ mile extension thereof to intersection with the centerline of Wall Road and being at the southeast corner of the West $\frac{1}{2}$ of the West $\frac{1}{2}$ of Section 11, Township 2 North, Range 8 East, Mount Diablo Base and Meridian, (5) Southerly $\frac{1}{2}$ mile, more or less, along said centerline of Wall Road to intersection with the centerline of Linden Road, (6) Northeasterly 1.3 miles, more or less, along said centerline of Linden Road to intersection with the centerline of Fine Road, and (7) Southerly $2\frac{1}{2}$ miles, more or less, along said centerline of Fine Road to the point of beginning,

Division No. 2

Beginning at a point on the Stockton and East San Joaquin Water Conservation District boundary, said point being the southwest corner of fractional Section 1, Township 1 North, Range 7 East, Mount Diablo Base and Meridian, and being a point on the easterly boundary of C. M. Weber Grant, said Stockton and East San Joaquin Water Conservation District boundary being described in notice of election for the organization of the Stockton and East San Joaquin Water Conservation District, held June 1, 1948; thence along said Stockton and East San Joaquin Water Conservation District boundary the following seven (7) courses, (1) Easterly $\frac{1}{2}$ mile, more or less, along the southerly line of said fractional Section 1 to the southeast corner thereof, said corner being on the centerline of Jack Tone Road, (2) Easterly 4.0 miles, more or less, along the south lines of Sections 6, 5, 4, and 3, Township 1 North, Range 8 East, to the southeast corner of said Section

3, (3) Northerly 1.0 mile, more or less, along the east line of said Section 3 to the southwest corner of Section 35, Township 2 North, Range 8 East, being a point on the centerline of Copperopolis Road, (4) Easterly 1.0 mile, more or less, along the south line of said Section 35 and being along said centerline of Copperopolis Road to the southeast corner of said Section 35, (5) Northerly $\frac{1}{2}$ mile, more or less, along the east line of said Section 35 to the southwest corner of the Northwest $\frac{1}{4}$ of Section 36, Township 2 North, Range 8 East, (6) Easterly $\frac{1}{2}$ mile, more or less, along the south line of said Northwest $\frac{1}{4}$ to the center of said Section 36 and being a point on the centerline of Fine Road, and (7) Northerly 1.0 mile, more or less, along the $\frac{1}{4}$ section line of Sections 36 and 25, Township 2 North, Range 8 East and along said centerline of Fine Road to the center of Section 25, Township 2 North, Range 8 East; thence leaving said Stockton and East San Joaquin Water Conservation District boundary the following nine (9) courses, (1) Northerly $2\frac{1}{2}$ miles, more or less, along the said centerline of Fine Road to intersection with the centerline of Linden Road, (2) Southwesterly 1.3 miles, more or less, along said centerline of Linden Road to intersection with the centerline of Wall Road, (3) Northerly $\frac{1}{2}$ mile, more or less, along said centerline of Wall Road to intersection with the easterly projection of the centerline of Baker Road at a point being the northeast corner of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 14, Township 2 North, Range 8 East, (4) Westerly $3\frac{1}{4}$ miles, more or less, along said easterly projection and said centerline of Baker Road to the northwest corner of Section 17, Township 2 North, Range 8 East, said projection and said centerline of Baker Road being along the north lines of Sections 14, 15, 16, and 17, Township 2 North, Range 8 East, (5) Southerly 1.7 miles, more or less, along the west lines of Sections 17 and 20 to a point on the said centerline of Linden Road, (6) Southwesterly 3.7 miles, more or less, along said centerline of Linden Road to intersection with the centerline of Alpine Road, (7) Southeasterly 0.8 mile, more or less, along said centerline of Alpine Road to intersection with the centerline of the Southern Pacific Railroad Company property, (8) Easterly $1\frac{3}{4}$ miles, more or less, along said centerline of the Southern Pacific Railroad Company property to a point on the northerly projection of said westerly line of fractional Section 1, Township 1 North, Range 7 East, and (9) Southerly $1\frac{1}{2}$ miles, more or less, along said northerly projection and said westerly line of fractional Section 1 to the point of beginning,

Division No. 3

Beginning at a point on the Stockton and East San Joaquin

Water Conservation District boundary, said point being the northeast corner of the Southwest $\frac{1}{4}$ of Section 29, Township 3 North, Range 8 East, Mount Diablo Base and Meridian, said Stockton and East San Joaquin Water Conservation District boundary being described in notice of election for the organization of the Stockton and East San Joaquin Water Conservation District, held June 1, 1948; thence along said Stockton and East San Joaquin Water Conservation District boundary the following four (4) courses, (1) Westerly $1\frac{1}{2}$ mile, more or less, along the $\frac{1}{2}$ Section lines of Sections 29 and 30, Township 3 North, Range 8 East to the northeast corner of the Southeast $\frac{1}{4}$ of Section 25, Township 3 North, Range 7 East, Mount Diablo Base and Meridian, (2) Westerly $3\frac{1}{2}$ miles, more or less, along the $\frac{1}{2}$ Section lines of Sections 25, 26, 27, and 28, Township 3 North, Range 7 East to intersection with the centerline of Alpine Road, (3) Southerly $1\frac{1}{2}$ miles, more or less, along said centerline of Alpine Road to intersection with the north line of Section 4, Township 2 North, Range 7 East, Mount Diablo Base and Meridian, and being on the centerline of Eight Mile Road, (4) Westerly 0.9 mile, more or less, along the north line of Sections 4 and 5, Township 2 North, Range 7 East and being along said centerline of Eight Mile Road to intersection with the centerline of Hildreth Road; thence Southerly $1\frac{1}{4}$ mile, more or less, along said centerline of Hildreth Road to intersection with centerline of Ashley Road; thence Southeasterly $1\frac{1}{4}$ mile, more or less, along said centerline of Ashley Road to intersection with centerline of the Calaveras River; thence Northeasterly 1.1 mile, more or less, along said centerline of the Calaveras River to intersection with centerline of Alpine Road; thence Southeasterly 3.7 miles, more or less, along said centerline of Alpine Road to intersection with the centerline of Linden Road; thence Northeasterly 3.7 miles, more or less, along said centerline of Linden Road to intersection with the west line of Section 20, Township 2 North, Range 8 East, Mount Diablo Base and Meridian; thence Northerly 1.7 miles, more or less, along said west line of Section 20 and along the west line of Section 17, Township 2 North, Range 8 East, Mount Diablo Base and Meridian to the northwest corner thereof, being a point on the centerline of Baker Road; thence Easterly $\frac{1}{4}$ mile, more or less, along the north line of said Section 17 and the centerline of Baker Road to intersection with the centerline of Tully Road at the southeast corner of the West $\frac{1}{2}$ of the West $\frac{1}{2}$ of Section 8, Township 2 North, Range 8 East, Mount Diablo Base and Meridian; thence Northerly 1.0 mile, more or less, along said centerline of Tully Road to intersection with the centerline of Comstock Road at the northeast corner of said West $\frac{1}{2}$ of West $\frac{1}{2}$ of Section 8; thence Easterly $\frac{1}{4}$ mile, more or less, along said centerline of

Comstock Road being along the south line of Section 5, Township 2 North, Range 8 East, Mount Diablo Base and Meridian to intersection with centerline of Tully Road at the southeast corner of the West $\frac{1}{2}$ of said Section 5; thence Northerly $2\frac{1}{2}$ miles, more or less, along said centerline of Tully Road and the $\frac{1}{2}$ Section line of said Section 5 and the $\frac{1}{2}$ Section lines of Sections 32 and 29, Township 3 North, Range 8 East, Mount Diablo Base and Meridian to the point of beginning,

Division No. 4

Beginning at a point on the Stockton and East San Joaquin Water Conservation District boundary, said point being on the intersection of the centerline of Hildreth Road and the north line of Section 5, Township 2 North, Range 7 East, Mount Diablo Base and Meridian, said Stockton and East San Joaquin Water Conservation District boundary being described in notice of election for the organization of the Stockton and East San Joaquin Water Conservation District, said election being held June 1, 1948; thence leaving said District boundary Southerly $1\frac{1}{4}$ mile, more or less, along said centerline of Hildreth Road to intersection with the centerline of Ashley Road; thence Southeasterly $1\frac{1}{4}$ mile, more or less, along said centerline of Ashley Road to intersection with the centerline of the Calaveras River; thence Southwesterly 3.0 miles, more or less, along said centerline of the Calaveras River to intersection with the centerline of Pacific Avenue; thence Northerly 1.2 mile, more or less, along said centerline of Pacific Avenue to intersection with the centerline of Robinhood Drive; thence Westerly 0.6 mile, more or less, along said centerline of Robinhood Drive to intersection with the centerline of Pershing Avenue; thence Northerly 0.2 mile, more or less, along said centerline of Pershing Avenue to intersection with the south line of Swain Oaks Manor; thence South $69^{\circ} 40'$ West 1652.20 feet along said south line of Swain Oaks Manor to the southwest corner thereof; thence North $02^{\circ} 35'$ West 112.62 feet along the west line of said Swain Oaks Manor to the north line of Section 29, Township 2 North, Range 6 East, Mount Diablo Base and Meridian; thence Westerly 1.0 mile, more or less, along said north line of Section 29 to the northwest corner thereof; thence Southerly $\frac{1}{2}$ mile, more or less, along the west line of said Section 29 to intersection with the centerline of Fourteen Mile Slough (formerly called Twelve Mile Slough); thence Southerly and Westerly $\frac{1}{2}$ mile, more or less, along said centerline of Fourteen Mile Slough to a point on the City Limits line; thence Westerly, Northwesterly, Northerly and Northeasterly 1.3 miles, more or less, along said centerline of

Fourteen Mile Slough and said City Limits line to intersection with the west line of Section 19, Township 2 North, Range 6 East, Mount Diablo Base and Meridian; thence Northerly 0.5 mile, more or less, along said west line of Section 19 and said City Limits line to the southeasterly corner of Mitchell Siough-Wright Tract Annexation—A-7-67; thence Westerly, Northerly, and Easterly 1.3 miles, more or less, along the City Limits line established by said Annexation—A-7-67 and by the Wright Tract Annexation—A-1-62 to the northwest corner of said Section 19; thence Easterly 1900 feet, more or less, along the north line of said Section 19 and said City Limits line to the southeast corner of the Shima Tract; thence leaving said City Limits line Northerly 6600 feet, more or less, along the easterly boundary of said Shima Tract to a corner thereof; thence Westerly 1500 feet, more or less, along the northerly boundary of said Shima Tract to the southeast corner of the Atlas Tract; thence Northerly 3800 feet, more or less, along the easterly boundary of said Atlas Tract to the southwest corner of Section 6, Township 2 North, Range 6 East, Mount Diablo Base and Meridian; thence Northerly 1.0 mile, more or less, along the west line of said Section 6 to the northwest corner thereof; thence Easterly $7\frac{3}{4}$ miles, more or less, along the north line of said Township and Range and along the north line of Township 2 North, Range 7 East, Mount Diablo Base and Meridian, to the point of beginning,

Division No. 5

Beginning at a point on the Stockton and East San Joaquin Water Conservation District boundary, said point being the southwest corner of fractional Section 1, Township 1 North, Range 7 East, Mount Diablo Base and Meridian, and being a point on the easterly boundary of C. M. Weber Grant, said Stockton and East San Joaquin Water Conservation District boundary being described in notice of election for the organization of the Stockton and East San Joaquin Water Conservation District, held June 1, 1948; thence Northerly $1\frac{1}{2}$ mile, more or less, along the westerly line of said fractional Section 1 and the northerly projection thereof to intersection with the centerline of the Southern Pacific Railroad Company property; thence Westerly $1\frac{3}{4}$ miles, more or less, along said centerline of the Southern Pacific Railroad Company property to intersection with the centerline of Alpine Road; thence Northwesterly $4\frac{1}{2}$ miles, more or less, along said centerline of Alpine Road to intersection with the centerline of the Calaveras River; thence Westerly 5.1 miles, more or less, along said centerline of the Calaveras River to intersection with the centerline of the Stockton Diverting Canal; thence Southeasterly $\frac{3}{4}$ mile, more or less, along said

centerline of the Stockton Diverting Canal to intersection with the centerline of North Wilson Way; thence Southerly $4\frac{1}{2}$ miles, more or less, along the centerline of North Wilson Way and South Wilson Way to intersection with the centerline of Charter Way; thence Easterly $1\frac{3}{4}$ miles, more or less, along said centerline of Charter Way to intersection with the centerline of State Highway 99; thence Northerly 0.6 mile, more or less, along said centerline to the centerline of Washington Street; thence Easterly 1.4 miles, more or less, along said centerline of Washington Street to intersection with the centerline of the Stockton Diverting Canal; thence Southeasterly 0.8 mile, more or less, along said centerline of the Stockton Diverting Canal to intersection with the centerline of Copperopolis Road; thence Southwesterly 0.1 mile, more or less, along said centerline of Copperopolis Road to intersection with Gillis Road; thence Southerly $\frac{7}{8}$ mile, more or less, along said centerline of Gillis Road to a point on the boundary of said Stockton and East San Joaquin Water Conservation District, on the south line of State Highway Route 4 (Farmington Road); thence Easterly $1\frac{1}{4}$ mile, more or less, along said south line to intersection with the north line of fractional Section 11, Township 1 North, Range 7 East, Mount Diablo Base and Meridian and being also the southerly boundary of C. M. Weber Grant; thence Easterly $1\frac{1}{8}$ mile, more or less, along said southerly boundary of C. M. Weber Grant to a point where the Farmington Road turns southeasterly; thence North 80.0 feet to a point on the northerly line of a private roadway 80.0 feet in width; thence Easterly $\frac{1}{4}$ mile, more or less, along the northerly line of said roadway to a point on the westerly line of the Northeast $\frac{1}{4}$ of Section 12, Township 1 North, Range 7 East, Mount Diablo Base and Meridian, said point being on the easterly line of the C. M. Weber Grant and distant 80.0 feet northerly from the center of said Section 12; thence Northerly $\frac{1}{2}$ mile, more or less, along said easterly boundary of C. M. Weber Grant to the point of beginning,

Division No. 6

Beginning at the northeast corner of Section 58, C. M. Weber Grant, said corner being a point on the boundary of the Central San Joaquin Water Conservation District; thence along said Central San Joaquin Water Conservation District boundary the following four (4) courses, (1) Southerly along the west line of Sections 68, 69, and 70 of said C. M. Weber Grant to the southerly line of said Grant being also the north line of Section 28, Township 1 North, Range 7 East, Mount Diablo Base and Meridian; (2) Westerly along said Weber Grant line and along said north line of Section 28 to the

northwest corner of said Section 28; (3) Southerly along the west line of said Section 28 to intersection with the south line of Section 59, C. M. Weber Grant, and (4) Westerly along the said south line of Section 59 to a point on the easterly right-of-way line of Highway 99; thence Southerly 3.4 miles, more or less, along said easterly right-of-way line of Highway 99 to the intersection of said easterly right-of-way with the southwesterly boundary of French Camp Road, also known as French Camp Toll Road or Turnpike; thence Northwesterly 3 miles, more or less, along said southwesterly boundary of French Camp Road to the westerly right-of-way line of the Western Pacific Railroad Company property; thence Southerly 1.8 miles, more or less, along said westerly right-of-way to a point on the southerly line of Section P of C. M. Weber Grant; thence Westerly 1.2 miles, more or less, along the south line of said C. M. Weber Grant to the northeast corner of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 14, Township 1 South, Range 6 East, Mount Diablo Base and Meridian, said corner being a point in the boundary of Reclamation District No. 17; thence Westerly 0.75 mile, more or less, along the boundary of said Reclamation District No. 17 to the southeast corner of fractional Section 10 of said Township and Range and being the southwest corner of the C. M. Weber Grant; thence along the boundary of said Reclamation District No. 17 and the boundary of said C. M. Weber Grant the following four (4) courses, (1) Northerly 232.41 chains, more or less, along the easterly boundary of fractional Sections 10 and 3 of said Township and Range and along the easterly boundary of fractional Section 34, Township 1 North, Range 6 East, Mount Diablo Base and Meridian to the northeast corner of said fractional Section 34, (2) East 20 chains, (3) North 40 chains, and (4) East 1076 feet; thence leaving said C. M. Weber Grant boundary and continuing along the boundary of said Reclamation District No. 17 the following five (5) courses, (1) North 255.64 feet, (2) North $89^{\circ} 15'$ East 364.98 feet, (3) North $66^{\circ} 30'$ East 1246.34 feet to a point on the west line of said French Camp Road, (4) Northerly 1850 feet, more or less, along said west line of French Camp Road to the south bank of French Camp Slough, and (5) Westerly 1.75 mile, more or less, continuing along said boundary of Reclamation District No. 17 to the right or easterly bank of the San Joaquin River; thence Northwesterly 1.1 mile, more or less, downstream along said right or easterly bank of the San Joaquin River to intersection with the centerline of State Highway 4; thence Easterly $1\frac{1}{4}$ miles, more or less, along said centerline of Highway 4 to intersection with the centerline of Charter Way; thence Easterly $3\frac{1}{2}$ miles, more or less, along said centerline of Charter Way to intersection with centerline of State Highway

99; thence Northerly 0.6 mile, more or less, along said centerline of State Highway 99 to intersection with centerline of Washington Street; thence Easterly 1.4 miles, more or less, along said centerline of Washington Street to intersection with the centerline of the Stockton Diverting Canal; thence Southeasterly 0.8 mile, more or less, along said centerline of the Stockton Diverting Canal to intersection with the centerline of Copperopolis Road; thence Southwesterly 0.1 mile, more or less, along said centerline of Copperopolis Road to intersection with Gillis Road; thence Southerly $\frac{7}{8}$ mile, more or less, along said centerline of Gillis Road to a point on the Stockton and East San Joaquin Water Conservation District boundary on the south line of Farmington Road, said Stockton and East San Joaquin Water Conservation District boundary being described in notice of election for the organization of the Stockton and East San Joaquin Water Conservation District, said election being held on June 1, 1948; thence along said Stockton and East San Joaquin Water Conservation District boundary the following three (3) courses, (1) Westerly $\frac{1}{4}$ mile, more or less, along said south line of Farmington Road to intersection with the easterly line of Section 67, C. M. Weber Grant, (2) Southerly 0.4 mile, more or less, along said easterly line of Section 67 to the southeast corner thereof, and (3) Westerly 0.9 mile, more or less, along the southerly line of said Section 67 to the point of beginning,

Division No. 7

Beginning at the point of intersection of the centerline of the Calaveras River with the centerline of Pacific Avenue, said point being on the Stockton and East San Joaquin Water Conservation District boundary, said Stockton and East San Joaquin Water Conservation District boundary being described in notice of election for the organization of the Stockton and East San Joaquin Water Conservation District, said election being held June 1, 1948; thence Easterly 2.0 miles, more or less, meandering the centerline of the Calaveras River upstream to intersection with centerline of the Stockton Diverting Canal; thence Southeasterly $\frac{3}{4}$ mile, more or less, along said centerline of Stockton Diverting Canal to intersection with the centerline of North Wilson Way; thence Southerly $4\frac{1}{2}$ miles, more or less, along the said centerline of North Wilson Way and the centerline of South Wilson Way to intersection with the centerline of State Highway 4; thence Westerly 3.5 miles, more or less, along said centerline of State Highway 4 to intersection with the right or easterly bank of the San Joaquin River; thence Southerly 0.1 mile, more or less, along said right or easterly bank of the San Joaquin River to a point bearing East 500 feet, more or less,

from the southeast corner of the 3.55 acre parcel of Oxidation Pond Annexation No. 3—A-1-66; thence West 500 feet, more or less, to said southeast corner; thence Westerly 1.6 miles, more or less, along the Stockton City Limits line to the easterly line of Dagget Road; thence Northerly 1.0 mile, more or less, along said easterly line of Dagget Road and along the Stockton City Limits line to a point on the centerline of Burns Cutoff; thence in a general westerly, northerly, and northeasterly direction 3.09 miles, more or less, along said centerline of Burns Cutoff to intersection with the centerline of the Stockton Deep Water Channel; thence Northwesterly 0.9 mile, more or less, along said centerline of the Stockton Deep Water Channel to centerline Station 286+00, said Station 286+00 bearing Southwesterly 375 feet at right angles to said centerline from U.S.E.D., B.M. 4008; thence Northeasterly 300 feet, more or less, at right angles to said centerline to a point on the southerly boundary of the Elmwood Tract; thence Easterly and Northerly 1.9 mile, more or less, along the southerly and easterly boundary of said Elmwood Tract to the point of intersection of said easterly boundary with the southerly levee of Fourteen Mile Slough (formerly called Twelve Mile Slough); thence North 500 feet, more or less, to the Stockton City Limits line, said City Limits line being along the centerline of said Fourteen Mile Slough; thence Easterly 1.2 mile, more or less, along said centerline of Fourteen Mile Slough to intersection with the West line of Section 29, Township 2 North, Range 6 East, Mount Diablo Base and Meridian; thence Northerly $\frac{1}{8}$ mile, more or less, along said west line to the northwest corner of said Section 29; thence Easterly 1.0 mile, more or less, along the North line of said Section 29 to intersection with the west line of Swain Oaks Manor; thence South $02^{\circ} 35'$ East 112.62 feet along the west line of said Swain Oaks Manor to the southwest corner thereof; thence North $69^{\circ} 40'$ East 1652.20 feet along the south line of said Swain Oaks Manor to the centerline of Pershing Avenue; thence Southerly 0.2 mile, more or less, along said centerline of Pershing Avenue to intersection with the centerline of Robinhood Drive; thence Easterly 0.6 mile, more or less, along said centerline of Robinhood Drive to intersection with the centerline of Pacific Avenue; thence Southerly 1.2 miles, more or less, along said centerline of Pacific Avenue to the point of beginning,

After the effective date of this section the division boundaries may be further relocated pursuant to the procedures set forth in Chapter 3 (commencing at Section 74430) of Part 4 of Division 21 of the Water Code, but no such relocation of division boundaries shall occur until four years after the effective date of this section, except that the board shall be authorized pursuant to the provisions of Section 74433

of the Water Code to relocate the boundaries of the divisions established by this section to the extent of any exclusion of land, including, but not limited to, any exclusion as a result of an election held pursuant to Section 24 of this act, and any inclusion of land or annexation of land to the district. This section shall not take effect until the adoption, pursuant to Section 26, of a resolution including one or more planning areas into the district.

SEC. 34. Notwithstanding the provisions of Sections 74019 and 74202 of the Water Code and Sections 23506 and 23509 of the Elections Code and any other provisions of law in conflict with this section, directors shall be elected as provided in this section. In all other respects the election of directors and the holding of office by directors and the expiration of their terms of office shall be governed by Division 21 (commencing at Section 74000) of the Water Code and the Uniform District Election Law. The general district election shall be held on the second Tuesday of October in each odd-numbered year and not on the first Tuesday after the first Monday in November in each odd-numbered year. This section shall not take effect until January 1, 1972.

SEC. 35. Upon the annexation of any territory to the City of Stockton not within the district, such territory shall automatically be included within the district and such inclusion shall take effect upon the effective date of the annexation of such territory to the City of Stockton. Upon the inclusion of any territory pursuant to this section, such territory shall be an additional planning area and shall be in the partial tax area, subject to the provisions of Section 27 as to inclusion in the full tax area. It shall not be necessary to undertake a benefit review procedure solely for the purpose of reviewing an area included within the district as an additional planning area pursuant to this section, but such additional planning area shall be reviewed at the time of subsequent benefit review procedures.

SEC. 36. Parcels of land within any planning area shall be excluded from paying all ad valorem taxes assessed by the district during any fiscal year (July 1 to June 30) following a preceding period extending from November 1 of any year to the next succeeding October 31 during which there was utilized on such a parcel for irrigated agricultural crops water taken from any watercourse which is located within the boundaries of the Delta Water Agency as the boundaries of the Delta Water Agency are presently defined by Section 10.1 of the Delta Water Agency Act of 1968 (Chapter 419 of the Statutes of 1968, as amended by Chapter 285 of the Statutes of 1969) or from the distribution system of the Woodbridge Irrigation District or from any watercourse entirely outside the boundaries of the district prior to the effective date of this

act, if less than 50 percent of such a parcel's water supply during such a subject period is extracted from the underground. This section shall be implemented by rule adopted by the board and any owner of a parcel desiring to take advantage of this section shall file such reports with the board as the board may require by rule. It shall be the duty of the secretary to annually file a statement as to all parcels to which this section is applicable, as provided by Chapter 8 (commencing at Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 37. The provisions of this act, insofar as they are substantially the same as existing law, are restatements and continuations of existing law and not new enactments.

SEC. 38. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There is an urgent need to provide treated water within the Stockton-East Water District and facilities for such purpose cannot be adequately planned and initiated until such time as the extent of the jurisdiction of the district is determined. In order, therefore, to permit the provision of urgently needed water within the district at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 820

An act to amend Sections 6 and 19 of, and to add Section 16.5 to, the San Diego County Flood Control District Act (Chapter 55 of the Statutes of 1966, First Extraordinary Session), relating to the San Diego County Flood Control District.

[Approved by Governor September 29, 1971. Filed with
Secretary of State September 29, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 6 of the San Diego County Flood Control District Act (Chapter 55 of the Statutes of 1966, First Extraordinary Session) is amended to read:

Sec. 6. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual existence.
2. To sue and be sued in the name of the district.
3. To adopt a seal and alter it at pleasure.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation or otherwise, and to hold, use, enjoy,

sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, excepting water rights owned by a public corporation or agency without the consent of such public corporation or agency, and to construct, maintain, alter and operate any and all projects or works of improvement, within or without the district, necessary or proper to carry out any of the objects or purposes of this act, or convenient to the full exercise of its powers, and to construct, complete, extend, add to, alter, remove, reconstruct, repair or otherwise improve any projects or works of improvement, or property acquired by it as authorized by this act

5. To control the flood and storm waters of the district, and the flood and storm waters of streams that have their source outside of the district, but which streams and the flood waters thereof flow into the district, and to conserve such waters for beneficial and useful purposes within the district by retarding, spreading, storing, retaining and causing the same to percolate into the soil within or without the district, or to save and conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district; provided, that water rights now existing, public or private, be not thereby taken or damaged without compensation; provided further, that none of the provisions of this act shall in any manner limit or preclude the full exercise by any county, city, district, public or municipal authority, agency or corporation, or any political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising any of its powers, although such be of the same nature as the powers of the district. Any such other public entity may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other public entity has an interest, or for the use, or joint use, of property or facilities in which the district has an interest.

6 To cooperate and to act in conjunction with or contribute funds to, the United States or the State of California, or any of their engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of San Diego, or with any public agency or district, in the construction of any projects or works of improvement for the controlling of flood or storm waters of or flowing into the district, or for the protection of life or property therein, or for the purposes of conserving said waters for beneficial use within said district, or for the protection of beaches and shorelines from erosion, or for the restoration of beaches and shorelines, or in any other works, acts or purposes provided for herein, and to adopt and carry out any definite plan or system of projects or works of improvement for any such purpose; and to enter into, and to do any and all acts necessary or proper for the performance of, any agreement with, or necessary to comply with any act of authorization of,

the United States, or any state, county or district of any kind, or necessary and proper for the performance of any agreement with any public or private corporation, association, firm or individual, or any number of them, for the joint financing, acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, projects or works of improvement, or other property of any kind which might be lawfully acquired or owned by the district.

7. To acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned by the district, and to grant to any person the right to carry any water owned by such person through any tunnel, canal, ditch or conduit of the district; provided, that the district shall not acquire any such rights from a municipality or public water agency or district other than with the consent of such municipality or public water agency or district.

8. To carry on technical and other investigations of all kinds, make measurements, collect data, and to make analyses, studies, and inspections pertaining to water supply, water rights, ocean currents, tides, erosion, control of floods, and use of water, and to make surveys, studies, and maps and plats relative to the location of necessary projects and works of improvement including but not limited to dams, levees, channels, conduits, canals, pipelines, roadways and other rights-of-way, and relative to the acquisition of lands, or interests therein, and other property; provided, that the foregoing powers may be exercised by the district to the extent necessary to accomplish the purposes of this act; and further provided, that the district has the right of access, and may enter upon any lands within or without the district, irrespective of the ownership of such lands, with or without the permission of the owner of such lands, in order to accomplish the acts authorized by this section, or any of them, and such entry by the district or by its authorized representative shall not constitute, nor give rise to, any cause of action in favor of the owner or owners of such land except for injuries resulting from negligence, wantonness, or malice.

Whenever a project or work of improvement is contemplated due consideration shall be given to the location of existing sewage lines and to the possible locations of future sewage lines, and the district shall solicit the recommendations of public sewage disposal agencies in order that district facilities may be located equitably in light of such sewage lines.

9. To incur indebtedness and to issue bonds in the manner hereinafter provided.

10. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

11. To make contracts, to employ labor, to employ expert appraisers, consultants and technical advisors and assistants, and to do all acts necessary for the full exercise of all powers vested by this act in said district or in any of the officers thereof.

12. The district has and may exercise the right of eminent domain within the County of San Diego, either within or without the district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or public corporation or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles or other property of any public utility or public corporation or district which is required to be moved to a new location; and provided further, that notwithstanding any provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated; and provided further, that no right shall exist in the district to take by proceedings in eminent domain any water rights appropriated to public use by any existing municipal corporation, water district, or other public agency. The district shall also have the right to and may condemn, within the County of San Diego, any existing works or improvements in the district or along streams flowing into the district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in the district or along streams flowing into the district from damage from such flood or storm waters, or to protect beaches or shorelines from erosion or to restore such beaches or shorelines, and it is hereby declared that the use of the property, lands, rights-of-way, easements or materials which may be condemned, taken or appropriated under the provisions of this act is a public use subject to the regulation and control of the State of California in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize the district or any person to divert the waters of any river, creek, stream, irrigation system, canal or ditch or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement or interest in any real property which the board by resolution shall determine is necessary for carrying out the purposes of this act.

Before property can be taken it must appear:

1. That the use to which it is to be applied is a use authorized by this act; and

2. That the taking is necessary to such use; provided, when the board, by resolution adopted by vote of two-thirds of all its members, has found and determined that the public interest and necessity require the acquisition, construction or completion by the district of some project or work of improvement, and that the property described in such resolution is necessary therefor, such resolution shall be conclusive evidence:

(a) Of the public necessity for such proposed project or work of improvement;

(b) That such property is necessary therefor, and

(c) That such proposed project or work of improvement is planned or located in the manner which will be most compatible with the greatest public good, and the least private injury; provided, however, that said resolution shall not be such conclusive evidence in the case of the taking by the district of property located outside of the territorial limits thereof.

Whenever land is to be condemned by the district for any of the uses and purposes permitted by law, and the taking of a part of a parcel of land would leave the remainder thereof in such size or shape or condition as to require the district to pay in compensation for the taking of such part an amount equal to the fair and reasonable value of the whole parcel, the resolution of the board may provide for the taking of the whole of such parcel and upon the adoption of any such resolution it shall be deemed necessary for the public use, benefit, safety, economy, and general welfare that the district acquire the whole of such parcel.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose authorized by this act, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the district.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing municipal corporation, water district or other public agency providing water to the public or as affecting the absolute control of any properties of such municipal corporation, water district or public agency necessary for such water supply, and nothing herein contained shall be construed as vesting any power of control over such properties in the district or any officer thereof, or in any person referred to in this act, except to the extent consented thereto by such municipal corporation, water district or public agency.

13. To plan, improve, operate, maintain, and keep in a sanitary condition a system of public parks, playgrounds, beaches, swimming areas, and other facilities for public recreation, for the use and enjoyment of all the inhabitants of the

district, as an incident to the carrying out of the projects and works of improvement of the district and on land acquired or used for the flood control, drainage, beach or shoreline erosion control, or water conservation purposes of this act; to construct, maintain, and operate any other amusement or recreational facilities on such lands, including picnic grounds and equipment incidental thereto, bathhouses, golf courses, tennis courts, and other special amusements and forms of recreation; to fix and collect reasonable fees for the use by the public of any such special facilities, services or equipment; and to adopt such rules and regulations as in the discretion of the board are necessary to the orderly operation and control of the use by the public of such lands and facilities for recreational purposes; provided, however, that the district shall not, for the purposes specified in this subsection, interfere with the control or operation of any existing public park, playground, beach, swimming area, parkway, recreational ground, or other public property, owned or controlled by any other district, county or municipal corporation, except with the consent of the governing body of such district, county or municipal corporation, and upon such terms as may be mutually agreed upon between the board and such governing body; and further provided, that no such recreational facility shall be established in any city or in the unincorporated territory of a county without the consent of the governing body of such city or county, and further provided, that if any such recreational facility is located within the unincorporated territory of a county then that county, or if any such recreational facility is located within the corporate limits of any city then that city, by resolution duly passed by the governing body of such county or city, may assume the management and control of such recreational facility, in which event such county or city shall establish and collect nondiscriminatory fees and charges for the use of such recreational facility and may establish rules and regulations pertaining to such recreational facility, and the county or city annually shall deduct from such fees and charges an amount sufficient to reimburse the county or city for the costs and expenses incurred in such management and control of such recreational facility, and shall pay over to the district, for use for general district purposes, all money collected in excess of the amount necessary for such reimbursement.

14. The powers herein granted shall include the design, construction, or maintenance of any levees, seawalls, groins, breakwaters, jetties, outlets, channels, harbors, basins, or other projects or works of improvement pertaining thereto for the protection of shoreline or beaches.

15. To lease, sell or dispose of any property or interest therein whenever, in the judgment of the board, said property or said interests therein or part thereof is no longer required for the purposes of the district, or may be leased for any purpose without interfering with the use of such property for the purposes of the district, and to pay any compensation received

therefor into the general fund of the district and use the same for the purposes of this act; provided, however, that nothing herein contained shall authorize the board or any officer of said district to sell, lease or otherwise dispose of any water, water right, reservoir space or storage capacity or any interest or space therein, except to public agencies for recreational purposes or except as heretofore provided in subsection 6 of this section, or except, in the discretion of the board, as is necessarily incidental to the accomplishment of the purposes of this act or to the public welfare; provided, however, that the district may grant and convey to the United States, or to any federal agency authorized to accept and pay for such land or interests in land, all lands and interests in land, now owned or hereafter acquired, lying within any channel, dam, or reservoir site, or shoreline or beach, improved and constructed, in whole or in part, with federal funds, upon payment to the district of sums equivalent to actual expenditures made by it in acquiring the lands and interests in land so conveyed, and in improving such lands and interests in land, deemed reasonable in the discretion of the board.

16. To grant or otherwise convey to counties, cities and counties, cities, the State of California or the United States easements for street and highway purposes over, along, upon, in, through, across or under any real property owned by the district.

17. To remove, carry away and dispose of any rubbish, trash, debris, or other inconvenient matter that may be dislodged, transported, conveyed, or carried by means of, through, in or along the works and structures operated or maintained hereunder and deposited upon the property of the district or elsewhere.

18. Notwithstanding any provision of this act, the district shall not have the power to compete with water selling or distribution agencies, either public or private, by selling or distributing water to consumers for domestic, agricultural or industrial use; provided, however, that the district shall have the power to sell to water agencies, either public or private, such surplus water as it may accumulate.

19. To establish by ordinance and maintain building setback lines along the banks of any river, creek, stream, or other waterway, in any case where the board determines that such setback line is necessary to prevent impediment of the natural flow of water or to prevent damage from flooding, bank caving, or erosion related to the property on which the setback is established.

The landowner may submit an engineered alternative to the setback for approval by the board.

20. To do all acts necessary to participate in all programs authorized by the federal government whereby federal funds are granted to the district or any of its residents for purposes of health, education, welfare, public works, or community improvement, including, without limitation thereto, contracting

and cooperating with the federal government, the state or its agencies, other local public agencies, and private persons and corporations, and to make any expenditure of district funds required for such participation.

SEC. 2. Section 16.5 is added to the San Diego County Flood Control District Act (Chapter 55 of the Statutes of 1966, First Extraordinary Session) to read:

Sec. 16.5. The district or any zone, subzone or special drainage area may borrow funds from the County of San Diego or from any other governmental agency authorized to loan the same or from any private source for any district purpose. The amount of indebtedness to be so incurred shall not exceed an aggregate amount equal to one-half of 1 percent of the assessed valuation of the taxable property within the district, the zone, subzone or special drainage area for whose benefit the money is borrowed and may be repaid in approximately equal installments, including interest, during the period not to exceed five years from the date which such indebtedness is incurred and shall bear interest at a rate not exceeding 7 percent per annum payable annually or semiannually or part annually and part semiannually. Such indebtedness shall be authorized by resolution adopted by the affirmative votes of at least four-fifths of the members of the district board and shall be evidenced by a promissory note or notes signed by at least four-fifths of the members of the district board. At the time of making the general tax levy after incurring each such indebtedness and annually thereafter until such indebtedness is paid, or until there is a sum in the treasury set apart for that purpose sufficient to meet all payments of principal and interest on such indebtedness as they become due, a tax shall be levied and collected sufficient to pay the interest on such indebtedness and such part of the principal as would become due before the proceeds of the tax levied at the next general tax levy will be available. The indebtedness authorized to be incurred by this section shall be in addition to, and the provisions of this section shall not apply to, any bonded indebtedness otherwise incurred pursuant to the provisions of this act.

SEC. 3. Section 19 of the San Diego County Flood Control District Act (Chapter 55 of the Statutes of 1966, First Extraordinary Session) is amended to read:

Sec. 19. Subject to the provisions of this act, the board shall prescribe by resolution the form of said bonds and of the interest coupons attached thereto, which resolution must include a designation of the zone or participating zone affected. Said bonds shall be payable annually or semiannually, at the discretion of the board, each and every year on a day and date and at a place to be fixed by said board and designated in such bonds, together with the interest on all sums unpaid on such date, until the whole of said indebtedness shall have been paid.

The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds

of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. The board may fix a date, not more than two years from the date of issuance, for the earliest maturity of each issue or series of bonds. Beginning with the date of the earliest maturity of each issue or series, not less than one-fortieth of the indebtedness of such issue or series shall be paid every year. The final maturity date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series.

The bonds shall be issued in such denomination as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars (\$100), nor of a greater denomination than one thousand dollars (\$1,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of 7 percent per annum, and shall be made payable annually or semiannually. Said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor or treasurer of said district, and the seal of said district shall be affixed thereto by the clerk of the board. Either or both such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor or treasurer by his printed, engraved or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officers had remained in office until the delivery of the bonds.

CHAPTER 821

An act to amend Section 19955 of, and to add Section 19955.5 to, the Health and Safety Code, relating to public accommodations.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 19955 of the Health and Safety Code is amended to read:

19955. The purpose of this part is to insure that public accommodations or facilities constructed in this state with private funds adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of Title 1 of the Government Code. For the purposes of this part "public accommodation or facilities" means a building, structure, facil-

ity, complex, or improved area which is used primarily by the general public as a place of gathering or amusement, and shall include auditoriums, theaters, restaurants, hotels, motels, stadiums, and convention centers.

SEC. 2. Section 19955.5 is added to the Health and Safety Code, to read:

19955.5. All passenger vehicle service stations, shopping centers and office buildings constructed in this state with private funds shall adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of Title 1 of the Government Code. As used in this section "office building" means a building or structure of more than 10,000 square feet of gross floor area wherein commercial activity or service is performed or a profession is practiced, or wherein any combination thereof is performed or practiced in all or the majority of such building or structure.

In multistoried buildings, floors or levels above and below the first floor or ground level are exempt from the requirements of this section if a ramp or elevator is not available to provide public access to such floors or levels.

CHAPTER 822

An act to amend Section 5408 of the Labor Code, relating to workmen's compensation.

[Approved by Governor September 29, 1971. Filed with
Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5408 of the Labor Code is amended to read:

5408. If an injured employee or, in the case of his death, any of his dependents, is under 21 years of age, except a person who has reached the age of majority as defined in Section 25 of the Civil Code or incompetent at any time when any right or privilege accrues to such employee or dependent under this division, a general guardian, appointed by the court, or a guardian ad litem or trustee appointed by the appeals board may, on behalf of the employee or dependent, claim and exercise any right or privilege with the same force and effect as if no disability existed.

No limitation of time provided by this division shall run against any person under 21 years of age, except a person who has reached the age of majority as defined in Section 25 of the Civil Code or any incompetent unless and until a guardian or trustee is appointed. The appeals board may determine the fact of the minority or incompetency of any injured employee and may appoint a trustee to receive and disburse compensation payments for the benefit of such minor or incompetent and his family.

CHAPTER 823

An act to add Section 23004.4 to the Government Code, relating to counties.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 23004.4 is added to the Government Code, to read:

23004.4. A county may provide insurance coverage for persons operating foster home facilities licensed pursuant to Chapter 1 (commencing with Section 16000) of Part 4 of Division 9 of the Welfare and Institutions Code against any third-party liability for injuries or damages resulting from the acts or omissions of any child placed in such facility by the county.

CHAPTER 824

An act to amend Section 7451 of the Education Code, relating to regional occupational centers.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 7451 of the Education Code is amended to read:

7451. The county superintendent of schools of each county, with the consent of the State Board of Education, may establish and maintain, or with one or more counties may establish and maintain, at least one regional occupational center, or regional occupational program, in the county to provide education and training in vocational courses. The governing boards of any school districts maintaining high schools in the county may, with the consent of the State Board of Education and of the county superintendent of schools, cooperate in the establishment and maintenance of a regional occupational center, or regional occupational program, except that if such a school district also maintains five hundred (500) or more schools its governing board may establish and maintain one or more regional occupational centers, or regional occupational programs, without such restrictions. A regional occupation center or regional occupation program may be established by two or more school districts maintaining high schools through the use of the staff and facilities of a community college or community colleges serving the same geographic area as the school districts maintaining the high schools, with the consent of the State Board of Education and the county superintendent of schools. The establishment and maintenance of a regional occupational center, or regional occupational program, by two or

more school districts may be undertaken pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code. If a school district or school districts establish and maintain such a regional occupational center, or regional occupational program, pursuant to this chapter, the county superintendent of schools may, with the consent of the State Board of Education, establish and maintain a separate regional occupational center or centers, or regional occupational program or programs.

SEC. 2. Section 7451 of the Education Code is amended to read:

7451. The county superintendent of schools of each county, with the consent of the State Board of Education, may establish and maintain, or with one or more counties may establish and maintain at least one regional occupational center, or regional occupational program, in the county to provide education and training in vocational courses. The governing boards of any school districts maintaining high schools in the county may, with the consent of the State Board of Education and of the county superintendent of schools, cooperate in the establishment and maintenance of a regional occupational center, or regional occupational program, except that if such a school district also maintains five hundred (500) or more schools its governing board may establish and maintain one or more regional occupational centers, or regional occupational programs, without such restrictions. A regional occupational center or regional occupational program may be established by two or more school districts maintaining high schools through the use of the staff and facilities of a community college or community colleges serving the same geographic area as the school districts maintaining the high schools, with the consent of the State Board of Education and the county superintendent of schools. The establishment and maintenance of a regional occupational center, or regional occupational program, by two or more school districts may be undertaken pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code. If a school district or school districts establish and maintain such a regional occupational center, or regional occupational program, pursuant to this chapter, the county superintendent of schools may, with the consent of the State Board of Education, establish and maintain a separate regional occupational center or centers, or regional occupational program or programs.

Notwithstanding other provisions of this section, a single school district located in a class 1 county, as defined in Section 756, and having an average daily attendance of 50,000 or more, may apply to the State Board of Education through the county superintendent of schools for permission to establish a regional occupational center. The State Board of Education shall, within 90 days of receipt of an application, prescribe a procedure whereby the district may establish a center in accordance with its application and in compliance with the

provisions of the State Plan for Vocational Education. The county superintendent of schools shall supervise establishment of the center.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 274 are both chaptered and amend Section 7451 of the Education Code, and this bill is chaptered after Senate Bill No. 274, that the amendments to Section 7451 proposed by both bills be given effect and incorporated in Section 7451 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 274 are both chaptered, both amend Section 7451, and Senate Bill No. 274 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 825

An act to amend Section 30820 of the Public Utilities Code, to amend Section 37004 of, and to repeal Article 2 (commencing with Section 37021) of Part 17 of Division 2 of, and to add Section 7272.8 to, and to add Article 2 (commencing with Section 37021) to Part 17 of Division 2 of, the Revenue and Taxation Code, relating to transactions and use taxes.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 30820 of the Public Utilities Code is amended to read:

30820. In addition to the power of taxation granted by Article 1 (commencing with Section 30800) of this chapter and subject to the priorities set forth in Section 30638, the board may impose one or more of the special taxes authorized by Part 17 (commencing with Section 37001) of Division 2 of the Revenue and Taxation Code in the manner and for the purposes prescribed subject to all limitations of this part. The limitations of Section 30825 shall apply only in the absence of the approval of the qualified electors required by this part or any other applicable law.

SEC. 2. Section 7272.8 is added to the Revenue and Taxation Code, to read:

7272.8. The contract referred to in Section 37022 of this code shall provide that the district shall pay to the board its costs of preparation to administer and operate the transactions and use taxes ordinance. The district shall pay preparatory costs in accordance with the contract. Such costs include all preparatory costs including costs of developing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing of forms, developing instructions for the board's staff and for taxpayers,

and other necessary preparatory costs which shall include the board's direct and indirect costs as specified by Section 11256 of the Government Code. Any disputes as to the amount of preparatory costs incurred shall be resolved by the Director of Finance and his decision shall be final. The maximum amount of all preparatory costs to be paid by the district shall not in any event exceed one hundred twenty-five thousand dollars (\$125,000).

SEC. 3. Section 37004 of the Revenue and Taxation Code is amended to read:

37004. No taxes authorized by this part shall be levied to pay principal and interest on any bonds of the rapid transit district, nor for other district purposes unless the board shall have authorized the same by ordinance adopted by a vote of two-thirds of all members of the board and such ordinance shall be approved by the requisite number of votes required by the principal act of the rapid transit district to be cast by the qualified electors of the district voting on the proposition at an election called for that purpose. The board in such ordinance shall state the nature of the tax to be imposed, shall provide the tax rate or rates or the maximum tax rate or rates and shall specify the purpose or purposes for which the revenue derived from the tax will be used. The board in such ordinance may provide for limitations upon the time when such tax shall be in effect. Any tax rate or maximum tax rate adopted pursuant to this article, unless otherwise prohibited, may be increased when authorized by the board by ordinance adopted in the manner and by the vote stated in this section and approved by the requisite number of votes required by the principal act of the rapid transit district to be cast by the qualified electors of the district voting at an election called for that purpose. Notwithstanding the provisions of this section, the tax rate of any transactions and use tax ordinance adopted pursuant to this part shall be the tax rate provided in Section 37021.

SEC. 4. Article 2 (commencing with Section 37021) of Part 17 of Division 2 of the Revenue and Taxation Code is repealed.

SEC. 5. Article 2 (commencing with Section 37021) is added to Part 17 of Division 2 of the Revenue and Taxation Code, to read:

Article 2. Transactions and Use Taxes

37021. If authorized by the voters as provided in this part, a transactions and use tax ordinance may be adopted in accordance with the provisions of Part 16 (commencing with Section 7251) of this division. However, the tax rate imposed under such an ordinance shall be either one-fourth or one-half of 1 percent, whichever is authorized by the voters.

37022. Prior to the operative date of any ordinance imposing a transactions and use tax pursuant to this article, the rapid transit district shall contract with the State Board of Equalization to perform all functions incident to the adminis-

tration and operation of the ordinance. If the rapid transit district shall not have contracted with the State Board of Equalization prior to the operative date of its ordinance, it shall nevertheless so contract and in such case the operative date shall be the first day of the first calendar quarter following the execution of the contract.

CHAPTER 826

An act to add Sections 20023.2 and 31835.1 to the Government Code, relating to Public Employees' Retirement System.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 20023.2 is added to the Government Code, to read:

20023.2. Notwithstanding the provisions of Section 20023.1, if a member on deferred retirement from this system is eligible to retire for service at age 50 from a system established under the County Employees Retirement Law of 1937 and does so retire prior to the age of 55, at the time such member becomes entitled to retire under this system his retirement shall be deemed to be a concurrent retirement for purposes of computing final compensation under Section 20023.1.

SEC. 2. Section 31835.1 is added to the Government Code, to read:

31835.1. Notwithstanding the provisions of Sections 31835 and 31836, a member of a retirement system established under this chapter who is eligible to retire at age 50 pursuant to Section 31672, but who cannot retire concurrently from the Public Employees' Retirement System or a retirement system established under this chapter in another county, shall be entitled to have his final compensation and service determined under Sections 31835 and 31836 as if he had retired concurrently under such other system.

CHAPTER 827

An act to add Chapter 1.75 (commencing with Section 5097.9) of Division 5 of the Public Resources Code, relating to archaeological, paleontological, and historical resources.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.75 (commencing with Section 5097.9) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 1.75. ARCHAEOLOGICAL, PALEONTOLOGICAL,
AND HISTORICAL RESOURCES

5097.9. The Legislature hereby finds and declares that California's archaeological, paleontological, and historical heritage is fast disappearing as a result of public and private land development and that the state's total effort to preserve and salvage these precious resources is fragmented and uncoordinated.

5097.91. The Secretary of the Resources Agency shall establish a task force which shall conduct a study of the state's total effort to preserve and salvage the archaeological, paleontological, and historical resources of the state. The task force may develop a plan or recommend legislation for the preservation and salvage of the California archaeological, paleontological, and historical heritage. Such plan or proposed legislation shall be submitted to the Secretary of the Resources Agency who shall, thereafter, transmit a report including such plan or proposed legislation, together with his own recommendations, to the Legislature.

5097.92. The Secretary of the Resources Agency shall determine the number of members and composition of the task force. The members of the task force shall include, but not be limited to, representatives of public agencies, representatives of the scientific and scholastic community, one native California Indian resident from northern, central, and southern California, respectively, and public members with backgrounds in California archaeological, paleontological, and historical resources study and preservation.

5097.93. It is the intent of the Legislature that there shall be a moratorium on the disturbance of native California Indian burial sites abandoned less than 200 years until such time as the Legislature acts upon the report required to be transmitted to the Legislature by the Secretary of the Resources Agency pursuant to Section 5097.91. No state agency shall permit archaeological excavation in any native California Indian burial site abandoned less than 200 years during the period of such moratorium. For the purposes of this chapter, native California Indian burial sites are those areas where the preponderance of archaeological or historical evidence indicates that they were areas set aside for the repose of the human remains of a community of native California Indians.

5097.94. Notwithstanding Section 5097.3, the state agencies may authorize the disturbance of native California Indian burial sites abandoned less than 200 years for archaeological purposes where the area will be disturbed by an authorized public works project with the permission of the governing council of the Indian people concerned.

5097.95. The task force established pursuant to this chapter shall in the course of its study consult with representatives from the native California Indian communities in the various parts of the state.

5097.96. The plan or proposed legislation required to be developed pursuant to Section 5097.91 shall be submitted to the Secretary of the Resources Agency no later than December 31, 1972, on which date the task force established pursuant to this chapter shall be dissolved.

CHAPTER 828

An act to add Section 19553.3 to the Education Code, relating to state school building aid.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 19553.3 is added to the Education Code, to read:

19553.3. Notwithstanding any provision of this chapter to the contrary, the board shall review each application and shall take such action to insure that apportionments are not made that will provide for construction of permanent facilities to meet temporary peak enrollments at any site or at any grade level. In cases deemed by the board to be hardship cases involving high school or unified school districts where any such district will not be able to house high school students under basic area limitation formulas prescribed in this chapter, the board may make apportionments for high school facilities in excess of such limitations. In such event the board may provide for the construction of portable facilities at any particular site for which such apportionments are made, particularly where the board determines that there will be, within a six- to nine-year period immediately following the apportionment for facilities at such site, a diminution in enrollment at such site justifying relocation of facilities. In no event shall the board have any authority to make an apportionment for construction area at a high school attendance center which, when added to the area of adequate school construction at that center, would exceed the area permitted therefor by Sections 19586 and 19587.

CHAPTER 829

An act to amend Section 1825 of the Welfare and Institutions Code, relating to the Department of the Youth Authority.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1825 of the Welfare and Institutions Code is amended to read:

1825. (a) No county shall be entitled to receive any state funds provided by this article until its application is approved and unless and until the minimum standards prescribed by the Department of the Youth Authority are complied with and then only on such terms as are set forth hereafter in this section.

(b) A commitment rate for each county and for the state as a whole shall be calculated by the Department of the Youth Authority by computing the ratio of new commitments to state and county population, expressed in a rate per 100,000 population, for each of the calendar years 1959 through 1963. The average of these rates for a county for the five-year period or the average of the last two years of the period, whichever is higher, shall be the base rate for that county; however, if the base rate is lower than 40 commitments per 100,000 population, the rate shall be established at 40, and if the rate is higher than 100, the rate shall be established at 100. The number of commitments shall be the total of the new commitments to the custody of the Director of the Youth Authority and the new criminal commitments to the custody of the Director of Corrections, as certified by the respective departments. The county and state population shall be that certified by the Department of Finance to the Controller as of July 1 of each year. Persons committed to the Department of Corrections and subsequently discharged under Section 1168 of the Penal Code and persons committed to the Department of Corrections or the Department of the Youth Authority for diagnostic study only pursuant to Section 1203.03 of the Penal Code or Section 704 or 1752.1 of the Welfare and Institutions Code, shall not be counted as having been committed for purposes of determining commitment rates under this subdivision or subdivision (c).

(c) An annual commitment rate shall be calculated at the end of each fiscal year for each participating county and for the state as a whole in a like manner to that described in subdivision (b) using the population figure of the July 1 included in the year.

(d) The maximum amount that may be paid to a county pursuant to this article is determined by obtaining the interpolated dollar amount in the table in this subdivision for such county's base commitment rate and its percentage decrease, interpolated to the nearest one-tenth of 1 percent, in rate of commitment and multiplying the appropriate dollar amount by the "commitment reduction number." The "commitment reduction number" is obtained by subtracting (1) the most recent annual commitment number from (2) the product of the base commitment rate and population of the county for the same year employed in (1). The Director of the Youth Authority, with approval of the Director of Finance may annually adjust the dollar amounts in the ensuing table to reflect changes in cost to the state of maintaining persons committed to the custody of the Director of Corrections and the Director

of the Youth Authority, and if such adjustments are made, the adjusted amounts shall be employed in making the computation prescribed by this subdivision.

Per Capita Subsidy in Relation to Percentage Decrease
Base Commitment Rates/100,000
(Adult and Juvenile)

Percent of decrease from base rate	40-49	50-59	60-69	70-79	80-89	90-100
	100,000	100,000	100,000	100,000	100,000	100,000
0 percent---	--	--	--	--	--	--
1 percent---	\$2,285	\$2,180	\$2,135	\$2,105	\$2,085	\$2,080
2 percent---	2,570	2,360	2,265	2,210	2,175	2,160
3 percent---	2,855	2,545	2,400	2,315	2,260	2,240
4 percent---	3,145	2,725	2,535	2,420	2,350	2,320
5 percent---	3,430	2,910	2,665	2,525	2,435	2,400
6 percent---	3,715	3,090	2,800	2,630	2,520	2,480
7 percent---	4,000	3,275	2,935	2,735	2,610	2,560
8 percent---	4,000	3,455	3,065	2,840	2,695	2,640
9 percent---	4,000	3,635	3,200	2,945	2,785	2,720
10 percent---	4,000	3,820	3,335	3,055	2,870	2,800
11 percent---	4,000	4,000	3,465	3,160	2,955	2,880
12 percent---	4,000	4,000	3,600	3,265	3,045	2,960
13 percent---	4,000	4,000	3,735	3,370	3,130	3,040
14 percent---	4,000	4,000	3,865	3,475	3,215	3,120
15 percent---	4,000	4,000	4,000	3,580	3,305	3,200
16 percent---	4,000	4,000	4,000	3,685	3,390	3,280
17 percent---	4,000	4,000	4,000	3,790	3,480	3,360
18 percent---	4,000	4,000	4,000	3,895	3,565	3,440
19 percent---	4,000	4,000	4,000	4,000	3,650	3,520
20 percent---	4,000	4,000	4,000	4,000	3,740	3,600
21 percent---	4,000	4,000	4,000	4,000	3,825	3,680
22 percent---	4,000	4,000	4,000	4,000	3,915	3,760
23 percent---	4,000	4,000	4,000	4,000	4,000	3,840
24 percent---	4,000	4,000	4,000	4,000	4,000	3,920
25 percent---	4,000	4,000	4,000	4,000	4,000	4,000
Over						
25 percent---	4,000	4,000	4,000	4,000	4,000	4,000

(e) The state will reimburse the county upon presentation of a valid claim based on actual performance in reducing the commitment rate from its base rate. Whenever a claim made by a county, pursuant to this article, covering a prior fiscal year, is found to be in error, adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(f) If the amount received by a county in reimbursement of its expenditures in a fiscal year is less than the maximum amount computed under subdivision (d), the difference may be used in the next succeeding fiscal year and may be paid to the county in quarterly installments during such fiscal year

upon preparation of valid claims for reimbursement of its quarterly expenses.

(g) In the event a participating county earns less than the sum paid in the previous year because of extremely unusual circumstances claimed by the county and verified by the Director of the Youth Authority with the approval of the Director of Finance, the Director of the Youth Authority may pay to the county a sum equal to the prior year's payment, provided, however, that in subsequent years the county will be paid only the amount earned.

(h) Funds obtained under this article shall not be used to support existing programs or develop or expand new programs in juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of this code.

(i) Counties where the average number of commitments in the base period as established by subdivision (b) is less than 30 may elect either to comply with the procedure set out above or, as an alternative, to receive from the state 90 percent of the salary of one full-time additional probation officer or, in the event there are fewer than 20 persons placed on probation annually otherwise eligible for commitment to state institutions, the county would be entitled to 90 percent of the salary of a half-time officer. In the event a county chooses the alternative proposal, it will be eligible for reimbursement only so long as the officer devotes all of his time in the performance of probation services to supervision of persons eligible for state commitment and persons participating in special supervision programs and (1) if its base rate is below the state average, it does not on an annual basis exceed the base state rate, or (2) if its base rate is above the state average, it does not in the year exceed by 5 percent its own base rate.

SEC. 2. Section 1825 of the Welfare and Institutions Code is amended to read:

1825. (a) No county shall be entitled to receive any state funds provided by this article until its application is approved and unless and until the minimum standards prescribed by the Department of the Youth Authority are complied with and then only on such terms as are set forth hereafter in this section.

(b) A commitment rate for each county and for the state as a whole shall be calculated by the Department of the Youth Authority by computing the ratio of new commitments to state and county population, expressed in a rate per 100,000 population, for each of the calendar years 1959 through 1963. The average of these rates for a county for the five-year period or the average of the last two years of the period, whichever is higher, shall be the base rate for that county, however, if the base rate is lower than 40 commitments per 100,000 population, the rate shall be established at 40, and if the rate is higher than 100, the rate shall be established at 100. The number of commitments shall be the total of the

new commitments to the custody of the Director of the Youth Authority and the new criminal commitments to the custody of the Director of Corrections, as certified by the respective departments. The county and state population shall be that certified by the Department of Finance to the Controller as of July 1 of each year. Persons committed to the Department of Corrections and subsequently discharged under Section 1168 of the Penal Code and persons committed to the Department of Corrections or the Department of the Youth Authority for diagnostic study only pursuant to Section 1203.03 of the Penal Code or Section 704 or 1752.1 of the Welfare and Institutions Code, shall not be counted as having been committed for purposes of determining commitment rates under this subdivision or subdivision (c).

(c) An annual commitment rate shall be calculated at the end of each fiscal year for each participating county and for the state as a whole in a like manner to that described in subdivision (b) using the population figure of the July 1 included in the year.

(d) The maximum amount that may be paid to a county pursuant to this article is determined by obtaining the interpolated dollar amount in the table in this subdivision for such county's base commitment rate and its percentage decrease, interpolated to the nearest one-tenth of 1 percent, in rate of commitment and multiplying the appropriate dollar amount by the "commitment reduction number." The "commitment reduction number" is obtained by subtracting (1) the most recent annual commitment number from (2) the product of the base commitment rate and population of the county for the same year employed in (1). The Director of the Youth Authority, with approval of the Director of Finance may annually adjust the dollar amounts in the ensuing table to reflect changes in cost to the state of maintaining persons committed to the custody of the Director of Corrections and the Director of the Youth Authority, and if such adjustments are made, the adjusted amounts shall be employed in making the computation prescribed by this subdivision.

Per Capita Subsidy in Relation to Percentage Decrease
Base Commitment Rates/100,000
(Adult and Juvenile)

Percent of decrease from base rate	40-49	50-59	60-69	70-79	80-89	90-100
	100,000	100,000	100,000	100,000	100,000	100,000
0 percent---	--	--	--	--	--	--
1 percent---	\$2,285	\$2,180	\$2,135	\$2,105	\$2,085	\$2,080
2 percent---	2,570	2,360	2,265	2,210	2,175	2,160
3 percent---	2,855	2,545	2,400	2,315	2,260	2,240
4 percent---	3,145	2,725	2,535	2,420	2,350	2,320
5 percent---	3,430	2,910	2,665	2,525	2,435	2,400
6 percent---	3,715	3,090	2,800	2,630	2,520	2,480
7 percent---	4,000	3,275	2,935	2,735	2,610	2,560

8 percent---	4,000	3,455	3,065	2,840	2,695	2,640
9 percent---	4,000	3,635	3,200	2,945	2,785	2,720
10 percent---	4,000	3,820	3,335	3,055	2,870	2,800
11 percent---	4,000	4,000	3,465	3,160	2,955	2,880
12 percent---	4,000	4,000	3,600	3,265	3,045	2,960
13 percent---	4,000	4,000	3,735	3,370	3,130	3,040
14 percent---	4,000	4,000	3,865	3,475	3,215	3,120
15 percent---	4,000	4,000	4,000	3,580	3,305	3,200
16 percent---	4,000	4,000	4,000	3,685	3,390	3,280
17 percent---	4,000	4,000	4,000	3,790	3,480	3,360
18 percent---	4,000	4,000	4,000	3,895	3,565	3,440
19 percent---	4,000	4,000	4,000	4,000	3,650	3,520
20 percent---	4,000	4,000	4,000	4,000	3,740	3,600
21 percent---	4,000	4,000	4,000	4,000	3,825	3,680
22 percent---	4,000	4,000	4,000	4,000	3,915	3,760
23 percent---	4,000	4,000	4,000	4,000	4,000	3,840
24 percent---	4,000	4,000	4,000	4,000	4,000	3,920
25 percent---	4,000	4,000	4,000	4,000	4,000	4,000
Over						
25 percent---	4,000	4,000	4,000	4,000	4,000	4,000

(e) The state will reimburse the county upon presentation of a valid claim based on actual performance in reducing the commitment rate from its base rate. Whenever a claim made by a county, pursuant to this article, covering a prior fiscal year, is found to be in error, adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(f) If the amount received by a county in reimbursement of its expenditures in a fiscal year is less than the maximum amount computed under subdivision (d), the difference may be used in the next two succeeding fiscal years and may be paid to the county in quarterly installments during such fiscal years upon preparation of valid claims for reimbursement of its quarterly expenses.

(g) In the event a participating county earns less than the sum paid in the previous year because of extremely unusual circumstances claimed by the county and verified by the Director of the Youth Authority with the approval of the Director of Finance, the Director of the Youth Authority may pay to the county a sum equal to the prior year's payment, provided, however, that in subsequent years the county will be paid only the amount earned.

(h) Funds obtained under this article shall not be used to support existing programs or develop or expand new programs in juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of this code.

(i) Counties where the average number of commitments in the base period as established by subdivision (b) is less than

30 may elect either to comply with the procedure set out above or, as an alternative, to receive from the state 90 percent of the salary of one full-time additional probation officer or, in the event there are fewer than 20 persons placed on probation annually otherwise eligible for commitment to state institutions, the county would be entitled to 90 percent of the salary of a half-time officer. In the event a county chooses the alternative proposal, it will be eligible for reimbursement only so long as the officer devotes all of his time in the performance of probation services to supervision of persons eligible for state commitment and persons participating in special supervision programs and (1) if its base rate is below the state average, it does not on an annual basis exceed the base state rate, or (2) if its base rate is above the state average, it does not in the year exceed by 5 percent its own base rate.

SEC. 2.5. Section 1825 of the Welfare and Institutions Code is amended to read:

1825. (a) No county shall be entitled to receive any state funds provided by this article until its application is approved and unless and until the minimum standards prescribed by the Department of the Youth Authority are complied with and then only on such terms as are set forth hereafter in this section.

(b) A commitment rate for each county and for the state as a whole shall be calculated by the Department of the Youth Authority by computing the ratio of new commitments to state and county population, expressed in a rate per hundred thousand population, for each of the calendar years 1959 through 1963. The average of these rates for a county for the five-year period or the average of the last two years of the period, whichever is higher, shall be the base rate for that county; however, if the base rate is lower than 40 commitments per 100,000 population, the rate shall be established at 40, and if the rate is higher than 100, the rate shall be established at 100. The number of commitments shall be the total of the new commitments to the custody of the Director of the Youth Authority and the new criminal commitments to the custody of the Director of Corrections, as certified by the respective departments. The county and state population shall be that certified by the Department of Finance to the Controller as of July 1 of each year. Persons committed to the Department of Corrections and subsequently discharged under Section 1168 of the Penal Code and persons committed to the Department of Corrections, or the Department of the Youth Authority for diagnostic study only pursuant to Section 1203.03 of the Penal Code or Section 704 or 1752.1 of the Welfare and Institutions Code, shall not be counted as having been committed for purposes of determining commitment rates under this subdivision or subdivision (c).

(c) An annual commitment rate shall be calculated at the end of each fiscal year for each participating county and for the state as a whole in a like manner to that described in sub-

division (b) using the population figure of the July 1 included in the year.

(d) The maximum amount that may be paid to a county pursuant to this article is determined by obtaining the interpolated dollar amount in the table in this subdivision for such county's base commitment rate and its percentage decrease, interpolated to the nearest one-tenth of 1 percent, in rate of commitment and multiplying the appropriate dollar amount by the "commitment reduction number." The "commitment reduction number" is obtained by subtracting (1) the most recent annual commitment number from (2) the product of the base commitment rate and population of the county for the same year employed in (1). The Director of the Youth Authority and the Director of Finance shall annually adjust the dollar amounts in the ensuing table to reflect a percentage increase in the per capita subsidy equal to the percentage increase in the California Consumer Price Index as of December of the current fiscal year over such index as of December of the preceding fiscal year. The adjustment of the per capita subsidy for the 1971-72 fiscal year shall reflect the percentage by which such index number for December 1970 exceeds the index number for December 1965. When such adjustments are made, the adjusted amounts shall be employed in making the computation prescribed by this subdivision.

Per Capita Subsidy in Relation to Percentage Decrease
Base Commitment Rates/100,000
(Adult and Juvenile)

Percent of decrease from base rate	40-49	50-59	60-69	70-79	80-89	90-100
	100,000	100,000	100,000	100,000	100,000	100,000
0 percent---	--	--	--	--	--	--
1 percent---	\$2,285	\$2,180	\$2,135	\$2,105	\$2,085	\$2,080
2 percent---	2,570	2,360	2,255	2,210	2,175	2,160
3 percent---	2,855	2,545	2,400	2,315	2,260	2,240
4 percent---	3,145	2,725	2,535	2,420	2,350	2,320
5 percent---	3,430	2,910	2,655	2,525	2,435	2,400
6 percent---	3,715	3,090	2,800	2,630	2,520	2,480
7 percent---	4,000	3,275	2,935	2,735	2,610	2,560
8 percent---	4,000	3,455	3,055	2,840	2,695	2,640
9 percent---	4,000	3,635	3,200	2,945	2,785	2,720
10 percent---	4,000	3,820	3,335	3,055	2,870	2,800
11 percent---	4,000	4,000	3,455	3,160	2,955	2,880
12 percent---	4,000	4,000	3,600	3,265	3,045	2,960
13 percent---	4,000	4,000	3,735	3,370	3,130	3,040
14 percent---	4,000	4,000	3,835	3,475	3,215	3,120
15 percent---	4,000	4,000	4,000	3,580	3,305	3,200
16 percent---	4,000	4,000	4,000	3,685	3,390	3,280
17 percent---	4,000	4,000	4,000	3,790	3,480	3,360
18 percent---	4,000	4,000	4,000	3,895	3,565	3,440
19 percent---	4,000	4,000	4,000	4,000	3,650	3,520
20 percent---	4,000	4,000	4,000	4,000	3,740	3,600

21 percent---	4,000	4,000	4,000	4,000	3,825	3,680
22 percent---	4,000	4,000	4,000	4,000	3,915	3,760
23 percent---	4,000	4,000	4,000	4,000	4,000	3,840
24 percent---	4,000	4,000	4,000	4,000	4,000	3,920
25 percent---	4,000	4,000	4,000	4,000	4,000	4,000
Over						
25 percent---	4,000	4,000	4,000	4,000	4,000	4,000

(e) The state will reimburse the county upon presentation of a valid claim based on actual performance in reducing the commitment rate from its base rate. Whenever a claim made by a county, pursuant to this article, covering a prior fiscal year, is found to be in error, adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(f) If the amount received by a county in reimbursement of its expenditures in a fiscal year is less than the maximum amount computed under subdivision (d), the difference may be used in the next succeeding fiscal year and may be paid to the county in quarterly installments during such fiscal year upon preparation of valid claims for reimbursement of its quarterly expenses.

(g) In the event a participating county earns less than the sum paid in the previous year because of extremely unusual circumstances claimed by the county and verified by the Director of the Youth Authority with the approval of the Director of Finance, the Director of the Youth Authority may pay to the county a sum equal to the prior year's payment, provided, however, that in subsequent years the county will be paid only the amount earned.

(h) Funds obtained under this article shall not be used to support existing programs or develop or expand new programs in juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of this code.

(i) Counties where the average number of commitments in the base period as established by subdivision (b) is less than 30 may elect either to comply with the procedure set out above or, as an alternative, to receive from the state 90 percent of the salary of one full-time additional probation officer or, in the event there are fewer than 20 persons placed on probation annually otherwise eligible for commitment to state institutions, the county would be entitled to 90 percent of the salary of a half-time officer. In the event a county chooses the alternative proposal, it will be eligible for reimbursement only so long as the officer devotes all of his time in the performance of probation services to supervision of persons eligible for state commitment and persons participating in special supervision programs and (1) if its base rate is below the state average,

it does not on an annual basis exceed the base state rate, or (2) if its base rate is above the state average, it does not in the year exceed by 5 percent its own base rate.

A county receiving funds under this article shall submit a report showing the manner in which such funds were expended, after the completion of each fiscal year.

SEC. 2.6. Section 1825 of the Welfare and Institutions Code is amended to read:

1825. (a) No county shall be entitled to receive any state funds provided by this article until its application is approved and unless and until the minimum standards prescribed by the Department of the Youth Authority are complied with and then only on such terms as are set forth hereafter in this section.

(b) A commitment rate for each county and for the state as a whole shall be calculated by the Department of the Youth Authority by computing the ratio of new commitments to state and county population, expressed in a rate per hundred thousand population, for each of the calendar years 1959 through 1963. The average of these rates for a county for the five-year period or the average of the last two years of the period, whichever is higher, shall be the base rate for that county; however, if the base rate is lower than 40 commitments per 100,000 population, the rate shall be established at 40, and if the rate is higher than 100, the rate shall be established at 100. The number of commitments shall be the total of the new commitments to the custody of the Director of the Youth Authority and the new criminal commitments to the custody of the Director of Corrections, as certified by the respective departments. The county and state population shall be that certified by the Department of Finance to the Controller as of July 1 of each year. Persons committed to the Department of Corrections and subsequently discharged under Section 1168 of the Penal Code and persons committed to the Department of Corrections or the Department of the Youth Authority for diagnostic study only pursuant to Section 1203.03 of the Penal Code or Section 704 or 1752.1 of the Welfare and Institutions Code, shall not be counted as having been committed for purposes of determining commitment rates under this subdivision or subdivision (c).

(c) An annual commitment rate shall be calculated at the end of each fiscal year for each participating county and for the state as a whole in a like manner to that described in subdivision (b) using the population figure of the July 1 included in the year.

(d) The maximum amount that may be paid to a county pursuant to this article is determined by obtaining the interpolated dollar amount in the table in this subdivision for such county's base commitment rate and its percentage decrease, interpolated to the nearest one-tenth of 1 percent, in rate of commitment and multiplying the appropriate dollar amount

(e) The state will reimburse the county upon presentation of a valid claim based on actual performance in reducing the commitment rate from its base rate. Whenever a claim made by a county, pursuant to this article, covering a prior fiscal year, is found to be in error, adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(f) If the amount received by a county in reimbursement of its expenditures in a fiscal year is less than the maximum amount computed under subdivision (d), the difference may be used in the next two succeeding fiscal years and may be paid to the county in quarterly installments during such fiscal year upon preparation of valid claims for reimbursement of its quarterly expenses.

(g) In the event a participating county earns less than the sum paid in the previous year because of extremely unusual circumstances claimed by the county and verified by the Director of the Youth Authority with the approval of the Director of Finance, the Director of the Youth Authority may pay to the county a sum equal to the prior year's payment, provided, however, that in subsequent years the county will be paid only the amount earned.

(h) Funds obtained under this article shall not be used to support existing programs or develop or expand new programs in juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of this code.

(i) Counties where the average number of commitments in the base period as established by subdivision (b) is less than 30 may elect either to comply with the procedure set out above or, as an alternative, to receive from the state 90 percent of the salary of one full-time additional probation officer or, in the event there are fewer than 20 persons placed on probation annually otherwise eligible for commitment to state institutions, the county would be entitled to 90 percent of the salary of a half-time officer. In the event a county chooses the alternative proposal, it will be eligible for reimbursement only so long as the officer devotes all of his time in the performance of probation services to supervision of persons eligible for state commitment and persons participating in special supervision programs and (1) if its base rate is below the state average, it does not on an annual basis exceed the base state rate, or (2) if its base rate is above the state average, it does not in the year exceed by 5 percent its own base rate.

A county receiving funds under this article shall submit a report showing the manner in which such funds were expended, after the completion of each fiscal year.

SEC. 3. This act shall become operative July 1, 1972.

SEC. 4. It is the intent of the Legislature that if this bill and Senate Bill No. 354 or Assembly Bill No. 92, or both, are chaptered and amend Section 1825 of the Welfare and Institutions Code, and this bill is chaptered last, that amendments

proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Senate Bill No. 354 are both chaptered and amend Section 1825 of the Welfare and Institutions Code, but Assembly Bill No. 92 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 354, Section 1825 of the Welfare and Institutions Code as amended by Section 1 of Senate Bill No. 354 shall be further amended on the operative date of this act in the form set forth in Section 2 of this act to incorporate the changes in Section 1825 proposed by this bill. Therefore, if Senate Bill No. 354 is chaptered before this bill and both bills amend Section 1825, and Assembly Bill No. 92 is not chaptered or as chaptered does not amend that section, Section 2 of this act shall become operative on the operative date of this act, and Sections 1, 2.5, and 2.6 of this act shall not become operative.

(b) If this bill and Assembly Bill No. 92 are both chaptered and amend Section 1825 of the Welfare and Institutions Code, but Senate Bill No. 354 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 92, Section 1825 of the Welfare and Institutions Code as amended by Section 1 of Assembly Bill No. 92 shall be further amended on the operative date of this act in the form set forth in Section 2.5 of this act to incorporate the changes in Section 1825 proposed by this bill. Therefore, if Assembly Bill No. 92 is chaptered before this bill and both bills amend Section 1825, and Senate Bill No. 354 is not chaptered or as chaptered does not amend that section, Section 2.5 of this act shall become operative on the operative date of this act, and Sections 1, 2, and 2.6 of this act shall not become operative.

(c) If this bill and Senate Bill No. 354 and Assembly Bill No. 92 are all chaptered, and all three bills amend Section 1825 of the Welfare and Institutions Code, and this bill is chaptered after Senate Bill No. 354 and Assembly Bill No. 92, Section 1825 of the Welfare and Institutions Code as amended by Section 3 of Assembly Bill No. 92 or Section 2.5 of Senate Bill No. 354, whichever is chaptered last, shall be further amended in the form set forth in Section 2.6 of this act to incorporate the changes in Section 1825 proposed by this bill. Therefore, if Senate Bill No. 354 and Assembly Bill No. 92 are both chaptered before this bill and all three bills amend Section 1825 of the Welfare and Institutions Code, Section 2.6 of this act shall become operative on the operative date of this act, and Sections 1, 2, and 2.5 of this act shall not become operative.

CHAPTER 83C

An act to amend Section 1825 of the Welfare and Institutions Code, relating to the Department of the Youth Authority.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1825 of the Welfare and Institutions Code is amended to read:

1825. (a) No county shall be entitled to receive any state funds provided by this article until its application is approved and unless and until the minimum standards prescribed by the Department of the Youth Authority are complied with and then only on such terms as are set forth hereafter in this section.

(b) A commitment rate for each county and for the state as a whole shall be calculated by the Department of the Youth Authority by computing the ratio of new commitments to state and county population, expressed in a rate per 100,000 population, for each of the calendar years 1959 through 1963. The average of these rates for a county for the five-year period or the average of the last two years of the period, whichever is higher, shall be the base rate for that county. The number of commitments shall be the total of the new commitments to the custody of the Director of the Youth Authority and the new criminal commitments to the custody of the Director of Corrections, as certified by the respective departments. The county and state population shall be that certified by the Department of Finance to the Controller as of July 1 of each year. Persons committed to the Department of Corrections and subsequently discharged under Section 1168 of the Penal Code and persons committed to the Department of Corrections or the Department of the Youth Authority for diagnostic study only pursuant to Section 1203.03 of the Penal Code or Section 704 or 1752.1 of the Welfare and Institutions Code, shall not be counted as having been committed for purposes of determining commitment rates under this subdivision or subdivision (c).

(c) An annual commitment rate shall be calculated at the end of each fiscal year for each participating county and for the state as a whole in a like manner to that described in subdivision (b) using the population figure of the July 1 included in the year.

(d) The maximum amount that may be paid to a county pursuant to this article is determined by obtaining the interpolated dollar amount in the table in this subdivision for such county's base commitment rate and its percentage decrease, interpolated to the nearest one-tenth of 1 percent, in rate of

commitment and multiplying the appropriate dollar amount by the "commitment reduction number." The "commitment reduction number" is obtained by subtracting (1) the most recent annual commitment number from (2) the product of the base commitment rate and population of the county for the same year employed in (1). The Director of the Youth Authority, with approval of the Director of Finance may annually adjust the dollar amounts in the ensuing table to reflect changes in cost to the state of maintaining persons committed to the custody of the Director of Corrections and the Director of the Youth Authority, and if such adjustments are made, the adjusted amounts shall be employed in making the computation prescribed by this subdivision.

Per Capita Subsidy in Relation to Percentage Decrease
Base Commitment Rates/100,000
(Adult and Juvenile)

Percent of decrease from base rate	Less than						
	40 100,000	40-49 100,000	50-59 100,000	60-69 100,000	70-79 100,000	80-89 100,000	90 plus 100,000
0 percent	--	--	--	--	--	--	--
1 percent	\$2,400	\$2,285	\$2,180	\$2,135	\$2,105	\$2,085	\$2,080
2 percent	2,800	2,570	2,360	2,265	2,210	2,175	2,160
3 percent	3,200	2,855	2,545	2,400	2,315	2,260	2,240
4 percent	3,600	3,145	2,725	2,535	2,420	2,350	2,320
5 percent	4,000	3,430	2,910	2,665	2,525	2,435	2,400
6 percent	4,000	3,715	3,090	2,800	2,630	2,520	2,480
7 percent	4,000	4,000	3,275	2,935	2,735	2,610	2,560
8 percent	4,000	4,000	3,455	3,065	2,840	2,695	2,640
9 percent	4,000	4,000	3,635	3,200	2,945	2,785	2,720
10 percent	4,000	4,000	3,820	3,335	3,055	2,870	2,800
11 percent	4,000	4,000	4,000	3,465	3,160	2,955	2,880
12 percent	4,000	4,000	4,000	3,600	3,265	3,045	2,960
13 percent	4,000	4,000	4,000	3,735	3,370	3,130	3,040
14 percent	4,000	4,000	4,000	3,865	3,475	3,215	3,120
15 percent	4,000	4,000	4,000	4,000	3,580	3,305	3,200
16 percent	4,000	4,000	4,000	4,000	3,685	3,390	3,280
17 percent	4,000	4,000	4,000	4,000	3,790	3,480	3,360
18 percent	4,000	4,000	4,000	4,000	3,895	3,565	3,440
19 percent	4,000	4,000	4,000	4,000	4,000	3,650	3,520
20 percent	4,000	4,000	4,000	4,000	4,000	3,740	3,600
21 percent	4,000	4,000	4,000	4,000	4,000	3,825	3,680
22 percent	4,000	4,000	4,000	4,000	4,000	3,915	3,760
23 percent	4,000	4,000	4,000	4,000	4,000	4,000	3,840
24 percent	4,000	4,000	4,000	4,000	4,000	4,000	3,920
25 percent	4,000	4,000	4,000	4,000	4,000	4,000	4,000
Over							
25 percent	4,000	4,000	4,000	4,000	4,000	4,000	4,000

(e) The state will reimburse the county upon presentation of a valid claim based on actual performance in reducing the

commitment rate from its base rate. Whenever a claim made by a county, pursuant to this article, covering a prior fiscal year, is found to be in error, adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(f) If the amount received by a county in reimbursement of its expenditures in a fiscal year is less than the maximum amount computed under subdivision (d), the difference may be used in the next two succeeding fiscal years and may be paid to the county in quarterly installments during such fiscal years upon preparation of valid claims for reimbursement of its quarterly expenses.

(g) In the event a participating county earns less than the sum paid in the previous year because of extremely unusual circumstances claimed by the county and verified by the Director of the Youth Authority with the approval of the Director of Finance, the Director of the Youth Authority may pay to the county a sum equal to the prior year's payment, provided, however, that in subsequent years the county will be paid only the amount earned.

(h) Funds obtained under this article shall not be used to support existing programs or develop or expand new programs in juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of this code.

(i) Counties where the average number of commitments in the base period as established by subdivision (b) is less than 30 may elect either to comply with the procedure set out above or, as an alternative, to receive from the state 90 percent of the salary of one full-time additional probation officer or, in the event there are fewer than 20 persons placed on probation annually otherwise eligible for commitment to state institutions, the county would be entitled to 90 percent of the salary of a half-time officer. In the event a county chooses the alternative proposal, it will be eligible for reimbursement only so long as the officer devotes all of his time in the performance of probation services to supervision of persons eligible for state commitment and persons participating in special supervision programs and (1) if its base rate is below the state average, it does not on an annual basis exceed the base state rate, or (2) if its base rate is above the state average, it does not in the year exceed by 5 percent its own base rate.

SEC. 2. Section 1825 of the Welfare and Institutions Code is amended to read:

1825. (a) No county shall be entitled to receive any state funds provided by this article until its application is approved and unless and until the minimum standards prescribed by the Department of the Youth Authority are complied with and then only on such terms as are set forth hereafter in this section.

(b) A commitment rate for each county and for the state as a whole shall be calculated by the Department of the Youth Authority by computing the ratio of new commitments to state and county population, expressed in a rate per 100,000 population, for each of the calendar years 1959 through 1963. The average of these rates for a county for the five-year period or the average of the last two years of the period, whichever is higher, shall be the base rate for that county, however, if the base rate is lower than 40 commitments per 100,000 population, the rate shall be established at 40, and if the rate is higher than 100, the rate shall be established at 100. The number of commitments shall be the total of the new commitments to the custody of the Director of the Youth Authority and the new criminal commitments to the custody of the Director of Corrections, as certified by the respective departments. The county and state population shall be that certified by the Department of Finance to the Controller as of July 1 of each year. Persons committed to the Department of Corrections and subsequently discharged under Section 1168 of the Penal Code and persons committed to the Department of Corrections or the Department of the Youth Authority for diagnostic study only pursuant to Section 1203.03 of the Penal Code or Section 704 or 1752.1 of the Welfare and Institutions Code, shall not be counted as having been committed for purposes of determining commitment rates under this subdivision or subdivision (c).

(c) An annual commitment rate shall be calculated at the end of each fiscal year for each participating county and for the state as a whole in a like manner to that described in subdivision (b) using the population figure of the July 1 included in the year.

(d) The maximum amount that may be paid to a county pursuant to this article is determined by obtaining the interpolated dollar amount in the table in this subdivision for such county's base commitment rate and its percentage decrease, interpolated to the nearest one-tenth of 1 percent, in rate of commitment and multiplying the appropriate dollar amount by the "commitment reduction number." The "commitment reduction number" is obtained by subtracting (1) the most recent annual commitment number from (2) the product of the base commitment rate and population of the county for the same year employed in (1). The Director of the Youth Authority, with approval of the Director of Finance may annually adjust the dollar amounts in the ensuing table to reflect changes in cost to the state of maintaining persons committed to the custody of the Director of Corrections and the Director of the Youth Authority, and if such adjustments are made, the adjusted amounts shall be employed in making the computation prescribed by this subdivision.

Per Capita Subsidy in Relation to Percentage Decrease
Base Commitment Rates/100,000
(Adult and Juvenile)

Percent of decrease from base rate	40-49	50-59	60-69	70-79	80-89	90-100
	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>
0 percent---	--	--	--	--	--	--
1 percent---	\$2,285	\$2,180	\$2,135	\$2,105	\$2,085	\$2,080
2 percent---	2,570	2,360	2,255	2,210	2,175	2,160
3 percent---	2,855	2,545	2,400	2,315	2,260	2,240
4 percent---	3,145	2,725	2,535	2,420	2,350	2,320
5 percent---	3,430	2,910	2,635	2,525	2,435	2,400
6 percent---	3,715	3,090	2,800	2,630	2,520	2,480
7 percent---	4,000	3,275	2,935	2,735	2,610	2,560
8 percent---	4,000	3,455	3,035	2,840	2,695	2,640
9 percent---	4,000	3,635	3,200	2,945	2,785	2,720
10 percent---	4,000	3,820	3,335	3,055	2,870	2,800
11 percent---	4,000	4,000	3,435	3,160	2,955	2,880
12 percent---	4,000	4,000	3,600	3,265	3,045	2,960
13 percent---	4,000	4,000	3,735	3,370	3,130	3,040
14 percent---	4,000	4,000	3,865	3,475	3,215	3,120
15 percent---	4,000	4,000	4,000	3,580	3,305	3,200
16 percent---	4,000	4,000	4,000	3,685	3,390	3,280
17 percent---	4,000	4,000	4,000	3,790	3,480	3,360
18 percent---	4,000	4,000	4,000	3,895	3,565	3,440
19 percent---	4,000	4,000	4,000	4,000	3,650	3,520
20 percent---	4,000	4,000	4,000	4,000	3,740	3,600
21 percent---	4,000	4,000	4,000	4,000	3,825	3,680
22 percent---	4,000	4,000	4,000	4,000	3,915	3,760
23 percent---	4,000	4,000	4,000	4,000	4,000	3,840
24 percent---	4,000	4,000	4,000	4,000	4,000	3,920
25 percent---	4,000	4,000	4,000	4,000	4,000	4,000
Over						
25 percent---	4,000	4,000	4,000	4,000	4,000	4,000

(e) The state will reimburse the county upon presentation of a valid claim based on actual performance in reducing the commitment rate from its base rate. Whenever a claim made by a county, pursuant to this article, covering a prior fiscal year, is found to be in error, adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(f) If the amount received by a county in reimbursement of its expenditures in a fiscal year is less than the maximum amount computed under subdivision (d), the difference may be used in the next two succeeding fiscal years and may be paid to the county in quarterly installments during such fiscal years upon preparation of valid claims for reimbursement of its quarterly expenses.

(g) In the event a participating county earns less than the sum paid in the previous year because of extremely unusual circumstances claimed by the county and verified by the

Director of the Youth Authority with the approval of the Director of Finance, the Director of the Youth Authority may pay to the county a sum equal to the prior year's payment, provided, however, that in subsequent years the county will be paid only the amount earned.

(h) Funds obtained under this article shall not be used to support existing programs or develop or expand new programs in juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of this code.

(i) Counties where the average number of commitments in the base period as established by subdivision (b) is less than 30 may elect either to comply with the procedure set out above or, as an alternative, to receive from the state 90 percent of the salary of one full-time additional probation officer or, in the event there are fewer than 20 persons placed on probation annually otherwise eligible for commitment to state institutions, the county would be entitled to 90 percent of the salary of a half-time officer. In the event a county chooses the alternative proposal, it will be eligible for reimbursement only so long as the officer devotes all of his time in the performance of probation services to supervision of persons eligible for state commitment and persons participating in special supervision programs and (1) if its base rate is below the state average, it does not on an annual basis exceed the base state rate, or (2) if its base rate is above the state average, it does not in the year exceed by 5 percent its own base rate.

SEC. 2.5. Section 1825 of the Welfare and Institutions Code is amended to read:

1825. (a) No county shall be entitled to receive any state funds provided by this article until its application is approved and unless and until the minimum standards prescribed by the Department of the Youth Authority are complied with and then only on such terms as are set forth hereafter in this section.

(b) A commitment rate for each county and for the state as a whole shall be calculated by the Department of the Youth Authority by computing the ratio of new commitments to state and county population, expressed in a rate per hundred thousand population, for each of the calendar years 1959 through 1963. The average of these rates for a county for the five-year period or the average of the last two years of the period, whichever is higher, shall be the base rate for that county. The number of commitments shall be the total of the new commitments to the custody of the Director of the Youth Authority and the new criminal commitments to the custody of the Director of Corrections, as certified by the respective departments. The county and state population shall be that certified by the Department of Finance to the Controller as of July 1 of each year. Persons committed to the Department of Corrections and subsequently discharged under Section 1168 of the Penal Code and persons committed to the Department of

Corrections, or the Department of the Youth Authority for diagnostic study only pursuant to Section 1203.03 of the Penal Code or Section 704 or 1752.1 of the Welfare and Institutions Code, shall not be counted as having been committed for purposes of determining commitment rates under this subdivision or subdivision (c).

(c) An annual commitment rate shall be calculated at the end of each fiscal year for each participating county and for the state as a whole in a like manner to that described in subdivision (b) using the population figure of the July 1 included in the year.

(d) The maximum amount that may be paid to a county pursuant to this article is determined by obtaining the interpolated dollar amount in the table in this subdivision for such county's base commitment rate and its percentage decrease, interpolated to the nearest one-tenth of 1 percent, in rate of commitment and multiplying the appropriate dollar amount by the "commitment reduction number." The "commitment reduction number" is obtained by subtracting (1) the most recent annual commitment number from (2) the product of the base commitment rate and population of the county for the same year employed in (1). The Director of the Youth Authority and the Director of Finance shall annually adjust the dollar amounts in the ensuing table to reflect a percentage increase in the per capita subsidy equal to the percentage increase in the California Consumer Price Index as of December of the current fiscal year over such index as of December of the preceding fiscal year. The adjustment of the per capita subsidy for the 1971-72 fiscal year shall reflect the percentage by which such index number for December 1970 exceeds the index number for December 1965. When such adjustments are made, the adjusted amounts shall be employed in making the computation prescribed by this subdivision.

Per Capita Subsidy in Relation to Percentage Decrease
Base Commitment Rates/100,000
(Adult and Juvenile)

Percent of decrease from base rate	Less than						
	40 100,000	40-49 100,000	50-59 100,000	60-69 100,000	70-79 100,000	80-89 100,000	90 plus 100,000
0 percent	--	--	--	--	--	--	--
1 percent	\$2,400	\$2,285	\$2,180	\$2,135	\$2,105	\$2,085	\$2,080
2 percent	2,800	2,570	2,360	2,265	2,210	2,175	2,160
3 percent	3,200	2,855	2,545	2,400	2,315	2,260	2,240
4 percent	3,600	3,145	2,725	2,535	2,420	2,350	2,320
5 percent	4,000	3,430	2,910	2,665	2,525	2,435	2,400
6 percent	4,000	3,715	3,090	2,800	2,630	2,520	2,430
7 percent	4,000	4,000	3,275	2,935	2,735	2,610	2,560
8 percent	4,000	4,000	3,455	3,065	2,840	2,695	2,640
9 percent	4,000	4,000	3,635	3,200	2,945	2,785	2,720
10 percent	4,000	4,000	3,820	3,335	3,055	2,870	2,800
11 percent	4,000	4,000	4,000	3,465	3,160	2,955	2,830

12 percent__	4,000	4,000	4,000	3,600	3,265	3,045	2,960
13 percent__	4,000	4,000	4,000	3,735	3,370	3,130	3,040
14 percent__	4,000	4,000	4,000	3,865	3,475	3,215	3,120
15 percent__	4,000	4,000	4,000	4,000	3,580	3,305	3,200
16 percent__	4,000	4,000	4,000	4,000	3,685	3,390	3,280
17 percent__	4,000	4,000	4,000	4,000	3,790	3,480	3,360
18 percent__	4,000	4,000	4,000	4,000	3,895	3,565	3,440
19 percent__	4,000	4,000	4,000	4,000	4,000	3,650	3,520
20 percent__	4,000	4,000	4,000	4,000	4,000	3,740	3,600
21 percent__	4,000	4,000	4,000	4,000	4,000	3,825	3,680
22 percent__	4,000	4,000	4,000	4,000	4,000	3,915	3,760
23 percent__	4,000	4,000	4,000	4,000	4,000	4,000	3,840
24 percent__	4,000	4,000	4,000	4,000	4,000	4,000	3,920
25 percent__	4,000	4,000	4,000	4,000	4,000	4,000	4,000
Over							
25 percent__	4,000	4,000	4,000	4,000	4,000	4,000	4,000

(e) The state will reimburse the county upon presentation of a valid claim based on actual performance in reducing the commitment rate from its base rate. Whenever a claim made by a county, pursuant to this article, covering a prior fiscal year, is found to be in error, adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(f) If the amount received by a county in reimbursement of its expenditures in a fiscal year is less than the maximum amount computed under subdivision (d), the difference may be used in the next two succeeding fiscal years and may be paid to the county in quarterly installments during such fiscal year upon preparation of valid claims for reimbursement of its quarterly expenses.

(g) In the event a participating county earns less than the sum paid in the previous year because of extremely unusual circumstances claimed by the county and verified by the Director of the Youth Authority with the approval of the Director of Finance, the Director of the Youth Authority may pay to the county a sum equal to the prior year's payment, provided, however, that in subsequent years the county will be paid only the amount earned.

(h) Funds obtained under this article shall not be used to support existing programs or develop or expand new programs in juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of this code.

(i) Counties where the average number of commitments in the base period as established by subdivision (b) is less than 30 may elect either to comply with the procedure set out above or, as an alternative, to receive from the state 90 percent of the salary of one full-time additional probation officer or,

in the event there are fewer than 20 persons placed on probation annually otherwise eligible for commitment to state institutions, the county would be entitled to 90 percent of the salary of a half-time officer. In the event a county chooses the alternative proposal, it will be eligible for reimbursement only so long as the officer devotes all of his time in the performance of probation services to supervision of persons eligible for state commitment and persons participating in special supervision programs and (1) if its base rate is below the state average, it does not on an annual basis exceed the base state rate, or (2) if its base rate is above the state average, it does not in the year exceed by 5 percent its own base rate.

A county receiving funds under this article shall submit a report showing the manner in which such funds were expended, after the completion of each fiscal year.

SEC. 2.6. Section 1825 of the Welfare and Institutions Code is amended to read:

1825. (a) No county shall be entitled to receive any state funds provided by this article until its application is approved and unless and until the minimum standards prescribed by the Department of the Youth Authority are complied with and then only on such terms as are set forth hereafter in this section.

(b) A commitment rate for each county and for the state as a whole shall be calculated by the Department of the Youth Authority by computing the ratio of new commitments to state and county population, expressed in a rate per hundred thousand population, for each of the calendar years 1959 through 1963. The average of these rates for a county for the five-year period or the average of the last two years of the period, whichever is higher, shall be the base rate for that county; however, if the base rate is lower than 40 commitments per 100,000 population, the rate shall be established at 40, and if the rate is higher than 100, the rate shall be established at 100. The number of commitments shall be the total of the new commitments to the custody of the Director of the Youth Authority and the new criminal commitments to the custody of the Director of Corrections, as certified by the respective departments. The county and state population shall be that certified by the Department of Finance to the Controller as of July 1 of each year. Persons committed to the Department of Corrections and subsequently discharged under Section 1168 of the Penal Code and persons committed to the Department of Corrections, or the Department of the Youth Authority for diagnostic study only pursuant to Section 1203.03 of the Penal Code or Section 704 or 1752.1 of the Welfare and Institutions Code, shall not be counted as having been committed for purposes of determining commitment rates under this subdivision or subdivision (c).

(c) An annual commitment rate shall be calculated at the end of each fiscal year for each participating county and for the state as a whole in a like manner to that described in sub-

division (b) using the population figure of the July 1 included in the year.

(d) The maximum amount that may be paid to a county pursuant to this article is determined by obtaining the interpolated dollar amount in the table in this subdivision for such county's base commitment rate and its percentage decrease, interpolated to the nearest one-tenth of 1 percent, in rate of commitment and multiplying the appropriate dollar amount by the "commitment reduction number." The "commitment reduction number" is obtained by subtracting (1) the most recent annual commitment number from (2) the product of the base commitment rate and population of the county for the same year employed in (1). The Director of the Youth Authority and the Director of Finance shall annually adjust the dollar amounts in the ensuing table to reflect a percentage increase in the per capita subsidy equal to the percentage increase in the California Consumer Price Index as of December of the current fiscal year over such index as of December of the preceding fiscal year. The adjustment of the per capita subsidy for the 1971-72 fiscal year shall reflect the percentage by which such index number for December 1970 exceeds the index number for December 1965. When such adjustments are made, the adjusted amounts shall be employed in making the computation prescribed by this subdivision.

Per Capita Subsidy in Relation to Percentage Decrease
Base Commitment Rates/100,000
(Adult and Juvenile)

Percent of decrease from base rate	40-49	50-59	60-69	70-79	80-89	90-100
	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>
0 percent---	--	--	--	--	--	--
1 percent---	\$2,285	\$2,180	\$2,135	\$2,105	\$2,085	\$2,080
2 percent---	2,570	2,360	2,265	2,210	2,175	2,160
3 percent---	2,855	2,545	2,400	2,315	2,260	2,240
4 percent---	3,145	2,725	2,535	2,420	2,350	2,320
5 percent---	3,430	2,910	2,665	2,525	2,435	2,400
6 percent---	3,715	3,090	2,800	2,630	2,520	2,480
7 percent---	4,000	3,275	2,935	2,735	2,610	2,560
8 percent---	4,000	3,455	3,065	2,840	2,695	2,640
9 percent---	4,000	3,635	3,200	2,945	2,785	2,720
10 percent---	4,000	3,820	3,335	3,055	2,870	2,800
11 percent---	4,000	4,000	3,465	3,160	2,955	2,880
12 percent---	4,000	4,000	3,600	3,265	3,045	2,960
13 percent---	4,000	4,000	3,735	3,370	3,130	3,040
14 percent---	4,000	4,000	3,865	3,475	3,215	3,120
15 percent---	4,000	4,000	4,000	3,580	3,305	3,200
16 percent---	4,000	4,000	4,000	3,685	3,390	3,280
17 percent---	4,000	4,000	4,000	3,790	3,480	3,360
18 percent---	4,000	4,000	4,000	3,895	3,565	3,440
19 percent---	4,000	4,000	4,000	4,000	3,650	3,520

20 percent---	4,000	4,000	4,000	4,000	3,740	3,600
21 percent---	4,000	4,000	4,000	4,000	3,825	3,680
22 percent---	4,000	4,000	4,000	4,000	3,915	3,760
23 percent---	4,000	4,000	4,000	4,000	4,000	3,840
24 percent---	4,000	4,000	4,000	4,000	4,000	3,920
25 percent---	4,000	4,000	4,000	4,000	4,000	4,000
Over						
25 percent---	4,000	4,000	4,000	4,000	4,000	4,000

(e) The state will reimburse the county upon presentation of a valid claim based on actual performance in reducing the commitment rate from its base rate. Whenever a claim made by a county, pursuant to this article, covering a prior fiscal year, is found to be in error, adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(f) If the amount received by a county in reimbursement of its expenditures in a fiscal year is less than the maximum amount computed under subdivision (d), the difference may be used in the next two succeeding fiscal years and may be paid to the county in quarterly installments during such fiscal year upon preparation of valid claims for reimbursement of its quarterly expenses.

(g) In the event a participating county earns less than the sum paid in the previous year because of extremely unusual circumstances claimed by the county and verified by the Director of the Youth Authority with the approval of the Director of Finance, the Director of the Youth Authority may pay to the county a sum equal to the prior year's payment, provided, however, that in subsequent years the county will be paid only the amount earned.

(h) Funds obtained under this article shall not be used to support existing programs or develop or expand new programs in juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of this code.

(i) Counties where the average number of commitments in the base period as established by subdivision (b) is less than 30 may elect either to comply with the procedure set out above or, as an alternative, to receive from the state 90 percent of the salary of one full-time additional probation officer or, in the event there are fewer than 20 persons placed on probation annually otherwise eligible for commitment to state institutions, the county would be entitled to 90 percent of the salary of a half-time officer. In the event a county chooses the alternative proposal, it will be eligible for reimbursement only so long as the officer devotes all of his time in the performance of probation services to supervision of persons eligible for state commitment and persons participating in special supervision

programs and (1) if its base rate is below the state average, it does not on an annual basis exceed the base state rate, or (2) if its base rate is above the state average, it does not in the year exceed by 5 percent its own base rate.

A county receiving funds under this article shall submit a report showing the manner in which such funds were expended, after the completion of each fiscal year.

Sec. 3. It is the intent of the Legislature that if this bill and Senate Bill No. 353 or Assembly Bill No. 92, or both, are chaptered and amend Section 1825 of the Welfare and Institutions Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Senate Bill No. 353 are both chaptered and amend Section 1825 of the Welfare and Institutions Code, but Assembly Bill No. 92 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 353, Section 1825 of the Welfare and Institutions Code, as amended by Section 1 of this act, shall remain operative only until the operative date of Senate Bill No. 353, and on the operative date of Senate Bill No. 353, Section 1825 of the Welfare and Institutions Code, as amended by Section 1 of this act shall be further amended in the form set forth in Section 2 of this act to incorporate the changes in Section 1825 proposed by Senate Bill No. 353. Therefore, if Senate Bill No. 353 is chaptered before this bill and both bills amend Section 1825, and Assembly Bill No. 92 is not chaptered or as chaptered does not amend that section, Section 1 of this act shall be operative until the operative date of Senate Bill No. 353, Section 2 of this act shall become operative on the operative date of Senate Bill No. 353, and Sections 2.5 and 2.6 of this act shall not become operative.

(b) If this bill and Assembly Bill No. 92 are both chaptered and amend Section 1825 of the Welfare and Institutions Code, but Senate Bill No. 353 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 92, the amendments proposed by both bills shall be given effect and incorporated in Section 1825 in the form set forth in Section 2.5 of this act. Therefore, if Assembly Bill No. 92 is chaptered before this bill and both bills amend Section 1825, and Senate Bill No. 353 is not chaptered or as chaptered does not amend that section, Section 2.5 shall be operative and Sections 1, 2, and 2.6 of this act shall not become operative.

(c) If this bill and Senate Bill No. 353 and Assembly Bill No. 92 are all chaptered, and all three bills amend Section 1825 of the Welfare and Institutions Code, and this bill is chaptered after Senate Bill No. 353 and Assembly Bill No. 92, Section 1825 of the Welfare and Institutions Code, as amended by Section 2.5 of this act, shall be operative and shall remain operative only until the operative date of Senate Bill No. 353, and on the operative date of Senate Bill No. 353, Section 1825

of the Welfare and Institutions Code, as amended by Section 2.5 of this act shall be further amended in the form set forth in Section 2.6 of this act to incorporate the changes in Section 1825 proposed by Senate Bill No. 353. Therefore, if Senate Bill No. 353 and Assembly Bill No. 92 are both chaptered before this bill and all three bills amend Section 1825 of the Welfare and Institutions Code, Section 2.5 of this act shall be operative until the operative date of Senate Bill No. 353, Section 2.6 of this act shall become operative on the operative date of Senate Bill No. 353, and Sections 1 and 2 of this act shall not become operative.

CHAPTER 831

An act to amend Sections 23320, 23328, and 23329 of, and to repeal Sections 23324 and 23326 of, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 23320 of the Business and Professions Code is amended to read:

23320. The following are the types of licenses to be issued under this division and the annual fees to be charged therefor:

- | | |
|--|------------------|
| (1) Beer manufacturer's license | |
| (a) Steam beer manufacturer exclusively | \$56.00 per year |
| (b) All other beer manufacturer | 828.00 per year |
| (2) Winegrower's license or wine blender's license (to be computed only on the gallonage produced or blended), 5,000 gallons or less | 22.00 per year |
| Over 5,000 gallons to 20,000 gallons per year | 44.00 per year |
| Over 20,000 to 100,000 gallons per year | 82.50 per year |
| Over 100,000 to 200,000 gallons per year | 110.00 per year |
| Over 200,000 gallons to 1,000,000 gallons per year | 165.00 per year |
| For each 1,000,000 gallons or fraction thereof over 1,000,000 gallons an additional | 110.00 per year |
| (3) Brandy manufacturer's license | 168.00 per year |
| (4) Distilled spirits manufacturer's license | 276.00 per year |
| (5) Distilled spirits manufacturer's agent's license | 276.00 per year |
| (6) Still license | 12.00 per year |

(7) Rectifier's license -----	276.00 per year
(7a) Distilled spirits rectifier's general license -----	276.00 per year
(8) Wine rectifier's license -----	276.00 per year
(9) Beer and wine importer's license -----	No fee
(10) Beer and wine importer's general license -----	56.00 per year
(11) Brandy importer's license -----	No fee
(12) Distilled spirits importer's license -----	No fee
(13) Distilled spirits importer's general license -----	276.00 per year
(14) Public warehouse license -----	12.00 per year
(15) Customs broker's license -----	12.00 per year
(16) Wine broker's license -----	56.00 per year
(17) Beer and wine wholesaler's license -----	56.00 per year
(18) Distilled spirits wholesaler's license -----	276.00 per year
(18a) California brandy wholesaler's license -----	276.00 per year
(19) Industrial alcohol dealer's license -----	56.00 per year
(20) Retail package off-sale beer and wine license -----	24.00 per year
(21) Retail package off-sale general license -----	350.00 per year
(22) On-sale beer license -----	168.00 per year
(23) On-sale beer and wine license -----	168.00 per year
(24) On-sale beer and wine license for trains (per train) -----	16.00 per year
(25) On-sale beer license for fishing party boats (per boat) -----	32.00 per year
(26) On-sale beer and wine license for boats (per boat) -----	56.00 per year
(27) On-sale beer and wine license for airplanes (per scheduled flight) -----	16.00 per year
(28) On-sale general license:	
In cities of 40,000 population or over -----	580.00 per year
In cities of less than 40,000 but more than 20,000 population -----	412.00 per year
In all other localities -----	360.00 per year
(29) On-sale general license for seasonal business:	
In cities of 40,000 population or over -----	145.00 per quarter year
In cities of less than 40,000 but more than 20,000 population -----	103.00 per quarter year
In all other localities -----	90.00 per quarter year
(30) (a) On-sale general license for bona fide clubs,	
(b) Club license (issued under Article 4 of this chapter), or	
(c) Veterans' club license (issued under Article 5 (commencing with Section 23450) of this chapter):	

	In cities of 40,000 population or over -----	330.00 per year
	In cities of less than 40,000 but more than 20,000 -----	248.00 per year
	In all other localities -----	220.00 per year
(31)	On-sale general license for trains and sleeping cars -----	128.00 per year
	Duplicate on-sale general license for trains and sleeping car companies -----	32.00 per year
(32)	On-sale general license for boats ----	332.00 per year
(33)	On-sale general license for airplanes_	332.00 per year
	Duplicate on-sale general license for air common carriers -----	10.00 per year
(34)	On-sale general license for vessels of more than 1,000 tons burden ----	128.00 per year
	Duplicate on-sale general license for vessels of more than 1,000 tons burden -----	32.00 per year
(35)	On-sale general bona fide public eating place intermittent dockside license for vessels of more than 15,000 tons displacement -----	360.00 per year

SEC. 2. Section 23324 of the Business and Professions Code is repealed.

SEC. 3. Section 23326 of the Business and Professions Code is repealed.

SEC. 4. Section 23328 of the Business and Professions Code is amended to read:

23328. If a licensee neglects or refuses to make a report as required by Section 23327, the department shall make an estimate based upon any information in its possession, or that may come into its possession, of the amount of wine produced by the delinquent licensee for the periods with respect to which he failed to make a report and, upon the basis of the estimated amount, compute and assess the additional license fees payable by the delinquent licensee. An assessment may be made of the amount of license fees due for more than one period. The department shall give the delinquent licensee written notice of the estimated license fee.

SEC. 5. Section 23329 of the Business and Professions Code is amended to read:

23329. If the department is not satisfied with a report required to be filed by Section 23327, it may make an additional assessment of license fees due based upon the facts contained in the report or upon any information within its possession, or that comes into its possession. An additional assessment may be made of the license fees for more than one period. In making an additional assessment the department may offset overpayments for periods against underpayments for other periods. The department shall give the licensee written notice of the additional assessment.

CHAPTER 832

An act to add Sections 1628.5 and 1740.5 to the Business and Professions Code, relating to healing arts.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1628.5 is added to the Business and Professions Code, to read:

1628.5. The board may deny an application to take an examination for licensure as a dentist or an application for registration as a dental corporation if the applicant has done any of the following:

(a) Committed any act which would be grounds for the suspension or revocation of a license under this chapter.

(b) While unlicensed, committed, or aided and abetted the commission of, any act for which a license is required by this chapter.

(c) Knowingly made any false statement in the application.

The proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

SEC. 2. Section 1740.5 is added to the Business and Professions Code, to read:

1740.5. The board may deny an application to take an examination for licensure as a dental hygienist if the applicant has done any of the following:

(a) Committed any act which would be grounds for the suspension or revocation of a license under this chapter.

(b) While unlicensed, committed, or aided and abetted the commission of, any act for which a license is required by this chapter.

(c) Knowingly made any false statement in the application.

The proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

CHAPTER 833

An act to add Chapter 10 (commencing with Section 3480) to Division 4 of the Health and Safety Code, relating to immunization against communicable diseases.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 10 (commencing with Section 3480) is added to Division 4 of the Health and Safety Code, to read:

CHAPTER 10. IMMUNIZATION AGAINST
COMMUNICABLE DISEASES

3480. In enacting this chapter, it is the intent of the Legislature to provide:

(a) A means for the eventual achievement of total immunization in appropriate age groups against diphtheria, pertussis (whooping cough), and tetanus.

(b) That the persons required to be immunized be allowed to obtain immunization from whatever medical source they so desire.

(c) Exemptions from immunizations under specified conditions.

(d) For the keeping of adequate records of immunization so that appropriate public agencies and the persons immunized will be able to ascertain that a person is fully or only partially immunized.

3481. No person 18 years of age or under or, in the case of pertussis (whooping cough), six years of age or under, may be unconditionally admitted as a pupil of a private or public child care center, day nursery, nursery school, or elementary or secondary school unless prior to his first admission to school in California he has been immunized against such communicable diseases listed in subdivision (a) of Section 3480.

3482. A person who has not received any of the required immunizations may be admitted on condition that within two weeks of the date of his admission he shall present evidence that he has begun the required immunizations and shall thereafter within a period designated by regulation of the board present evidence that he has been fully immunized against those communicable diseases for which immunization is required.

3483. Such immunization shall be evidenced by a written record made on a form prescribed by the board. A copy of the record shall be given to the parent or guardian of the child, or if the person receiving immunization is an adult, the copy shall be given to him.

3484. Immunization performed by a private physician shall be acceptable for admission to school if the immunization is performed and records are made in accordance with rules established by the board.

3485. If the parent or guardian (in the case of a minor) or the person seeking admission (if an adult) files with the governing board of the school district or the governing authority of the private school a written statement by a licensed physician to the effect that the physical condition of the child or adult is such, or medical circumstances relating to the child or adult are such that immunization is not considered safe, indicating the specific nature and probable duration of the

medical condition or circumstances which contraindicate immunization, such person shall be exempt from the requirements of this chapter to the extent indicated by the physician's statement.

3486. Immunization of a person shall not be required for admission to a private or public child care center, day nursery, nursery school, or elementary or secondary school if the parent or guardian or responsible relative or adult who has assumed responsibility for his care and custody (in the case of a minor), files with the governing board of the school district or the governing authority of the private school, or the governing authority of the private or public child care center, day nursery, or nursery school, as the case may be, a letter or affidavit provided by the district or authority, stating that such immunization is contrary to his or her beliefs. However, whenever there is good cause to believe that a person is suffering from the communicable diseases listed in subdivision (a) of Section 3480, the person may be temporarily excluded from the school, child care center, day nursery, or nursery school, until the governing board of the school district or the governing authority of the private school, or the governing authority of the private or public child care center, day nursery, or nursery school, is satisfied that the disease does not exist.

3487. The county health officer of each county shall organize and maintain an immunization program so that immunizations are made available to all persons required by this chapter to be immunized. He shall also determine how the cost of such a program is to be recovered. To the extent that the cost to the county is in excess of that sum recovered from persons immunized, the remainder of the cost shall be paid by the county in the same manner as other expenses of the county are paid.

3488. The governing board of each school district and the governing authority of each private school, or the governing authority of the private or public child care center, day nursery, or nursery school shall cooperate with the county health officer in carrying out the program for immunization of persons applying for admission to any school, child care center, day nursery, or nursery school, under its jurisdiction. The governing board of any school district may use any funds, property, and personnel of the district for that purpose. The governing board of any school district and the governing authority of any private school, or the governing authority of any private or public child care center, day nursery, or nursery school, may permit any person licensed as a physician and surgeon to administer immunization agents to the children and adults seeking admission to any school under its jurisdiction.

3489. The board shall adopt and enforce all rules and regulations necessary to carry out the provisions of this chapter.

CHAPTER 834

*An act to amend Section 16645.2 of the Education Code,
relating to development centers.*

[Approved by Governor October 1, 1971. Filed with
Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 16645.2 of the Education Code is amended to read:

16645.2. The governing body of any school district or a county superintendent of schools with the approval of the county board of education is authorized to establish and maintain, upon the approval of the Superintendent of Public Instruction, one or more development centers for physically handicapped and mentally retarded minors between 3 years and 21 years of age residing in, and in the custody of persons residing in, the district or county. The governing body or county superintendent shall determine the hours, days, and months during which the development center is to be maintained.

The establishment and maintenance of any development center for physically handicapped and mentally retarded minors by the county superintendent of schools shall be undertaken subject to the prior approval of the county board of education, upon the application of one or more school districts under his jurisdiction, and such establishment and maintenance shall be upon such terms and conditions as may be provided for in a written contract between the county superintendent of schools and the governing body of any school district.

Minors who are otherwise eligible for development center placement as determined by the Superintendent of Public Instruction, and who are between 18 months and 3 years of age, may be enrolled in experimental programs conducted by a school district or county superintendent of schools maintaining a development center. Experimental programs for such minors shall be approved in advance by the Superintendent of Public Instruction and shall be conducted in accordance with rules and regulations established by him.

CHAPTER 835

*An act to amend Section 62474 of the Agricultural Code,
relating to milk.*

[Approved by Governor October 1, 1971. Filed with
Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 62474 of the Agricultural Code is amended to read:

62474. (a) A subdistributor price shall be established for each marketing area. Subdistributor prices may vary from the minimum prices which are established for sales by distributors to other wholesale customers.

(b) The director may, through regulations adopted pursuant to Section 61931, clarify and apply the definition of "distributor" under Section 61806 for purposes of determining the transactions in fluid milk which are subject to subdistributor prices, including variations in such prices based upon quantity purchases.

(c) If fluid milk or fluid cream, or both, is purchased, other than in bulk, by one distributor from another distributor, in a marketing area included within any pooling plan established by the director under the provisions of the Gonsalves Milk Pooling Act, Chapter 3 (commencing with Section 62700), for sale in a marketing area not included within such pooling plan, the price paid shall not be less than the minimum subdistributor price for the marketing area in which the fluid milk or fluid cream, or both, is ultimately sold. If the purchasing distributor accepts delivery of such fluid milk or fluid cream at the processing plant or depot of the selling distributor, and thereafter, at the expense of the purchasing distributor, transports such fluid milk or fluid cream to the area of sale, the director may permit an allowance against the subdistributor price for the reasonable costs of such transportation.

(d) If fluid milk or fluid cream, or both, is purchased, other than in bulk, by one distributor from another distributor in a marketing area not included within any pooling plan established by the director under the provisions of the Gonsalves Milk Pooling Act, Chapter 3 (commencing with Section 62700), and if such fluid milk or fluid cream, or both, is ultimately sold by the purchasing distributor in a marketing area included within such pooling plan, the price paid by the purchasing distributor shall not be less than the minimum subdistributor price for the marketing area in which the fluid milk or fluid cream, or both, is ultimately sold.

CHAPTER 836

An act to add Section 2281 to the Agricultural Code, relating to county agricultural commissioners.

[Approved by Governor October 1, 1971 Filed with
Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 2281 is added to the Agricultural Code, to read:

2281. Except as otherwise specifically provided, in all cases where provisions of this code place joint responsibility for the

enforcement of laws and regulations on the director and the commissioner, the commissioner shall be responsible for local administration of the enforcement program. The director shall be responsible for overall statewide enforcement and shall issue instructions and make recommendations to the commissioner and such instructions and recommendations shall govern the procedure to be followed by the commissioner in the discharge of his duties. The director shall furnish assistance in planning and otherwise developing an adequate county enforcement program, including uniformity, coordination, training, special services, special equipment, and forms, statewide publicity, statewide planning, and emergency assistance.

CHAPTER 837

An act to amend Sections 2462 and 2651 of, and to add Section 2635.1 to, the Business and Professions Code, relating to physical therapists.

[Approved by Governor October 1, 1971. Filed with
Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 2462 of the Business and Professions Code is amended to read:

2462. The amount of fees provided in connection with licenses for the practice of physical therapy is as follows:

(a) The application fee shall be fixed by the board at not more than fifty dollars (\$50). The application fee for an applicant under Section 2635.1 shall be fixed by the board at not more than one hundred dollars (\$100).

(b) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that if the license will expire less than one year after its issuance, then the initial license fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued.

(c) The renewal fee shall be fixed by the board at not more than fifty dollars (\$50).

(d) The delinquency fee is fifteen dollars (\$15).

(e) The duplicate license fee is two dollars (\$2).

(f) The endorsement fee is five dollars (\$5).

SEC. 2. Section 2635.1 is added to the Business and Professions Code, to read:

2635.1. (a) An applicant whose application is based on a diploma issued to him by a foreign physical therapy school recognized by a member nation of the World Confederation

for Physical Therapy shall furnish documentary evidence, satisfactory to the board, that:

(1) He has completed in a physical therapy school or schools a resident course of professional instruction equivalent to that required in Section 2650 for a physical therapist applicant; and

(2) He is a citizen of the United States, or has filed the declaration of intention to become a citizen of the United States, or a petition for naturalization, or comparable document prescribed by federal law.

(b) Applicants under this section shall satisfactorily complete a period of service not to exceed nine months under the continuous direction and immediate supervision of a registered physical therapist licensed by the Board of Medical Examiners in a physical therapy service and in an institution both of which have been approved by the committee for providing such a period of service. The committee may waive all or any portion of the required period of service. The committee shall suggest and the board shall adopt guidelines for granting such waiver.

(c) Before a license may be issued, the applicant must not only meet the requirements of subdivisions (a) and (b) but must pass the written examination as provided under Section 2636 prior to commencing the period of service, and may be required to pass an oral examination at the completion of the period of service if such period of service has not been completed to the satisfaction of the supervising registered physical therapist. The requirements to pass the written examination shall not apply to an applicant who at the time of his application has passed, to the satisfaction of the examining committee, an examination for licensing or registration in another state, district or territory of the United States that is, in the opinion of the examining committee, comparable to the examination given in this state.

(d) Nothing contained in this section shall prohibit the board from disapproving any foreign physical therapy school nor from denying the applicant if, in the opinion of the board, the instruction received by the applicant or the courses were not equivalent to that required in this chapter for a physical therapist applicant.

SEC. 3. Section 2651 of the Business and Professions Code is amended to read:

2651. The board shall approve each school of physical therapy located in the United States that proves to the satisfaction of the board that it complies with the essentials of an acceptable school of physical therapy promulgated by the Council on Medical Education of the American Medical Association, except that each such school in addition shall comply with all of the provisions of this chapter and the rules of the board adopted pursuant to this chapter.

CHAPTER 838

An act to amend Sections 2462, 2604, 2605, 2630, 2632, 2635, 2637, 2638, 2639, and 2660 of, to add Sections 2604.5, 2608.5, 2611, 2612, 2613, 2614, 2636.1, and 2672 to, and to repeal Sections 2631 and 2631.5 of, the Business and Professions Code, relating to physical therapists.

[Approved by Governor October 1, 1971 Filed with
Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 2462 of the Business and Professions Code is amended to read:

2462. The amount of fees provided in connection with licenses for the practice of physical therapy is as follows:

(a) The application fee shall be fixed by the board at not more than fifty dollars (\$50).

(b) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that if the license will expire less than one year after its issuance, then the initial license fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued.

(c) The renewal fee shall be fixed by the board at not more than fifty dollars (\$50).

(d) The delinquency fee is fifteen dollars (\$15).

(e) The duplicate license fee is two dollars (\$2).

(f) The endorsement fee is five dollars (\$5).

SEC. 1.5. Section 2462 of the Business and Professions Code is amended to read:

2462. The amount of fees provided in connection with licenses for the practice of physical therapy is as follows:

(a) The application fee shall be fixed by the board at not more than fifty dollars (\$50). The application fee for an applicant under Section 2635.1 shall be fixed by the board at not more than one hundred dollars (\$100).

(b) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that if the license will expire less than one year after its issuance, then the initial license fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued.

(c) The renewal fee shall be fixed by the board at not more than fifty dollars (\$50).

(d) The delinquency fee is fifteen dollars (\$15).

(e) The duplicate license fee is two dollars (\$2).

(f) The endorsement fee is five dollars (\$5).

SEC. 2. Section 2604 of the Business and Professions Code is amended to read:

2604. The members of the examining committee shall be appointed by the Governor. The person appointed to succeed one of the physical therapist members whose term expires January 15, 1973, shall be appointed for a term expiring on June 15, 1975, and the other physical therapist appointed shall be appointed for a term expiring on June 15, 1976. Thereafter appointments shall be for a term of four years.

The Governor shall fill the new position created on the effective date of the 1968 amendment to Section 2603 by appointment of a physical therapist who was registered under Chapter 5.6 (commencing with Section 2600) of this division, repealed at the 1968 Regular Session of the Legislature, and who is at the time of his appointment licensed under this chapter. This term shall expire January 15, 1973.

Not more than one member of the examining committee shall be appointed from the full-time faculty of any university, college, or other educational institution.

No person may serve as a member of the examining committee for more than two consecutive terms. Vacancies shall be filled by appointment for the unexpired term. Annually the examining committee shall elect one of its members as chairman.

The Governor shall have the power to remove any member of the examining committee from office for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.

SEC. 3. Section 2604.5 is added to the Business and Professions Code, to read:

2604.5. The public member shall be appointed from persons having all of the following qualifications:

- (a) Be a citizen of California.
- (b) Shall not be an officer or faculty member of any college, school or institution engaged in physical therapy education.
- (c) Shall not be a licentiate of the board or of any board under this division or of any board referred to in Sections 1000 and 3600.

The public member in office at the effective date of the amendment made to this section by the Legislature at the 1971 Regular Session shall continue in office until the expiration of his term.

SEC. 4. Section 2605 of the Business and Professions Code is amended to read:

2605. It shall be the duty of the examining committee to examine applicants for a license as provided by this chapter, at such places and at such times as shall be designated by the committee in its discretion. It may employ physical therapists licensed pursuant to this chapter to aid it in such examination. The examination shall embrace the following subjects: anatomy, pathology, kinesiology, physiology, psychology,

physics, electrotherapy, radiation therapy, hydrotherapy, massage, therapeutic exercise, physical therapy as applied to medicine, neurology, orthopedics, surgery, psychiatry, procedures of evaluation, testing, and measuring, and technical procedures in the practice of physical therapy.

SEC. 5. Section 2608 5 is added to the Business and Professions Code, to read:

2608.5. Each member of the examining committee, or any licensed physical therapist appointed by the committee, may inspect, or require reports from, a general or specialized hospital or any other facility providing physical therapy care, treatment or services and the physical therapy staff thereof, with respect to the physical therapy care, treatment, services, or facilities provided therein, and may inspect physical therapy patient records with respect to such care, treatment, services, or facilities. The authority to make inspections and to require reports as provided by this section shall not be delegated by a member of the committee to any person other than a physical therapist and shall be subject to the restrictions against disclosure described in Section 2379.

SEC. 6. Section 2611 is added to the Business and Professions Code, to read:

2611. The committee shall hold one regular meeting annually in October in the City of Sacramento and at least two additional regular meetings annually, one of which shall be held in the City of Los Angeles and the other in the City of San Francisco. The committee may adjourn from time to time until its business is concluded. Special meetings of the committee may be held at such time and place as the committee may designate.

SEC. 7. Section 2612 is added to the Business and Professions Code, to read:

2612. Notice of each regular or special meeting shall be given twice a week for two weeks immediately preceding each meeting in one daily paper published in the City of San Francisco, one published in the City of Sacramento, and one published in the City of Los Angeles.

SEC. 8. Section 2613 is added to the Business and Professions Code, to read:

2613. The committee may appoint qualified persons to give the whole or any portion of any examination as provided in this chapter, who shall be designated as a commissioner on examination. A commissioner on examination need not be a member of the committee but shall be subject to the same rules and regulations and shall be entitled to the same fee as if he were a member of the committee.

SEC. 9. Section 2614 is added to the Business and Professions Code, to read:

2614. (a) The examining committee shall hear all matters assigned to it by the board, including but not limited to, any contested case or any petition for reinstatement, restoration, or modification of probation. Except as otherwise provided in

this chapter, all such hearings shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. If a contested case is heard by the examining committee, the hearing officer who presided at the hearing shall be present during the committee's consideration of the case and, if requested, shall assist and advise the committee.

(b) At the conclusion of the hearing, the examining committee shall prepare a proposed decision in such form that it may be adopted by the board as the decision in the case, and shall transmit it to the board. The proposed decision shall be subject to the same procedure as the proposed decision of a hearing officer under subdivisions (b) and (c) of Section 11517 of the Government Code.

SEC. 10. Section 2630 of the Business and Professions Code is amended to read:

2630. Except as provided in this chapter, it is unlawful for any person or persons to practice, or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself out as a physical therapist, unless at the time of so doing such person holds a valid unexpired and unrevoked license issued under this chapter. This prohibition does not apply to any of the following:

(a) Any activities authorized by their licenses on the part of any persons licensed under this code or any initiative act or of this chapter, or any activities by a full-time assistant in such licentiate's office under his orders, direction and immediate supervision.

(b) The practice of physical therapy procedures by registered nurses when such practice is within the scope of their licenses.

(c) Any activities of nonregistered nurses permitted by Section 2731 of this code.

(d) Any person employed by any agency, bureau or division of the government of the United States, while performing the duties of such employment.

(e) The demonstration of any physical therapy equipment by a salesman or merchant engaged in selling such equipment.

(f) The administration of massage, external baths or normal exercise.

SEC. 11. Section 2631 of the Business and Professions Code is repealed.

SEC. 12. Section 2631.5 of the Business and Professions Code is repealed.

SEC. 12.5. Section 2632 of the Business and Professions Code is amended to read:

2632. All licenses for the practice of physical therapy in this state shall be issued by the board and all applications for such licenses shall be filed with the committee. Excepting as otherwise required by the director pursuant to Section 164, the license issued by the board shall describe the licensee

as a "Registered Physical Therapist licensed by the Board of Medical Examiners."

Each application shall be accompanied by the application fee prescribed by Section 2462, shall be signed by the applicant, and shall contain a statement under oath of the facts entitling the applicant to receive a license without examination or to take an examination.

SEC. 13. Section 2635 of the Business and Professions Code is amended to read:

2635. Every applicant for a license under this chapter shall, at the time of application, be a person over 21 years of age, of good moral character, not addicted to the intemperate use of alcohol or any narcotic drug, and have successfully completed courses of training equivalent to the minimum standard established in this chapter for approval by the board.

SEC. 13.5. Section 2635 of the Business and Professions Code is amended to read:

2635. Every applicant for a license under this chapter shall, at the time of application, be a person over 18 years of age, of good moral character, not addicted to the intemperate use of alcohol or any narcotic drug, and have successfully completed courses of training equivalent to the minimum standard established in this chapter for approval by the board.

SEC. 14. Section 2635.1 is added to the Business and Professions Code, to read:

2635.1. Examinations for a license as a physical therapist may be conducted by the committee under a uniform examination system, and for that purpose the committee may make such arrangements with organizations furnishing examination material as may in its discretion be desirable.

SEC. 15. Section 2637 of the Business and Professions Code is amended to read:

2637. Every applicant who is otherwise qualified as provided in this chapter and who receives an average grade of 75 percent shall be granted a license.

SEC. 16. Section 2638 of the Business and Professions Code is amended to read:

2638. Any applicant who fails to pass the examination, but has received a grade of 75 percent or higher in one or more parts of the examination and not less than 65 percent in any part thereof, may, within 12 months thereafter, be reexamined in the part or parts in which he received less than 75 percent upon paying a fee equal to the application fee for each such reexamination. An applicant who fails to receive an average grade of 75 percent after three such reexaminations shall not be eligible for further reexamination unless he first files an application, pays the application fee, and is examined as in the case of an original applicant.

SEC. 17. Section 2639 of the Business and Professions Code is amended to read:

2639. Every graduate of an approved physical therapy school who has filed a physical therapy application with the

committee may, between the date of filing and the publication of the results of the next succeeding examination, practice as a physical therapist under the supervision of a physician and surgeon duly licensed by the board and a physical therapist in a licensed hospital, clinic, or sanitarium or under the direct and immediate supervision of a physical therapist licensed in this state.

If the person practicing pursuant to this section shall fail to pass the examination, all privileges under this section shall automatically cease.

SEC. 18. Section 2660 of the Business and Professions Code is amended to read:

2660. The board may, after appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months or revoke any license issued under this chapter for any of the following causes:

(a) Advertising in violation of Section 17500 of the Business and Professions Code.

(b) Fraud in the procurement of any license under this chapter.

(c) Procuring or aiding or offering to procure or aid in criminal abortion.

(d) Conviction of a felony or other crime involving moral turpitude. The record of conviction or a certified copy thereof shall be conclusive evidence of such conviction.

(e) Impersonating or acting as a proxy for an applicant in any examination given under this chapter.

(f) Habitual intemperance.

(g) Addiction to the excessive use of any habit-forming drug.

(h) Gross negligence in his practice as a physical therapist.

(i) Conviction of a violation of any of the provisions of this chapter or of the State Medical Practice Act, or violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the State Medical Practice Act.

(j) Clearly excessive administering of treatment or use of treatment or use of treatment facilities to the detriment of the patient as determined by the customary practice and standards of the local community of licensees.

SEC. 19. Section 2672 is added to the Business and Professions Code, to read:

2672. Whenever any person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the superior court of any county, on application of the board or of 10 or more persons holding physical therapist licenses issued under this chapter, may issue an injunction or other appropriate order restraining such conduct. Proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7, Part 2, Code of Civil Procedure, except that no undertaking shall be required in any action commenced by the board.

SEC. 20. It is the intent of the Legislature, if this bill and Senate Bill No. 608 are both chaptered and amend Section 2462 of the Business and Professions Code, and this bill is chaptered after Senate Bill No. 608, that the amendments to Section 2462 proposed by both bills be given effect and incorporated in Section 2462 in the form set forth in Section 1.5 of this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Senate Bill No. 608 are both chaptered, both amend Section 2432, and Senate Bill No. 608 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

SEC. 21. It is the intent of the Legislature, if this bill and Assembly Bill No. 2887 are both chaptered and amend Section 2635 of the Business and Professions Code, and this bill is chaptered after Assembly Bill No. 2887, that the amendments to Section 2635 proposed by both bills be given effect and incorporated in Section 2635 in the form set forth in Section 13.5 of this act. Therefore, Section 13.5 of this act shall become operative only if this bill and Assembly Bill No. 2887 are both chaptered, both amend Section 2635, and Assembly Bill No. 2887 is chaptered before this bill, in which case Section 13 of this act shall not become operative.

CHAPTER 839

An act to amend Sections 11554 and 15003 of the Government Code, relating to Department of Justice.

[Approved by Governor October 1, 1971 Filed with
Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 11554 of the Government Code is amended to read:

11554. An annual salary of twenty-seven thousand five hundred dollars (\$27,500) shall be paid to each of the following:

- (a) Director of Conservation
- (b) Director of Fish and Game
- (c) Executive Officer, Franchise Tax Board
- (d) Director of Parks and Recreation
- (e) Director of Rehabilitation
- (f) Director of Veterans Affairs
- (g) Director of Commerce
- (h) Director of Professional and Vocational Standards
- (i) Members of the Unemployment Insurance Appeals Board
- (j) State Architect.

SEC. 2. Section 15003 of the Government Code is amended to read:

15003. There is in the Department of Justice the office of deputy director. The deputy director shall be appointed by the Attorney General.

The deputy director shall be a civil executive officer and shall be exempt from civil service.

CHAPTER 840

An act to amend Section 31215 of the Education Code, relating to state scholarships.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 31215 of the Education Code is amended to read:

31215. The commission shall require all applicants to take a test administered under secure conditions on a national or statewide test date and acceptable for admission purposes at a college or university eligible to participate in the State Scholarship program. In deciding upon the use of one or more tests which meet the conditions specified in this article, the commission shall appoint a panel of five psychologists or psychometrists who shall report to the commission on the appropriateness of each of the tests for scholarship purposes. If more than one test meets the conditions specified in this article the panel shall also investigate and report to the commission its findings concerning the comparability of the tests. On the basis of the results of such examinations, plus other academic criteria which the commission may require, the commission shall determine the award winners for the next ensuing academic year. Such commission also shall determine which of the current award winners are making satisfactory academic progress and are entitled to an annual renewal of their scholarships.

CHAPTER 841

An act to add Sections 27647 and 68111 to the Government Code, relating to counsel for judges.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 27647 is added to the Government Code, to read:

27647. (a) If requested so to do by the superior court of the county of which he is county counsel, or by any municipal

court or justice court in such county, or by any judge thereof, and insofar as such duties are not in conflict with, and do not interfere with, his other duties, the county counsel may represent any such court or judge thereof in all matters and questions of law pertaining to any such judge's duties, including any representation authorized by Section 68111 and representation in all civil actions and proceedings in which, with respect to the court's or judge's official capacity, such court or judge is concerned or is a party.

(b) This section shall not apply to any of the following:

(1) Any criminal proceeding in which a judge is a defendant.

(2) Any grand jury proceeding in which a judge is under investigation.

(3) Any proceeding before the Commission on Judicial Qualifications.

(4) Any civil action or proceeding arising out of facts under which the judge was convicted of a criminal offense in a criminal proceeding.

SEC. 2. Section 68111 is added to the Government Code, to read:

68111. Whenever any judge of any court of this state is a witness in his official capacity as judge in any action or proceeding, such judge shall be entitled to be represented at such action or proceeding by counsel of his choice.

CHAPTER 842

An act to amend Section 19681 of, and to add Section 19683.6 to, the Education Code, relating to school building aid, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 19681 of the Education Code is amended to read:

19681. The board may make apportionments from any sum appropriated by the Legislature at the 1952 Second Extraordinary Session and from any state bonds heretofore or hereafter authorized by the electorate for state school building aid, including the proceeds of bonds authorized by Section 17 of Article XVI of the California Constitution, for assistance to school districts in providing necessary housing and equipment for the education of exceptional children. All the provisions of Article 1 (commencing with Section 19551) and Article 2 (commencing with Section 19651) of this chapter, except Sections 19556 and 19581, shall apply to this article unless otherwise provided herein.

SEC. 2. Section 19683.6 is added to the Education Code, to read:

19683.6. Notwithstanding any other provision of law to the contrary, the board shall control the amount of apportionments made for facilities for exceptional children. In so controlling these apportionments the board shall establish allowable building areas and cost standards comparable to the building areas and costs of similar facilities constructed by school districts which are not applicants under this chapter.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the provisions of this act to become operative as early as possible with reference to the 1971-1972 school year, and to permit immediate measures to be undertaken to provide urgently needed school facilities for large numbers of exceptional children throughout the state, it is essential that this act take effect immediately.

CHAPTER 843

An act to amend Section 13336 of the Education Code, relating to school employees.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 13336 of the Education Code is amended to read:

13336. Except as provided in Sections 13337.3 and 13337.5, governing boards of school districts shall classify as substitute employees those persons employed in positions requiring certification qualifications, to fill positions of regularly employed persons absent from service.

After September 1 of any school year, the governing board of any school district may employ, for the remainder of the school year, in substitute status any otherwise qualified person who consents to be so employed in a position for which no regular employee is available, including persons retired for service under the State Teachers' Retirement System. Inability to acquire the services of a qualified regular employee shall be demonstrated to the satisfaction of the Commission for Teacher Preparation and Licensing.

Any person employed for one complete school year as a temporary employee shall, if reemployed for the following school year in a position requiring certification qualifications, be classified by the governing board as a probationary em-

ployee and the previous year's employment as a temporary employee shall be deemed one year's employment as a probationary employee for purposes of acquiring permanent status.

CHAPTER 844

An act to add Chapter 4.5 (commencing with Section 19051) to Part 3 of Division 9 of the Agricultural Code, relating to animals.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 4.5 (commencing with Section 19051) is added to Part 3 of Division 9 of the Agricultural Code, to read:

CHAPTER 4.5. HOLDING, SEGREGATION, AND DISPOSAL OF ANIMALS UNFIT FOR HUMAN FOOD PURPOSES

19051. As used in this chapter, animal means livestock as defined in Section 18663 and poultry as defined in Section 24657.

19052. If the director determines that any animal raised for the production of any food product is or may be carrying in its body pesticides, poisons, or other deleterious substances, including, but not limited to, veterinary biologicals, antibiotics, pesticides, and heavy metal poisons which may render any food product from such animal injurious to human health, he may order the animal held on the premises where it is found or elsewhere until he has determined that the animal may safely be released for human food purposes. The director may require the segregation of animals held under such an order.

19053. If the director finds that any animal under a hold order pursuant to this chapter cannot, after treatment or care, be safely used for human food purposes, or contains in its body any such deleterious substance in excess of a tolerance established by the director, the director may after notice to the owner or person in possession of the animal, require that the animal be marked or branded or otherwise disposed of in such a manner as to preclude its use for human food. If the animal is fit for use as pet food the director may permit the animal to be so used.

19054. It is unlawful for any person to fail to comply with any order of the director issued pursuant to this chapter.

19055. The director may bring an action in the superior court of any county in which animals subject to a hold order are located to require enforcement of such order. The director shall not be required to allege an inadequate remedy at law or irreparable damage. The court may enjoin violation of the

director's orders and require such other course of action as may be necessary to assure compliance.

19056. The owner of any animal for which a hold or disposal order is issued pursuant to this chapter may seek administrative review of such order in the same manner as is provided in Section 18931. The proceedings for such review shall be as provided in Section 18931. Any hold order under this chapter shall remain in force during such administrative review.

CHAPTER 845

An act relating to property located near the campus of San Diego State College, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. The Trustees of the California State Colleges, with the approval of the Department of General Services, may exchange the parcel of land consisting of 3.66 acres and described as follows:

That portion of Lot 67 of Rancho Mission of San Diego, in the City of San Diego, County of San Diego, State of California, according to Partition Map thereof made in the Action entitled "Juan M. Luco et al. vs. The Commercial Bank of San Diego, et al" under Superior Court Case No. 348 on file in the office of the County Clerk of said County, described as follows:

Beginning at the Southeasterly corner of Lot 52, College Canyon Park Unit No. 1, according to Map thereof No. 5232 filed in the office of the County Recorder of said County, being also a point in the Northerly line of Parcel 2 described in Deed to the State of California recorded November 25, 1941 as Document No. 72915, in Book 1266, page 475, Official Records; thence along said Northerly line of Parcel 2, North $77^{\circ}50'16''$ West 1467.94 feet (record North $77^{\circ}48'30''$ West 1479.60 feet) to the Northwesterly corner of said Parcel 2, being also the true point of beginning;

Thence retracing, South $77^{\circ}50'16''$ East 600.00 feet; thence South $55^{\circ}18'30''$ West 728.73 feet to a point in the Westerly line of said Parcel 2, distant thereon 20.00 feet Northerly from the Northeasterly corner of land described in deed to R. E. Hazard Contracting Company, recorded July 25, 1955 as Document No. 95290 in Book 5727, page 236, Official Records; thence along said Westerly line of Parcel 2, North $1^{\circ}20'19''$ East (record North $1^{\circ}22'20''$ East) 541.32 feet to the True Point of Beginning;

for a parcel of land consisting of 3.67 acres and described as follows:

That portion of Lot 67 of Rancho Mission of San Diego, in the City of San Diego, County of San Diego, State of California, according to Partition Map thereof made in the Action entitled "Juan M. Luco et al, vs. The Commercial Bank of San Diego, et al" under Superior Court Case No. 348 on file in the office of the County Clerk of said County, described as follows:

Beginning at the Southwesterly corner of Lot 68, College Canyon Park Unit No. 1, according to Map thereof No. 5232 filed in the office of the County Recorder of said County; thence along the boundary of said College Canyon Park Unit No. 1, as follows: South 88°43'21" East 391.68 feet, South 81°50'52" East 218.76 feet, South 45°43'13" East 124.67 feet, and South 23°10'43" East 215.76 feet to the Southeast-erly corner of Lot 52 of said College Canyon Park Unit No. 1, being also a point in the Northerly line of Parcel 2 described in Deed to the State of California recorded November 25, 1941 as Document No. 72915, in Book 1266, page 475, Official Records; thence along said Northerly line North 77°50'16" West (record North 77°48'30" West) 867.94 feet to a point which is distant South 77°50'16" East 600.00 feet from the Northwesterly corner of said Parcel 2; thence leaving said Northerly line, North 24°55'58" East 156.90 feet to the point of beginning.

SEC. 2. The Trustees of the California State Colleges shall retain such easements over the exchanged property as will permit them to carry out grading activities on state college property after the exchange and to carry out such other functions as they deem appropriate. The trustees shall also retain and reserve to the state all deposits of minerals, including oil and gas, in the exchanged property and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the exchanged property.

SEC. 3. It is the intent of the Legislature that the trustees may lease the land acquired pursuant to this act to the City of San Diego for use as a city park.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the preliminary negotiations now underway to come to fruition in the most expeditious possible manner, and in order to permit the contemplated exchange to occur at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 846

An act to add Section 11710.2 to the Vehicle Code, relating to vehicle dealers.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 11710.2 is added to the Vehicle Code, to read:

11710.2. The Director of Motor Vehicles may order a refund of a cash deposit or release an assignment of an investment certificate, share account, or bank deposit posted or filed with the department pursuant to Sections 11710 or 11710.1 at the expiration of three years from the date an applicant for a dealer's license who has operated a business of selling vehicles under a temporary permit has ceased to do business, or three years from the date a licensee has ceased to be licensed, if the director is satisfied that there are no outstanding claims against the funds so deposited or assigned. A judge of a municipal or superior court may order the return of a cash deposit or release of assignment of such investment certificate, share account, or bank deposit posted or filed with the department prior to the expiration of three years upon evidence satisfactory to him that there are no outstanding claims against the security so deposited by the applicant or licensee.

If either the director, department, or state is a defendant in any action instituted to recover all or any part of such deposited cash, investment certificates, share accounts, or bank deposits, or any action is instituted by the director, department, or state to determine those entitled to any part of such funds, the director, department, or state shall be paid reasonable attorney fees and costs from such funds. Costs shall include those administrative costs incurred in processing claims against the security posted in lieu of bond pursuant to Sections 11710 and 11710.1.

CHAPTER 847

An act to add Section 9751.1 to the Education Code, relating to textbooks.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 9751.1 is added to the Education Code, to read:

9751.1. In order to ship the obsolete textbooks to recipients named in subdivisions (a), (b), (c), (g), and (h) of Section

9751, the Superintendent of Public Instruction may utilize funds from the state's free textbook budget, in any instance in which he determines that the cost of shipping will be lower than the estimated cost of storing or otherwise disposing of the obsolete textbooks involved.

CHAPTER 848

An act to amend Sections 23772 and 23774 of, to add Section 25402.5 to, and to repeal Sections 23772.5 and 23773 of, the Revenue and Taxation Code, relating to Bank and Corporation Tax Law, to take effect immediately, tax levy.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 23772 of the Revenue and Taxation Code is amended to read:

23772. (a) For the purposes of this part—

(1) Except as provided in paragraph (2) every organization exempt from taxation under Section 23701 and every trust subject to Section 4947(a)(1) of the Internal Revenue Code shall file an annual return, stating specifically the items of gross income, receipts, and disbursements, and such other information for the purpose of carrying out the laws under this part as the Franchise Tax Board may by forms or regulations prescribe, and shall keep such records, render under oath such statements, make such other returns, and comply with such rules and regulations as the Franchise Tax Board may from time to time prescribe. The return shall be filed on or before the 15th day of the fifth full calendar month following the close of the income year.

(2) Exceptions from filing—

(A) Mandatory exceptions—Paragraph (1) shall not apply to—

(i) Churches, their integrated auxiliaries, and conventions or association of churches,

(ii) Any organization (other than a private foundation as defined in Section 509 of the Internal Revenue Code) described in subparagraph (C), the gross receipts of which in each taxable year are normally not more than five thousand dollars (\$5,000),

(iii) The exclusively religious activities of any religious order, or

(iv) Unincorporated associations or trusts (other than a private foundation as defined in Section 509 of the Internal Revenue Code), if the gross receipts of which for each taxable year are less than two thousand dollars (\$2,000) and the fair

market value of its assets at the end of the taxable year are less than two thousand dollars (\$2,000).

(B) Discretionary exceptions—The Franchise Tax Board may permit the filing of a simplified return for organizations based on either gross receipts or total assets or both gross receipts and total assets, or may permit the filing of an information statement (without fee), or may permit the filing of a group return for unincorporated branches of a state or national organization for branches with gross receipts of which in each taxable year are not more than ten thousand dollars (\$10,000) where it determines that an information return is not necessary to the efficient administration of this part.

(C) Certain organizations—The organizations referred to in subparagraph (A) (ii) are—

(i) A religious organization exempt under Section 23701d;

(ii) An educational organization exempt under Section 23701d, if such organization normally maintains a regular faculty and curriculum and normally has a regularly organized body of pupils or students in attendance at the place where its educational activities are regularly carried on; or

(iii) A charitable organization, or an organization for the prevention of cruelty to children or animals, exempt under Section 23701d, if such organization is supported, in whole or in part, by funds contributed by the United States or any state or political subdivision thereof, or is primarily supported by contributions of the general public; or

(iv) An organization exempt under Section 23701d, if such organization is operated, supervised, or controlled by or in connection with a religious organization described in clause (i)—

(3) A filing fee of five dollars (\$5) must be paid on or before the due date for filing the annual information return (determined with regard to any extension of time for filing the return) required by this section. In case of failure to pay the fee on or before such due date unless it is shown that such failure is due to reasonable cause, the filing fee shall be ten dollars (\$10). All collection remedies provided in Chapter 23 (commencing with Section 26131) of this part shall be applicable to collection of the filing fee. However, the filing fee shall not apply to the organizations described in subparagraph (C) above and to any unincorporated association or trust, except a private foundation, exempt under Section 23701 if the organization's gross receipts for the year are less than five thousand dollars (\$5,000).

(b) Every organization described in Section 23701d which is subject to the requirements of subdivision (a) shall furnish annually information, at such time and in such manner as the Franchise Tax Board may by forms or regulations prescribe, setting forth—

(1) Its gross income for the year,

(2) Its expenses attributable to such income and incurred within the year,

(3) Its disbursements within the year for the purposes for which it is exempt,

(4) A balance sheet showing its assets, liabilities, and net worth as of the beginning of such year, and

(5) The total of the contributions and gifts received by it during the year, and the names and addresses of all substantial contributors.

(6) The names and addresses of its foundation manager (within the meaning of Section 23846) and highly compensated employees, and

(7) The compensation and other payments made during the year to each individual described in paragraph (6).

(c) In addition to the above annual return any organization which is required to file an annual report under Section 6056 of the Internal Revenue Code will furnish a copy of the report to the Franchise Tax Board at the time the annual return is due.

(d) For purposes of this part—

(1) In the case of a failure to file a return required under Section 23772 (relating to returns by exempt organizations) on the date and in the manner prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause, there shall be paid (on notice and demand by the Franchise Tax Board and in the same manner as tax) by the exempt organization or trust failing so to file, three dollars (\$3) for each day during which such failure continues, but the total amount imposed hereunder on any organization for failure to file any return shall not exceed one thousand dollars (\$1,000).

(2) The Franchise Tax Board may make written demand upon an organization failing to file under paragraph (1) specifying therein a reasonable future date by which such filing shall be made, and if such filing is not made on or before such date, and unless it is shown that failure so to file is due to reasonable cause, there shall be paid (on notice and demand by the Franchise Tax Board and in the same manner as tax) by the person failing so to file, in addition to the penalty prescribed in paragraph (1), a penalty of three dollars (\$3) for each day after the expiration of the time specified in the written demand during which such failure continues, but the total amount imposed hereunder on all persons for such failure to file shall not exceed one thousand dollars (\$1,000). If more than one person is liable under this paragraph for a failure to file, all such persons shall be jointly and severally liable with respect to such failure. The term "person" as used herein means any officer, director, trustee, employee, member, or other individual who is under a duty to perform the act in respect of which the violation occurs.

(3) In case of a failure to file the annual report required by a private foundation under subdivision (c) the penalties set out in paragraph (2) above are applicable to the person failing to file.

(e) The reporting requirements and penalties shall be applicable for income years beginning after December 31, 1970, except that the provisions of subparagraph (B) of paragraph (2) of subdivision (a) shall apply to income years ending after December 31, 1970.

SEC. 2. Section 23772.5 of the Revenue and Taxation Code is repealed.

SEC. 3. Section 23773 of the Revenue and Taxation Code is repealed.

SEC. 4. Section 23774 of the Revenue and Taxation Code is amended to read:

23774. Every organization exempt from filing an annual information return by reason of subdivision (a) of Section 23772, may be required to file an annual statement on or before the 15th day of the fifth calendar month following the close of the income year setting forth in such a manner as may be required by the Franchise Tax Board the following information: the name and address of the organization, its major activities, its sources of income and the section of the Internal Revenue Code under which it is exempt.

SEC. 5. Section 25402.5 is added to the Revenue and Taxation Code, to read:

25402.5. A reasonable extension of time for filing a return statement or other document required under Section 23772 or 23774 may be granted by the Franchise Tax Board whenever in its judgment good cause exists. The Franchise Tax Board may prescribe rulings and regulations as are necessary and reasonable to carry out the provisions of this section.

SEC. 6. The provisions of this act shall be applicable for income years beginning after December 31, 1970.

CHAPTER 849

An act to amend Section 1167 of, and to add Sections 1167.3 and 1167.5 to, the Code of Civil Procedure, relating to real property proceedings.

[Approved by Governor October 1, 1971. Filed with
Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1167 of the Code of Civil Procedure is amended to read:

1167. The summons shall be in the form specified in Section 412.20 except that the defendant's time to respond to the complaint is five days after the summons is served upon him.

In all other respects the summons shall be issued and served and returned in the same manner as a summons in a civil action.

SEC. 2. Section 1167.3 is added to the Code of Civil Procedure, to read:

1167.3. In any action under this chapter, unless otherwise ordered by the court for good cause shown, the time allowed the defendant to answer the complaint or amend the answer under subdivision (2), (3), (4), (5), or (6) of Section 586 shall not exceed five days.

SEC. 2.5. Section 1167.3 is added to the Code of Civil Procedure, to read:

1167.3. In any action under this chapter, unless otherwise ordered by the court for good cause shown, the time allowed the defendant to answer the complaint or amend the answer under subdivision (2), (3), (5) or (6) of Section 586 shall not exceed five days.

SEC. 3. Section 1167.5 is added to the Code of Civil Procedure, to read:

1167.5. Unless otherwise ordered by the court for good cause shown, no extension of time allowed in any action under this chapter for the causes specified in Section 1054 shall exceed 10 days without the consent of the adverse party.

SEC. 4. If this bill and Assembly Bill 2461 are both chaptered, Section 2.5 of this act shall become operative and Section 2 of this act shall not become operative. If this bill is chaptered and Assembly Bill 2461 is not chaptered, Section 2 of this act shall become operative and Section 2.5 of this act shall not become operative.

CHAPTER 850

An act to amend Section 6820 of the Education Code, relating to substitute teachers.

[Approved by Governor October 1, 1971. Filed with
Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 6820 of the Education Code is amended to read:

6820. On and after September 1, 1955, no person shall be employed to teach blind, partially seeing, deaf, hard of hearing, speech handicapped, or orthopedically handicapped minors in a special day or remedial class for such minors who does not hold a valid credential authorizing such teaching or a designated subject credential in the area of vocational education. Nothing herein shall be deemed to prohibit the employment, as a substitute teacher of each such special day class for not more than 20 schooldays in any school year, of a person holding some other valid credential authorizing substitute teaching. Upon application by the school district or county superintendent of schools the Superintendent of Public

Instruction may approve an extension of the 20-day period for a given person but not beyond the end of the school year in which submitted.

CHAPTER 851

An act to amend Sections 11102, 11104, 11105, 11110, and 11111 of the Vehicle Code, relating to driving schools.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 11102 of the Vehicle Code is amended to read:

11102. (a) Every person, in order to qualify to operate a driving school shall meet the following requirements:

- (1) Be of good moral character.
- (2) Maintain an established place of business open to the public. No office or place of business shall be established within 200 feet of any building used by the department as an office after September 8, 1953.
- (3) Have the equipment necessary to the giving of proper instruction in the operation of motor vehicles.
- (4) Within three attempts, pass such examination as the department shall require on traffic laws, safe driving practices, operation of motor vehicles, teaching methods and techniques, driving school statutes and regulations, office procedures, and recordkeeping.
- (5) Pay to the department an application fee of one hundred dollars (\$100) which shall entitle the applicant to three examinations within a period of one year.
- (6) Be 21 years of age or older.
- (7) Have worked for an established licensed California driver training school as a driving instructor for a period of not less than 1,000 hours of actual behind-the-wheel teaching and, on and after July 1, 1973, have satisfactorily completed a course in the teaching of driver education and driver training acceptable to the department, except that this paragraph does not apply to any person who is certified by the Department of Education as fully qualified to teach driver education and driver training in the public school system.
- (8) Procure and file with the department a good and sufficient bond in the amount of two thousand dollars (\$2,000) with corporate surety thereon, duly licensed to do business within the State of California, or a cash bond in such amount, and conditioned that such applicant shall not practice any fraud, make any fraudulent representation which will cause a monetary loss to a person taking instruction from the applicant.

The aggregate liability of the surety for all claims of such persons shall, in no event, exceed the penal sum of such bond.

The alternative requirement of a cash deposit as provided for in this section can be satisfied by any of the following:

(i) Certificates of deposit payable to the department issued by banks doing business in this state and insured by the Federal Deposit Insurance Corporation

(ii) Investment certificates or share accounts assigned to the department and issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation.

(iii) Bearer bonds issued by the United States government or by this state.

(iv) Cash deposited with the department. The terms and conditions surrounding each of the foregoing types of security shall be prescribed by the department.

(b) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license or a new application, examination and fee shall be required.

SEC. 2. Section 11104 of the Vehicle Code is amended to read:

11104. Every person in order to qualify as an instructor for a driving school or as an independent instructor as provided for in Section 11105.5 of this code shall meet the following requirements:

(a) Be of good moral character.

(b) On and after July 1, 1973, have a high school education or its equivalent and have satisfactorily completed a course in the teaching of driver education and driver training acceptable to the department.

(c) Within three attempts, pass such examination as the department shall require on traffic laws, safe driving practices, operation of motor vehicles, and teaching methods and techniques.

(d) Be physically able to safely operate a motor vehicle and to train others in the operation of motor vehicles.

(e) Hold a valid California driver's license, and not be on probation to the department as a negligent operator.

(f) Pay to the department an application fee of ten dollars (\$10).

(g) Be 21 years of age or older.

(h) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license or a new application, examination, and fee shall be required.

SEC. 3. Section 11105 of the Vehicle Code is amended to read:

11105. (a) The department shall issue a license certificate to each applicant to conduct a driving school or to each driving instructor when it is satisfied that he has met the qualifications required under this chapter. The license shall be for a

period of one year from the date of issue unless canceled, suspended, or revoked by the department. The license may be renewed subject to the satisfactory completion of a new examination and otherwise subject to the requirements to qualify to operate a driving school as provided in Section 11102.

(b) The department may issue a probationary license and certificate subject to conditions to be observed by the licensee in the exercise of the privilege granted. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license or certificate but shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

(c) Upon notification of death of an operator of a driving school the department may issue a certificate of convenience to the executor, executrix, administrator or administratrix of the estate of a deceased holder of a validly outstanding certificate to conduct a driving school, or if no executor, executrix, administrator or administratrix has been appointed, and until a certified copy of an order making such appointment is filed with the department, to the widow or other heir otherwise entitled to conduct the business of the deceased, permitting such person to conduct the driving school for a period of one year from and after the date of death, and necessary one year renewals thereafter pending, but not later than, disposal of the business and qualification of the vendee of the business or such surviving widow or heir for a license certificate to conduct a driving school under the provisions of this division. The department may restrict or condition the certificate and attach to the exercise of the privilege thereunder such terms and conditions as in its judgment the protection of the public requires.

SEC. 4. Section 11110 of the Vehicle Code is amended to read:

11110. The department may cancel, suspend, or revoke, or refuse to renew any license under the provisions of this chapter:

(a) Whenever the department is satisfied that the licensee fails to meet the requirements to receive or hold a license under this chapter.

(b) Whenever the licensee fails to keep the records required by this chapter.

(c) Whenever the licensee permits fraud or engages in fraudulent practices either with reference to the applicant or the department, or induces or countenances fraud or fraudulent practices on the part of any applicant for a driver's license.

(d) Whenever the holder fails to comply with any provisions of this chapter or any of the regulations or requirements of the department made pursuant thereto.

(e) Whenever the licensee represents himself as an agent or employee of the department or uses advertising designed or

which would reasonably have the effect of leading persons to believe that such licensee was in fact an employee or representative of the department, or whenever the licensee advertises in any manner or means whatever any statement which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

(f) Whenever the licensee or any employee or agent of such licensee solicits driver training or instruction in an office of the department or within 200 feet of any such office.

(g) Whenever the licensee is convicted of driving an automobile while under the influence of intoxicating liquor or of violating Sections 14606, 20001, 20002, 20003, 20004, 20006, 20008, 23103, 23104, 23105, or 23106 of this code or Section 192 of the Penal Code.

(h) Whenever the licensee has been convicted of any crime, does any act or series of acts, or is guilty of conduct, which conviction, action or conduct manifests a disability or unfitness to perform properly the licensee's occupational duties or lack of good moral character even though unrelated to proper performance of such occupational duties, and whenever disability or unfitness to perform properly the occupational duties of the licensee is the basis of suspension or revocation, the referee, hearing officer or board makes a specific finding as to the manner in which the conviction, action or conduct manifests such disability or unfitness, which finding is to be incorporated in the order suspending or revoking the license.

(i) Whenever contrary to provisions of this code or of regulations established by the department, the licensee teaches or permits a student to be taught the specific tests administered by the department through use of the department's forms or testing facilities.

(j) Whenever the licensee conducts driver training, or permits driver training by any employee, in an unsafe manner or contrary to safe driving practices.

SEC. 5. Section 11111 of the Vehicle Code is amended to read:

11111. (a) Every licensee under this chapter is entitled to notice and hearing prior to cancellation, suspension or revocation of the license of the licensee by the department except that the department shall forthwith suspend such license without a hearing for failure of the licensee to meet and maintain the requirements of paragraph (8) of subdivision (a) of Section 11102, or Section 11103 or subdivision (e) of Section 11104.

(b) Before reinstatement of any license suspended for failure of the licensee to meet and maintain the requirements of paragraph (8) of subdivision (a) of Section 11102, or Section 11103, or subdivision (e) of Section 11104, the licensee shall pay to the department a reinstatement fee of five dollars (\$5).

(c) The notice and hearings provided for in this division shall be pursuant to and governed by the provisions of Chap-

ter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

(d) Any action of the department in suspending, canceling, or revoking, or failing to renew a license may be reviewed by any court of competent jurisdiction.

CHAPTER 852

An act to amend Section 17551 of the Education Code, relating to public schools.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 17551 of the Education Code is amended to read:

17551. No school district, other than one newly formed, shall, except as otherwise provided in this article (commencing with Section 17551), receive any apportionment from the State School Fund unless it has maintained the regular day schools of the district for at least 175 days during the next preceding fiscal year.

For the purposes of this article, the Board of Governors of the California Community Colleges shall establish standards to determine whether the districts within its jurisdiction have maintained the regular day schools of the district for at least 175 days during the next preceding fiscal year.

- CHAPTER 853

An act to add Section 5005.6 to the Public Resources Code, relating to state parks.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5005.6 is added to the Public Resources Code, to read:

5005.6. The department has exclusive jurisdiction with respect to property salvage and recovery operations in and upon the lands of the state park system. The department may grant the privilege of conducting salvage and recovery operations in and upon such lands by the issuance of permits. The director may make such rules and regulations in connection with applications for such permits and the operations to be conducted thereunder, as he deems necessary to protect the state park system and the interests of the public in such recovered

property. Such regulations may include, but shall not be limited to, regulations on percentage of recovered property to be retained by the state, authorization for retention by state of any items of historical, cultural, or other value, authorized methods, and recordkeeping requirements for conduct of salvage operations.

The terms and conditions of any permit issued pursuant to this section shall be subject to the approval of the Director of Finance.

The department shall file an annual report with the Legislature not later than the fifth calendar day of each regular session of the Legislature on the operations which have been undertaken during the previous year, the results of such operations, the permits which are pending and under consideration, and the extent of the public interest in such operations.

CHAPTER 854

An act authorizing the lease of granted tidelands or submerged lands to the Regents of the University of California or to the Trustees of the California State Colleges for educational uses consistent with the public trust for navigation, commerce, and fisheries, providing for the conveyance of granted tidelands and submerged lands to the Regents of the University of California or the Trustees of the California State Colleges upon determination that such lands are free of the public trust for navigation, commerce, and fisheries, and providing for their lease to an agency or entity created pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.

[Approved by Governor October 1, 1971. Filed with
Secretary of State October 1, 1971]

The people of the State of California do enact as follows:

SECTION 1. As used in this act:

(a) "Regents" means the Regents of the University of California.

(b) "Trustees" means the Trustees of the California State Colleges.

(c) "Grantee" means a governmental entity heretofore granted tidelands or submerged lands by the state, in trust.

(d) "Joint Exercise of Powers Act" means Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.

SEC. 2. Any grantee of tidelands or submerged lands heretofore granted by the state in trust may, notwithstanding the particular uses specified and authorized by such grant, lease a portion of its granted tidelands or submerged lands to the regents or to the trustees for educational uses consistent with navigation, commerce, and fisheries, including, but not limited

to, the construction, development, and operation of colleges, institutes, and related facilities for the study and teaching of the oceanographic, marine, and maritime sciences. Such uses are declared to be matters of state, as distinguished from local, interest and benefit. The maximum allowable term of any such lease shall not exceed the maximum authorized under the applicable grant or such maximum term as is otherwise imposed by applicable state law or charter provision. All moneys or things of value, up to a value of not to exceed fifty thousand dollars (\$50,000), received as consideration for such lease shall be held, received, and administered by the grantee as assets of the trust pursuant to which the grantee holds the tidelands and submerged lands proposed for lease. Amounts so received of a cumulative value of over fifty thousand dollars (\$50,000) shall be transmitted to the state for deposit in the General Fund.

SEC. 3. (a) Upon request of the regents or the trustees, a grantee of tidelands or submerged lands heretofore granted by the state in trust may, subject to the provisions of this section, grant or quitclaim a portion of its granted tidelands or submerged lands to the regents or the trustees for use for educational facilities, including university or college administrative facilities, irrespective of whether or not such educational or administrative facilities relate to navigation, commerce, and fisheries. The request shall contain a legal description of the subject lands and shall incorporate both a map based upon a recent and competent survey of the lands to be conveyed, and a drawing which reasonably represents the relationship of the subject lands to surrounding tidelands and submerged lands and to nearby facilities.

(b) The regents and the trustees are authorized to accept the conveyance of the subject lands in accordance with the general laws and procedures governing the acceptance of land and of interests in land by the regents or the trustees, respectively.

(c) No conveyance may be made pursuant to this section or be effective unless:

(1) The grantee shall make a finding that the subject lands are no longer needed or required for purposes of navigation, commerce, and fisheries or the trust under which such lands were granted, should be freed of the public trust for navigation, commerce, and fisheries, and that the proposed conveyance is in the best interests of the people of the state.

(2) The findings of the grantee, together with its statement of the basis for such findings and a copy of the request submitted by the regents or the trustees, shall be transmitted to the State Lands Commission.

(3) The State Lands Commission shall likewise, upon investigation and review of the subject lands and adjacent tidelands and submerged lands and facilities, find that the subject lands are not needed or required for purposes of navigation, commerce, or fisheries or for the purposes of the statutory trust upon which such lands were granted, should be freed of the

public trust for navigation, commerce, and fisheries, and such statutory trust, and that the proposed conveyance is in the best interests of the people of the state.

(d) Upon execution of the approved conveyance by the grantee and the state, and its recordation, the subject lands shall be free of the public trust for navigation, commerce, and fisheries, and of such other conditions of trust as are specified by the grant pursuant to which grantee held such lands, subject to such conditions as are specified in the conveyance and subject to the conditions hereinafter set forth.

(e) Any deed tendered and accepted as described above may be conditioned upon the requirement that the subject lands be used by the regents or the trustees for stated purposes consistent with subdivision (a) and, if such conditions are violated, that title to the subject lands shall revert to and vest in the grantee, or its successor in interest, subject again to the terms and provisions of the trust upon which the grantee held the lands prior to the conveyance, as the trust may in the interim have been amended.

(f) Any deed tendered and accepted as described above may reserve to the grantee all rights and interests in and to all minerals in and under the subject lands. Grantee need not reserve any corresponding right to use or enter upon or in the subsurface and surface of the subject lands lying above a plane 500 feet below the present surface of such lands if the grantee and the State Lands Commission have found that the production of minerals by grantee would not require the exercise of such right of use or entry.

(g) Lands and interests in lands acquired by the regents or the trustees pursuant to this section, and improvements constructed thereon, may be leased by the regents or the trustees, as the case may be, to an agency or entity created pursuant to the Joint Exercise of Powers Act for the purpose of constructing improvements, such lands or interests in lands to be leased back to the regents or the trustees respectively and, if their agreement so specifies, to such other governmental entity as is a participant with the regents or the trustees respectively in the formation of the joint exercise of powers agency or entity. Lease payments by the regents or the trustees respectively and lease payments, if any, by the other participating governmental entity, payable to the joint powers agency or entity shall be devoted to the repayment of the capital, administrative, and other expenses and obligations authorized by the Joint Exercise of Powers Act, including bonds and the interest thereon, of the joint powers agency or entity. Any subtenant of the regents, the trustees, or of the other participating governmental entity shall pay fair market value for the rights of occupation so allowed.

(h) Any land which, pursuant to this section, is conveyed by a grantee to the regents or trustees for the uses specified in subdivision (a) shall be deemed to be devoted to a statewide public purpose.

CHAPTER 855

An act to amend Section 14070.5 of the Education Code, relating to State Teachers' Retirement System and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 14070.5 of the Education Code is amended to read:

14070.5. The board shall deduct 4 percent of the refundable balance or twenty-five dollars (\$25), whichever is less, from each refund made upon termination of service. This amount is to cover administrative expense. The amounts deducted are appropriated to the State Teachers' Retirement System and shall be credited to the General Fund support appropriation provided for in subdivision (a) of Section 13805 as reimbursements for the fiscal year during which such amounts are deducted.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect.

The facts constituting such necessity are:

This money is needed urgently by the State Teachers' Retirement System to defray the operating costs of the system.

CHAPTER 856

An act to amend Sections 893, 896, and 897 of, to add Sections 893, 893.5, 896, and 896.5 to, and to repeal Sections 893, 896, and 897 of, the Penal Code, relating to jurors.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 893 of the Penal Code is amended to read:

893. (a) A person is competent to act as a grand juror only if he possesses each of the following qualifications:

(1) He is a citizen of the United States of the age of 21 years or older who shall have been a resident of the state and of the county or city and county for one year immediately before being selected and returned.

(2) He is in possession of his natural faculties, of ordinary intelligence, of sound judgment, and of fair character.

(3) He is possessed of sufficient knowledge of the English language.

(b) A person is not competent to act as a grand juror if any of the following apply:

(1) The person is serving as a trial juror in any court of this state.

(2) The person has been discharged as a grand juror in any court of this state within one year.

(3) The person has been convicted of malfeasance in office or any felony or other high crime.

(4) The person is serving as an elected public officer.

SEC. 1.3. Section 893 is added to the Penal Code, to read:

893. (a) A person is competent to act as an investigation grand juror only if he possesses each of the following qualifications:

(1) He is a citizen of the United States of the age of 21 years or older who shall have been a resident of the state and of the county or city and county for one year immediately before being selected and returned.

(2) He is in possession of his natural faculties, of ordinary intelligence, of sound judgment, and of fair character.

(3) He is possessed of sufficient knowledge of the English language.

(b) A person is not competent to act as an investigation grand juror if any of the following apply:

(1) The person is serving as a trial juror in any court of this state.

(2) The person has been discharged as an investigation grand juror in any court of this state within one year.

(3) The person has been convicted of malfeasance in office or any felony or other high crime.

(4) The person is serving as an elected public officer.

SEC. 1.5. Section 893 of the Penal Code is repealed.

SEC. 1.7. Section 893.5 is added to the Penal Code, to read:

893.5. A person is competent to act as an indictment grand juror only if he possesses the qualifications prescribed by Section 198 of the Code of Civil Procedure.

A person is not competent to act as an indictment grand juror if any of the following apply:

(a) The person is serving as a trial juror in any court of this state.

(b) The person has been discharged as a grand juror in any court of this state within a year.

(c) The person has been convicted of malfeasance in office or any felony or other high crime.

(d) The person is serving as an elected public officer.

SEC. 2. Section 896 of the Penal Code is amended to read:

896. (a) Immediately after such order is made, the court shall select the grand jurors required by personal interview for the purpose of ascertaining whether they possess the qualifications prescribed by subdivision (a) of Section 893. If a person so interviewed, in the opinion of the court, pos-

sesses such qualifications, in order for his name to be listed he shall sign a statement declaring that he will be available for jury service for the number of hours usually required of a member of the grand jury in that county.

(b) The selections shall be made of men and women who are not exempt from serving and who are suitable and competent to serve as grand jurors pursuant to Sections 893, 898, and 899. The court shall list the persons so selected and required by the order to serve as grand jurors during the ensuing year, or until a new list of grand jurors is provided, and shall at once place this list in the possession of the county clerk.

SEC. 2.3. Section 896 is added to the Penal Code, to read:

896. (a) Immediately after such order is made, the court shall select the investigation grand jurors required by personal interview for the purpose of ascertaining whether they possess the qualifications prescribed by subdivision (a) of Section 893. If a person so interviewed, in the opinion of the court, possesses such qualifications, in order for his name to be listed he shall sign a statement declaring that he will be available for jury service for the number of hours usually required of a member of the investigation grand jury in that county.

(b) The selections shall be made of men and women who are not exempt from serving and who are suitable and competent to serve as grand jurors pursuant to Sections 893, 898, and 899. The court shall list the persons so selected and required by the order to serve as investigation grand jurors during the ensuing year, or until a new list of investigation grand jurors is provided, and shall at once place this list in the possession of the county clerk.

SEC. 2.5. Section 896 of the Penal Code is repealed.

SEC. 2.7. Section 896.5 is added to the Penal Code, to read:

896.5. Immediately after the order under Section 895 is made, the court shall select and list the indictment grand jurors required by the order to serve as indictment grand jurors in the superior court during the ensuing year, or until new lists of indictment grand jurors are provided. The selections and listings shall be made of men and women suitable and competent to serve as jurors, pursuant to Sections 897, 898, and 899. The list of persons so selected shall at once be placed in the possession of the county clerk.

SEC. 2.9. Section 897 of the Penal Code is amended to read:

897. The selections and listings of indictment grand jurors shall be made of persons suitable and competent to serve as jurors, and in making such selections there shall be taken only the names of persons who are not exempt from serving, who are in the possession of their natural faculties, who are not infirm or decrepit, who are of fair character and approved integrity, who are of sound judgment, and who are registered voters.

SEC. 3. Section 897 of the Penal Code is repealed.

SEC. 4. It is the intent of the Legislature that Sections 1.3, 1.5, and 1.7 of this act shall become operative only if Assembly Bill No. 447 of the 1971 Regular Session is enacted. Therefore, in the event A.B. 447 is enacted, Sections 1.3, 1.5, and 1.7 of this act shall become operative at the same time that A.B. No. 447 becomes operative, and at that time, Section 893 of the Penal Code, as amended by Section 1 of this act, is repealed.

SEC. 5. It is the intent of the Legislature that Sections 2.3, 2.5, and 2.7 of this act shall become operative only if Assembly Bill No. 447 of the 1971 Regular Session is enacted. Therefore, in the event A.B. 447 is enacted, Sections 2.3, 2.5, and 2.7 of this act shall become operative at the same time that A.B. No. 447 becomes operative, and at that time, Section 896 of the Penal Code, as amended by Section 2 of this act, is repealed.

SEC. 6. It is the intent of the Legislature that Section 2.9 of this act shall become operative only if Assembly Bill No. 447 of the 1971 Regular Session is enacted. Therefore, in the event A.B. 447 is enacted, Section 2.9 of this act shall become operative at the same time that A.B. No. 447 becomes operative, and at that time, Section 3 of this act shall not become operative.

CHAPTER 857

An act to amend Section 3100.7 of, and to add Section 3132 to, the Education Code, relating to mandatory school district elections.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 3100.7 of the Education Code is amended to read:

3100.7. On or before June 4, 1968, an election shall be held within any school district territory which has not been included within a unified school district and within which no such election was held after July 1, 1964, on the question of the approval of a master plan developed under Chapter 9 of this division or plans and recommendations developed under this chapter, which will effect the reorganization of the territory involved to comply with standards prescribed. A like election shall be held on the date of each succeeding presidential primary election unless an election had been held during the preceding calendar year. Like elections may be held in such territory at any time in odd-numbered years, and on the date of each gubernatorial primary election. Such like elections shall be called upon order of the county committee on school

district organization, upon order resulting from the action of the governing boards of a majority of the school districts in the territory proposed to be reorganized, or by order resulting from the action of the governing boards of school districts which have enrolled in the schools under their collective jurisdictions a majority of the pupils in grades kindergarten through 12, inclusive, enrolled in all of the schools within the territory.

The county committee on school district organization shall, for purposes of any such election, develop any necessary master plan or plans and recommendations. In the event the county committee fails to do so, the election shall be based upon the master plan or plans and recommendations for the territory most recently approved by the State Board of Education.

A unified school district formed by operation of Section 1976 shall not be deemed to be unified for purposes of exemption from the requirements prescribed by the preceding provisions of this section, unless district conforms to the requirements prescribed by Section 17672 or Section 17673.

It is the intent and purpose of the Legislature that eligibility for the increase in foundation program provided for pursuant to Section 17676 of this code for any school district shall be determined, for the fiscal year in which this act becomes effective, and fiscal years thereafter, on the basis of whether elections have been held within the time limits specified by this section.

On and after the effective date of this section, as enacted at the 1967 Regular Session of the Legislature, this section shall supersede the provisions of Section 3100.5 and all other provisions of Chapter 143 of the Statutes of 1967.

With the approval of the State Board of Education, any school district territory in which, after June 1, 1964, and prior to July 1, 1971, two unification elections were conducted pursuant to this section within a 12-month period, both of which elections were defeated, shall be exempt from the mandatory election provisions of this section.

SEC. 2. Section 3132 is added to the Education Code, to read:

3132. The Department of Education shall study the progress and status of school district reorganization prescribed in Chapter 9 (commencing with Section 3001) of this division and this chapter and shall report thereon to the Legislature not later than the fifth calendar day of the 1973 Regular Session.

SEC. 3. In the event both this bill and Senate Bill No. 878 are enacted at the 1971 Regular Session of the Legislature and amend Section 3100.7 of the Education Code, the amendments made by each of such bills shall, notwithstanding Section 9605 of the Government Code, become effective, in which case Section 3100.7 of the Education Code as amended by this bill shall

be operative until July 1, 1972 and shall have no force or effect after that date at which time Section 3100.7 of the Education Code, as amended by Senate Bill No. 878, shall become operative.

CHAPTER 858

An act to amend Section 22635 of the Education Code, relating to higher education.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 22635 of the Education Code is amended to read:

22635. The Regents of the University of California, the Trustees of the California State Colleges, and the governing board of every community college or school district maintaining a community college, shall adopt or provide for the adoption of specific rules and regulations governing student behavior along with applicable penalties for violation of such rules and regulations. Such institutions shall adopt procedures by which all students will be informed of such rules and regulations, with applicable penalties, and any revisions thereof.

CHAPTER 859

An act to amend Sections 13246, 13246.5, 13247, 13247.8, 13247.9, and 13248 of the Education Code, relating to the public schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 13246 of the Education Code is amended to read:

13246. The Superintendent of Public Instruction shall establish a three-year master teacher selection pilot program in two school districts designated by a committee consisting of the superintendent, the Director of Finance, a Senator appointed by the Senate Rules Committee, and an Assemblyman appointed by the Speaker of the Assembly. No application to participate in the program shall be submitted by the governing board of the school district to this committee until an election has been held by all certificated employees of the school district and conducted by the district superintendent. A 60-percent majority of those voting shall be necessary to indicate

support of the program. The pilot program shall commence on September 1, 1971, and shall terminate on August 31, 1974, and shall be implemented in accordance with the following schedule:

(a) 1971-1972, organization of the program, selection of master teachers, payment of the extra stipend to selected master teachers, and selection of additional teachers.

(b) 1972-1973, payment of the extra stipend to all teachers certified as master teachers and evaluation of the program.

The designated school districts shall be school districts which have certificated teaching staffs of not less than 100 nor more than 650, excluding those involved in adult education, who spend 80 percent of their teaching time in the classroom, and which have an average daily attendance of not less than 2,500 nor more than 10,000.

SEC. 2. Section 13246.5 of the Education Code is amended to read:

13246.5. A master teacher selection panel shall be established by the county superintendent of schools in each of the counties where the program school districts are located. Each panel shall be composed of the following members:

(a) One member of the governing board of the school district, selected by the governing board.

(b) One administrator who is a superintendent or principal in the school district, selected by the governing board.

(c) Two elementary certificated employees of the school district who spend 80 percent of their teaching time in the classroom, selected by the elementary certificated employees of the school district voting in a secret ballot election held not later than October 15, 1971.

(d) Two secondary certificated employees of the school district who spend 80 percent of their teaching time in the classroom, selected by the secondary certificated employees of the school district voting in a secret ballot election held not later than October 15, 1971.

(e) Two public members who are not officers or employees of the school district, selected by the county superintendent of schools.

The county superintendent of schools or his designee from his office shall serve as the chairman of the panel.

Any vacancies on the panel shall be filled by the appropriate appointing authority in the manner specified in this section.

SEC. 3. Section 13247 of the Education Code is amended to read:

13247. The criteria for the selection of certified master teachers shall be established by the panel and shall require at least:

(a) A master's degree in an academic field or a bachelor's degree plus 45 semester units taken after the bachelor's degree, or the equivalent, to be determined by the master teacher selection panel, of a master's degree in vocational subjects for which master's degrees are not usually awarded, or successful

completion of the competence examination prescribed in Chapter 557 of the Statutes of 1970;

(b) Eight years of total teaching experience, with four years of teaching experience in the district;

(c) The demonstration of distinctly superior teaching ability.

SEC. 4. Section 13247.8 of the Education Code is amended to read:

13247.8. Each master teacher selection panel shall receive applications, to be filed by March 1 of the school year, from public school teachers, submitted in the form prescribed by the panel and accompanied by a one-hundred-dollar (\$100) fee, requesting that the applicant be certified as a certified master teacher.

SEC. 5. Section 13247.9 of the Education Code is amended to read:

13247.9. The master teacher selection panel shall appoint for each applicant for a master certificate not less than two, nor more than three, certificated employees from a school district other than the participating school district and who spend at least four-fifths of their teaching time in a classroom, who shall inquire into the professional competence of the applicant. The appointed certificated employees need not be residents of the county in which the participating school district is located. These appointed certificated employees shall be known as examiner teachers and shall be appointed by April 1 of the school year.

The examiner teachers shall sign affidavits stating that they have no specific knowledge of the applicant for certification as master teachers, either personally or professionally.

The examiner teachers shall make a written report on the applicant's professional competence to the county superintendent of schools and the master teacher selection panel not later than June 1st of the school year.

The examiner teachers shall talk with other teachers in the school where the applicant is employed, other teachers in the school district, the principal of the school where the applicant is employed, and other administrators, parents, and students who may have specific knowledge of the applicant's professional qualities. The examiner teacher shall also consider evidence of relative gains made by pupils taught by the applicant, as measured by standardized tests.

Upon a favorable recommendation by the examiner teachers, the master teacher selection panel, by majority vote of those present and voting, shall issue a certificate designating the applicant as a certificated master teacher.

The examiner teachers shall be reimbursed for travel in connection with such inquiry at a rate to be determined by the county superintendent of schools. Examiner teachers shall be granted time off without loss of pay for not to exceed three schooldays during any school year. The employing school district shall be reimbursed by the county superintendent of

schools of the county of the master teacher selection panel for the salary of substitute teachers hired for the examiner teachers.

A separate fund shall be established for receiving application fees, to be used for the payment of examiner teachers and other related expenses. Deficits in such funds may be taken from the county school service fund or other county school fund designated by the county board of education.

SEC. 6. Section 13248 of the Education Code is amended to read:

13248. Any school district which employs a certified master teacher shall pay the teacher an additional stipend of four thousand dollars (\$4,000) per school year over and above the regular salary which would otherwise be paid to the teacher.

From moneys appropriated therefor, the Superintendent of Public Instruction shall order reimbursements to be made from state school apportionment funds each fiscal year to each school district the total of additional stipends paid to certified master teachers in such fiscal year by the district; provided, that for the 1971-1972 fiscal year, the sum of one hundred fifty thousand dollars (\$150,000) is appropriated for such reimbursements from the amount transferred to the State School Fund for expenditure pursuant to subdivision (f) of Section 17303.5. Any teacher who qualifies at any time during the school year shall be presumed to have been a master teacher for the entire year and shall be entitled to payment in the full stipend amount of four thousand dollars (\$4,000). The manner of payment shall be determined by the county superintendent of schools.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Because of the limited time prescribed by law during which the Certified Master Teacher Law of 1970 is to be operative, and because a significant portion thereof has already elapsed, it is essential that this act, which prescribes more practicable criteria for the designation of participating districts and teachers, take effect immediately in order that the pilot program involved shall be operative for the maximum of the authorized time.

CHAPTER 860

An act to amend Sections 900, 902, and 904 of the Penal Code, relating to grand juries.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 900 of the Penal Code is amended to read:

900. On receiving the list of persons selected by the court, the county clerk shall file it in his office and have such list, which shall include the name of the judge who selected each person on the list, published one time in a newspaper of general circulation, as defined in Section 6000 of the Government Code, in the county. The county clerk shall thereupon do either of the following:

(a) Write down the names on the list onto separate pieces of paper of the same size and appearance, fold each piece so as to conceal the name thereon, and deposit the pieces in a box to be called the "grand jury box."

(b) Assign a number to each name on the list and place, in a box to be called the "grand jury box," markers of the same size, shape, and color, each containing a number which corresponds with a number on the list.

SEC. 2. Section 902 of the Penal Code is amended to read:

902. The names of persons drawn for grand jurors shall be drawn from the grand jury box by withdrawing either the pieces of paper placed therein pursuant to subdivision (a) of Section 900 or the markers placed therein pursuant to subdivision (b) of Section 900. If, at the end of the year, there are the names of persons in the grand jury box who have not been drawn during the year to serve and have not served as grand jurors, the names of such persons may be placed on the list of grand jurors drawn for the succeeding year.

SEC. 3. Section 904 of the Penal Code is amended to read:

904. Every superior court, whenever in its opinion the public interest so requires, shall make and file with the county clerk an order directing a grand jury to be drawn. Such order shall designate the number of grand jurors to be drawn, which shall not be less than 29 nor more than 40 in counties having a population exceeding four million and not less than 25 nor more than 30 in other counties.

CHAPTER 861

An act to add Chapter 8 (commencing with Section 24000) to Division 11 of the Agricultural Code, relating to horses, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 8 (commencing with Section 24000) is added to Division 11 of the Agricultural Code, to read:

CHAPTER 8. DRUGGING OF HORSES

24000. The Legislature finds and declares that the public has valuable interest in public horse shows, horse competitions, and horse sales.

24000.5. As used in this chapter, "exhibitor" means any person who has the responsibility for the care, training, custody, or performance of a horse, including, but not limited to, any person who signs an entry blank of any public horse show, horse competition, or horse sale, whether such person is an owner, rider, agent, coach, adult, or minor.

24001. No person shall administer or cause to be administered to a horse, either before or during a public horse show, horse competition, or horse sale, any medication or drug which is of such character as could affect the performance or disposition of the animal.

24002. Every exhibitor shall, upon request of the public horse show, horse competition, or horse sale management or the department or agent thereof, permit a specimen from his horse to be taken for testing under the direction of a licensed veterinarian designated by such management or the department or agent thereof.

24003. If the veterinarian reports that an analysis of the specimen taken from the horse indicates the presence of a drug or medication that could affect the performance or disposition, this fact shall be prima facie evidence that such a drug or medication has been administered to the horse.

24004. No exhibitor shall knowingly exhibit or enter in any public horse show, horse competition, or horse sale, any horse which has been medicated or drugged in violation of this chapter.

In addition to any other penalty, any exhibitor who violates the provisions of this section shall forfeit all the winnings and any prize moneys that he has received from such public horse show or horse competition and shall be subject to a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), as determined by the director, for each and every violation. The director may also suspend an exhibitor from all competitions of any public horse show or horse competition for a period of not less than 90 days nor more than one year for each violation of this section.

24005. The management of a public horse show, horse competition, or horse sale shall charge and collect a fee of not less than twenty cents (\$.20) nor more than one dollar (\$1) for each horse entered or exhibited in such public horse show, horse competition, or horse sale as determined by the director, that is necessary to carry out the provisions of this chapter. Such moneys shall be forwarded to the department and be deposited in the Department of Agriculture Fund. The department may use such moneys to carry out the provisions of this chapter.

24006. The director shall have jurisdiction of all public horse shows, and shall enforce the provisions of this chapter.

24007. The director shall adopt such reasonable rules and regulations as are necessary to carry out the provisions of this chapter. In making and adopting such regulations the director shall first consult with an advisory committee, which he shall appoint, to serve without compensation. Members of the committee shall include, but not be limited to, representation from the California State Horsemen's Association, the Equestrian Trails Inc., the California Professional Horsemen's Association, the Pacific Coast Hunter Jumper and Stock Horse Association, the Northern California Professional Horsemen's Association, the Los Angeles County Horse Show Exhibitors Association, the California Dressage Society, the Pacific Coast Quarter Horse Association, the Central California Quarter Horse Association, the Division of Fairs and Expositions, the North American Trail Ride Conference, the American Horses Exhibitors Against Drugging, the American Horse Shows Association, the University of California School of Veterinary Medicine, the Appaloosa Horse Territory 2, the International Arabian Club, the Pinto Association of America, and such other organizations as the director shall from time to time deem appropriate.

24008. The director shall, by regulations, require random testing of horses which are exhibited or entered in any public horse show, horse competition, or horse sale and shall designate the frequency and method of such testing.

Such regulations shall provide that a person who exhibits or enters a horse in any public horse show, horse competition, or horse sale or the management of such show, competition, or sale may, after depositing with the department a prescribed fee as determined by the director, which shall not be less than two hundred dollars (\$200), request the department to test any horse that is exhibited or entered in the horse show, horse competition, or horse sale. Such test shall be conducted by a licensed veterinarian under the direction of the department. The regulations shall also provide that the department shall refund such fee if it determines that the results of such test indicate that the horse has been medicated or drugged. The regulations shall provide that if the department determines that the results of such test indicate that the horse was not medicated or drugged, then such fee shall be deposited in the Department of Agriculture Fund to be used to carry out the provisions of this chapter.

24009. Each public horse show, horse competition, or horse sale shall be registered with the department as prescribed by the director by regulations.

24010. No provision contained in this chapter shall in any way affect existing statutes governing horseracing.

24011. No provision of this chapter shall prevent or prohibit the administering of any drug or medication to any horse as a therapeutic measure when approved by the director.

24012. This chapter shall not apply to any horse one year of age or less entered in any public horse sale, if public notice of the administering of any drug or medication has been given as prescribed by the director.

24013. Any fines imposed and collected by the director or any court for violating the provisions of this chapter shall be deposited in the Department of Agriculture Fund. Such moneys may be used by the department to carry out the provisions of this chapter.

SEC. 2. Section 24008 of the Agricultural Code shall become operative January 1, 1972, and shall have no force or effect until that date.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit the Director of Agriculture adequate time to conduct public hearing or hearings for establishment of rules and regulations for the next public horse shows, horse competitions, or horse sales season, it is necessary that the provisions of this act go into immediate effect.

CHAPTER 862

An act to add Sections 39156 and 39157 to the Health and Safety Code, relating to air pollution.

[Approved by Governor October 1, 1971 Filed with
Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 39156 is added to the Health and Safety Code, to read:

39156. The manufacturer of each motor vehicle and each motor vehicle engine of a model year beginning more than 60 days after the effective date of this section shall warrant to the ultimate purchaser and each subsequent purchaser that such motor vehicle or motor vehicle engine is:

(a) Designed, built, and equipped so as to conform at the time of sale with the applicable regulations under Article 2 (commencing with Section 39100) of this chapter.

(b) Free from defects in materials and workmanship which cause such motor vehicle or motor vehicle engine to fail to conform with applicable regulations for its useful life as determined pursuant to Section 39157.

SEC. 2. Section 39157 is added to the Health and Safety Code, to read:

39157. As used in Section 39156, "useful life" of a motor vehicle or motor vehicle engine means:

(a) In the case of motor vehicles under 6,001 pounds gross weight, and motor vehicle engines used in such motor vehicles, a period of use of five years or 50 thousand miles, whichever first occurs.

(b) In the case of any other motor vehicle or motor vehicle engine, the period of use set forth in subdivision (a), unless the board determines that a period of use of greater duration or mileage is appropriate.

CHAPTER 863

An act to amend Section 540 of the Probate Code, relating to executors and guardians.

[Approved by Governor October 1, 1971. Filed with
Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 540 of the Probate Code is amended to read:

540. Before letters testamentary or of administration are issued, the executor or administrator must take and subscribe an oath that he will perform, according to law, the duties of his office, which oath must be attached to or endorsed upon the letters. The oath may be taken and dated on or after the time when the petition for letters testamentary or letters of administration is filed and may be filed with the county clerk at any time after the petition is granted.

CHAPTER 864

An act to amend Section 30302 of the Government Code, relating to Committee on Tax Collecting Procedures.

[Approved by Governor October 1, 1971. Filed with
Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 30302 of the Government Code is amended to read:

30302. The Committee on County Tax Collecting Procedures shall consist of 10 members appointed by the State Controller. Two of the members shall be county auditors, four shall be county tax collectors, two of the members shall be county assessors, and two shall be members of a county board of supervisors. The appointment of the members of the committee shall be made by the State Controller. The members of the committee shall serve without compensation but shall be reimbursed for their necessary traveling and other expenses incurred in attending meetings of the committee. Such ex-

penses shall be paid by the county of which the member is an officer or representative. The committee shall select a member thereof to serve as chairman, and shall meet at the call of the chairman. Each member shall be given written notice of any meeting at least 10 days prior to the date of the meeting.

CHAPTER 865

An act to amend Section 5096.3 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5096.3 of the Revenue and Taxation Code is amended to read:

5096.3. If taxes have been paid on property which is acquired by eminent domain after the lien date by the state or by any county, city, school district or other public agency of this state, the amount of such taxes which would have been subject to cancellation under Section 4986 if unpaid shall be deemed to be erroneously collected and shall be refunded to such public agency. For the purposes of this article, except Section 5096.7, such public agency shall be deemed to be the person who paid the taxes if such public agency reimbursed the condemnee for such taxes through payment under a cost bill filed in the eminent domain action. A claim for refund of taxes filed by a public agency pursuant to this section shall contain a copy of the cost bill under which taxes were reimbursed or a declaration under penalty of perjury by the public agency that such taxes were reimbursed under a cost bill.

Refunds under this section shall be applicable to taxes paid on either the secured or unsecured rolls.

SEC. 2. Section 1 of this act shall apply to property acquired by eminent domain after the lien date in 1972 and after the lien date for assessment years thereafter.

CHAPTER 866

An act to amend Section 15503.5 of the Education Code, relating to school buildings.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 15503.5 of the Education Code is amended to read:

15503.5. "School building" as used in this article excludes any building which is used exclusively for warehouse, storage, garage, or districtwide administrative office purposes, into which pupils are not required to enter, and buildings utilized by adult schools or community colleges for off-campus, voluntary adult education courses.

If any building so excluded was not constructed in accordance with Article 4 (commencing with Section 15451) of this chapter and was not repaired, reconstructed, or replaced in accordance with this article, there shall be posted in a conspicuous place on such building a public notice stating that such building does not meet the structural standards imposed by law for earthquake safety.

CHAPTER 867

An act to add Section 4381 to the Civil Code, relating to family law.

[Approved by Governor October 1, 1971. Filed with Secretary of State October 1, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 4381 is added to the Civil Code, to read:

4381. The reconciliation of the parties, whether conditional or unconditional, shall be an ameliorating factor to be considered by the court in considering any contempt of an existing court order under this part.

CHAPTER 868

An act to amend Sections 6423 and 6426 of the Education Code, relating to mentally gifted minors.

[Approved by Governor October 4, 1971. Filed with Secretary of State October 4, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 6423 of the Education Code is amended to read:

6423. The governing board of any school district may provide programs for mentally gifted minors living in the district who are enrolled in kindergarten or grades 1 through 12 in the schools of the district and who may be expected to benefit from a program suited to their abilities. The governing board, subject to such terms and conditions as may be agreed upon, may

contract with another school district for furnishing programs for such minors or may so contract for the education of such minors including the furnishing of such programs.

The county superintendent may, with the approval of the county board of education and the governing board of the school district, provide programs under the provisions of this article, and transportation therefor, for mentally gifted minors who reside in any school district. For such purposes the terms "school district" and "governing board of a school district," as used in this article, shall be deemed to include the county superintendent of schools.

"Programs," as used in this article, shall consist of a special day class, or special services or activities which are provided each participating pupil for an amount of time each week which shall average a minimum of one class period per day. The State Board of Education shall define a special day class and the special services or activities which may be provided.

Beginning July 1, 1970, any proposed program for mentally gifted minors shall receive prior approval of the Superintendent of Public Instruction before any apportionment is made under this article.

SEC. 2. Section 6426 of the Education Code is amended to read:

6426. The Superintendent of Public Instruction, if he approves, shall apportion to each applicant school district or county superintendent of schools an amount equal to sixty dollars (\$60) for each pupil participating in the program for one school year, thirty dollars (\$30) for each pupil participating in the program for one semester, and forty dollars (\$40) for each pupil identified as a mentally gifted minor.

Apportionments made during a fiscal year pursuant to this section shall not be made on account of more than 3 percent of the units of average daily attendance of pupils during the preceding fiscal year credited to all kindergartens and grades 1 through 12 in all of the schools and classes maintained by school districts and county superintendents of schools.

Each applicant school district or county superintendent of schools shall report to the Superintendent of Public Instruction as a part of the annual financial report the total income, including the amount apportioned for special programs and services for mentally gifted pupils during the year, the total number of such pupils participating in special programs or services, and the amount per special program or service expended for them. If the Superintendent of Public Instruction finds that the amount of state funds allocated are in excess of the expenditures, such excess shall be withheld pursuant to the provisions of Section 17414.

CHAPTER 869

An act to add Section 1203.05 to the Penal Code, relating to probation.

[Approved by Governor October 4, 1971. Filed with Secretary of State October 4, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1203.05 is added to the Penal Code, to read:

1203.05. (a) Except as provided in subdivision (b) or (c), after 30 days from the date judgment is pronounced or probation is granted, any report of the probation officer filed with the court may be inspected by court personnel and shall be made available only to persons authorized or required by law to inspect or receive copies of the report and shall not be open to public inspection.

(b) Any other person may inspect or receive copies of the report at any time by order of the court upon filing a petition therefor. In addition, the court, on its own motion, may at any time make the report public or disclose its contents.

(c) Any person is entitled to inspect or receive copies of a probation report that is not otherwise open to inspection or copying under subdivision (a) if another accusatory pleading, arising out of a subsequent arrest, is filed with respect to the person who is the subject of the report. In such a case, the report shall be open to inspection or copying until such time as there is a final disposition of the case. Thereafter, the report shall be subject to the applicable provisions of subdivision (a) or (b).

CHAPTER 870

An act to amend Section 13894 of, and to add Sections 13920, 13921, 13922, and 13923 to, the Education Code, and to amend Section 1372 of the Financial Code, relating to the State Teachers' Retirement System.

[Approved by Governor October 4, 1971. Filed with Secretary of State October 4, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 13894 of the Education Code is amended to read:

13894. The board has exclusive control of the investment of the Teachers' Retirement Fund, including the purchase of securities and the sale thereof. Except as investment is otherwise authorized by law, investments of the retirement fund are subject to the terms, conditions, limitations and restrictions

imposed by the laws of the state upon savings banks in the making of investments.

SEC. 2. Section 13920 is added to the Education Code, to read:

13920. In addition to such other investments as are authorized by this article, the board may in its discretion invest the assets of the retirement fund in an amount, determined on the basis of cost, not to exceed 10 percent of the assets in the first two years after the effective date of this section, not to exceed 15 percent during the third year after the effective date of this section, and not to exceed 25 percent thereafter, in common stock or shares, and not to exceed 2 percent of the assets in the first year after the effective date of this section, not to exceed 3 percent during the second year after the effective date of this section, and not to exceed 5 percent thereafter, in preferred stock or shares, of corporations created or existing under the laws of the United States, or any state, district, or territory thereof; provided that

(a) Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended. Such registration shall not be required with respect to the following stocks:

(1) The common stock of a bank which is a member of the Federal Deposit Insurance Corporation or a bank holding company whose subsidiary or subsidiaries is such a member, and has capital funds represented by capital, surplus and undivided profits of at least fifty million dollars (\$50,000,000);

(2) The common stock of an insurance company or an insurance holding company which has capital funds, represented by capital, special surplus funds and unassigned surplus of at least fifty million dollars (\$50,000,000);

(3) Any preferred stock.

(b) Such corporation has total assets of at least one hundred million dollars (\$100,000,000);

(c) Bonds of such a corporation, if any are outstanding, qualify for investment of the retirement fund and there are no arrears of dividend payments on its preferred stock;

(d) Such corporation, or such corporation in combination with its predecessor corporation, has paid a cash dividend on its common stock in at least 8 of the 10 years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation, or such corporation in combination with its predecessor corporation, for the whole of such period have been equal to the amount of such dividends paid, and such corporation, or such corporation in combination with its predecessor corporation, has paid a cash dividend in each of the last three years earned on an aggregate basis;

(e) Such investment in any one company may not exceed 5 percent of the common shares outstanding; and

(f) No single common stock investment, based on cost, may exceed 2 percent of the assets of the fund.

SEC. 3. Section 13921 is added to the Education Code, to read:

13921. The board may also invest in any stocks or shares of a diversified management investment company registered under the "Investment Company Act of 1940" which has total assets of at least fifty million dollars (\$50,000,000); except that the total investment in such stocks and shares, together with stocks and shares of all other corporations, may not exceed 25 percent of the assets of such fund determined on the basis of the cost of the stocks or shares.

SEC. 4. Section 13922 is added to the Education Code, to read:

13922. The board shall retain investment counsel or trust companies or trust departments of banks to advise the board in connection with its equity investments.

SEC. 5. Section 13923 is added to the Education Code, to read:

13923. The annual report of the board required under Section 13890 of this part shall include a description of all securities held and a comprehensive report of transactions involving the investment of the retirement fund similar to that required of a life insurance company licensed to do business in California.

In the matter of stock exchange commission fees and other fees paid to persons not employed by the state for services in connection with investments under this article, the names of those persons to whom such fees are paid and the amounts paid shall be clearly identified in the report.

SEC. 6. Section 1372 of the Financial Code is amended to read:

1372. The provisions of this chapter govern the investment of funds by savings banks but wherever by any law of this state it is now provided that the moneys of any pension fund, retirement plan, trust fund, or the moneys of any special fund the investment of which is governed by law, or the funds of any political subdivision or public corporation may or shall be invested in securities which are a legal investment for savings banks, then such law shall be deemed to authorize or require, as the case may be, that such moneys be invested in securities in which savings banks were authorized to invest their funds by the provisions of the Bank Act as it read prior to January 1, 1949, other than paragraph (f) of subdivision 5 of Section 61 of said act, or in bonds, debentures, and notes legal for investment for savings banks in the State of New York or the State of Massachusetts as of the time the investment is made or in securities in which savings banks are authorized to invest their funds by the provisions of Sections 1350 to 1366, inclusive, of this chapter; provided, that the provisions of said sections limiting the amount which a savings bank may invest in securities to a specified percent of its paid-up capital and

surplus, or savings deposits, shall not apply to investments authorized by the terms of this section, or in which savings banks are authorized to invest their funds by any other law of this state.

The funds of the Public Employees' Retirement System, the State Teachers' Retirement System, and the Legislators' Retirement System may be invested in an amount not exceeding 20 percent of the assets of each of the respective systems as a whole and not by separate funds within each system, in securities, whether or not such securities are herein expressly authorized and whether or not they qualify hereunder, in which in the informed opinion of the respective boards or officers charged with the investment of funds of such systems it is prudent to invest retirement funds.

The funds of any retirement system established pursuant to the County Employees' Retirement Law of 1937 may be invested in an amount not exceeding 20 percent of the assets of such system, in securities whether or not such securities are herein expressly authorized, and whether or not they qualify hereunder, in which in the informed opinion of the board of investments where there is one, otherwise of the board of retirement it is prudent to invest retirement funds.

The funds of any school district retirement plan may be invested in an amount not exceeding 20 percent of the assets of such system, in securities whether or not such securities are herein expressly authorized, and whether or not they qualify hereunder, in which in the informed opinion of the district retirement board it is prudent to invest retirement funds.

The funds of any public retirement system to which this section applies may be invested in any stocks or shares of a diversified management investment company registered under the "Investment Company Act of 1940" which has total assets of at least fifty million dollars (\$50,000,000); except that the total investment in such stocks and shares, together with stocks and shares of all other corporations, may not exceed 25 percent of the assets of such fund determined on the basis of the cost of the stocks or shares.

SEC. 7. In order that the intent of the Legislature may be made clear to the Teachers' Retirement Board, with respect to investments as provided by this act, but without restricting the necessary flexibility that must exist for successful investing of the retirement fund, the Legislature makes this declaration of its desire that the board shall give primary consideration to dealing with counseling and brokerage firms which maintain offices and staffs in the State of California so that the investment program may make a meaningful contribution to the economy of the state. It is further the desire of the Legislature that the retirement fund shall be used as much as reasonably possible to benefit and expand the business and economic climate within the State of California, so long as such use would be consistent with sound investment policy.

CHAPTER 871

An act to amend Section 18682.5 of the Business and Professions Code, relating to boxing and wrestling.

[Approved by Governor October 4, 1971. Filed with Secretary of State October 4, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 18682.5 of the Business and Professions Code is amended to read:

18682.5. In addition to its authority under other provisions of this chapter to suspend or revoke a license, the commission shall have authority to assess fines not to exceed two thousand five hundred dollars (\$2,500) for each violation of any of the provisions of this chapter or any of the rules or regulations of the commission.

CHAPTER 872

An act to amend Section 190 of the Water Code, relating to regional water resources.

[Approved by Governor October 4, 1971. Filed with Secretary of State October 4, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 190 of the Water Code is amended to read:

190. Whenever the State of California is specifically invited by federal law to participate in any interstate commission to plan for the regional development of water and related resources, the Governor shall appoint each California member of such commission. The appointment of each such member shall be subject to confirmation by the Senate, and the member appointed shall serve at the pleasure of the Governor.

The provisions of this section shall also apply to the Western States Water Council established by the Western Governors' Conference at its meeting in Portland, Oregon, in June 1965.

Each member appointed by the Governor to the Western States Water Council shall receive the actual and necessary expenses incurred by him in the performance of his duties as a member, including travel expenses. Additionally, each such member, except persons who are officers or employees of the state, shall receive a compensation of twenty-five dollars (\$25) for each day such member is engaged in the performance of his duties as a member. Such compensation shall be paid from the budget of the advisory committee appointed pursuant to this article.

CHAPTER 873

An act to amend Sections 689d and 690.51 of the Code of Civil Procedure, to amend the heading of Article 3 (commencing with Section 1755) of Chapter 7 of Part 1 of Division 1 of, to amend Sections 308, 309, 1127, 1177, 1178, 1755, 1756, and 1757 of, to add Sections 678 and 926.5 to, and to repeal Section 307 of, the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor October 4, 1971. Filed with Secretary of State October 4, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 689d of the Code of Civil Procedure is amended to read:

689d. In cases in which a warrant or notice of levy is issued by the State of California, or a department or agency thereof, pursuant to Section 1755 or 1785 of the Unemployment Insurance Code, or Section 6776, 7881, 9001, 10111, 18906, 26191, 30341 or 32365 of the Revenue and Taxation Code, for the collection of tax liability owed to said state, a department or agency thereof, a hearing, for the purpose of determining title to the property in question as provided in Section 689 of this code, may be held by the superior court of the county, or city and county, in which the property levied upon is located.

SEC. 2. Section 690.51 of the Code of Civil Procedure is amended to read:

690.51. In cases in which a warrant or notice of levy is issued by the State of California, or a department or agency thereof, pursuant to Section 1755 or 1785 of the Unemployment Insurance Code, or Section 6776, 7881, 9001, 10111, 18906, 26191, 30341, or 32365 of the Revenue and Taxation Code, for the collection of tax liability owed to the state, a department or agency thereof, the tax debtor shall be entitled to the exemptions provided in Sections 690.1 to 690.29, inclusive, and all the provisions of Section 690.50 shall be applicable to the assertion and determination thereof. The superior court of the county, or city and county, in which the property levied upon is located shall have jurisdiction to hear and determine the validity of the claim of exemption or the value of the property claimed exempt, whether or not the value of the property determines the right to exemption, in like manner as if the property were levied upon by writ of execution issued by such court.

SEC. 3. Section 307 of the Unemployment Insurance Code is repealed.

SEC. 4. Section 308 of the Unemployment Insurance Code is amended to read:

308. (a) Prior to the filing of a regulation with the Secretary of State the director shall hold a public hearing pursuant

to Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

(b) After the public hearing on a regulation, the director shall by mail or personal service promptly notify every person who appeared at the public hearing and opposed a regulation, of the director's action on the regulation opposed including the following:

(1) Whether the regulation has been filed with the Secretary of State.

(2) Whether the regulation has been revised. If the director revises the regulation, the notice shall set forth the revised text of the regulation, and shall state whether the revised regulation has been filed with the Secretary of State.

(c) This section shall not apply to an emergency regulation.

SEC. 5. Section 309 of the Unemployment Insurance Code is amended to read:

309. (a) Any person who opposes a proposed regulation at a public hearing held by the director may, within 10 days of the date of the mailing or personal service of the notice required by subdivision (b) of Section 308, file an appeal to the Appeals Board. The Appeals Board shall promptly notify the director of the filing of the appeal. The appellant or the director may request a hearing before the Appeals Board. If an appeal is filed and a hearing is requested the matter shall be heard by the Appeals Board within 30 days from the date of the request. If an appeal is filed, the proposed regulation shall not become effective unless the Appeals Board has finally approved it. The Appeals Board shall issue a decision on the appeal and mail or deliver the decision to the appellant and the director. If the Appeals Board approves the regulation, it shall become effective after filing by the director with the Secretary of State in the manner provided in Section 11422 of the Government Code.

(b) This section shall not apply to an emergency regulation.

SEC. 6. Section 678 is added to the Unemployment Insurance Code, to read:

678. "Employer" means any employing unit which pursuant to a collective bargaining agreement between an employer and a labor organization in the motion picture, radio, or television industry, pays wages as provided in Section 926.5.

SEC. 7. Section 926.5 is added to the Unemployment Insurance Code, to read:

926.5. "Wages" also means all remuneration payable for personal services, as specified in Section 926, when the legal obligation for the payment of such wages is assumed by an employer specified in Section 678, and the first or prior employer for whom the personal services were originally performed is relieved of the legal obligation for the payment of such remuneration.

SEC. 8. Section 1127 of the Unemployment Insurance Code is amended to read:

1127. If the director is not satisfied with any return made by any employing unit of the amount of employer or wage-earner contributions, he may compute the amount required to be paid upon the basis of facts contained in the return or returns or may make an estimate upon the basis of any information in his possession or that may come into his possession and make an assessment of the amount of the deficiency. If any part of the deficiency is due to negligence or intentional disregard of this division or authorized regulations, a penalty of 10 percent of the amount of the deficiency shall be added to the assessment.

SEC. 9. Section 1177 of the Unemployment Insurance Code is amended to read:

1177. Except as provided by subdivision (b) of Section 1178, if the director determines that any amount of contributions, penalty or interest has been erroneously or illegally collected he shall set forth on the records of the department the amount collected in excess of the amount legally due and the name of the employing unit or other person by whom it was paid and shall refund the amount to the employing unit or other person by whom it was paid if the amount does not include refundable worker contributions. If refundable worker contributions are involved and a claim has not already been filed the director shall give notice to such employing unit or other person of such amount. The excess amount shall be credited on any amounts then due from or accrued against the employing unit and the balance shall be refunded to the employing unit or its successor, administrators or executors.

SEC. 10. Section 1178 of the Unemployment Insurance Code is amended to read:

1178. (a) A claim for refund or credit may be filed with the director for any overpayment including, but not limited to, amounts paid subsequent to the filing for record of a certificate under Section 1703 or the entry of a judgment under Section 1815.

(b) No refund shall be made or credit allowed unless a claim therefor is filed with the director within three years from the last day of the calendar month following the close of the calendar quarter for which the overpayment was made or within six months after assessments made under Article 8 (commencing with Section 1126) of this chapter become final or within 60 days from the date of overpayment, whichever period expires the later, but prior to the expiration of such periods even though no claim is filed the director on his own initiative shall make refunds pursuant to Section 1177 or may allow credits.

(c) No refund of employer or worker contributions, penalties or interest shall be made or credit for worker contributions allowed unless the employing unit conforms, within one year after the allowance of credit or approval of the claim for refund, to authorized regulations with respect to the re-

fund to workers entitled thereto of any money deducted by the employing unit under Section 984.

SEC. 11. The heading of Article 3 (commencing with Section 1755) of Chapter 7 of Part 1 of Division 1 of the Unemployment Insurance Code is amended to read:

Article 3. Notices of Levy

SEC. 12. Section 1755 of the Unemployment Insurance Code is amended to read:

1755. If any person or employing unit is delinquent in the payment of any contributions, penalties or interest provided for in this division, the director may, not later than three years after the payment became delinquent or within 10 years after the last entry of a judgment under Article 5 (commencing with Section 1815) of this chapter or within 10 years after the last filing for record of a certificate under Section 1703, collect the delinquency or enforce any liens by levy served either personally or by certified mail, to all persons having in their possession or under their control any credits or, with respect to a bank or savings and loan association, other personal property belonging to the delinquent person or employing unit, or owing any debts to such person or employing unit at the time of the receipt of the notice of levy. Any person upon whom a levy has been served having in his possession or under his control any credits, or with respect to a bank or savings and loan association other personal property, belonging to the delinquent person or employing unit or owing any debts to such person or employing unit at the time of the receipt of the levy, shall surrender such credits or other personal property to the director or pay to the director the amount of any debt owing the delinquent employer within five days of service of the levy. Any such person in possession of any credits or other personal property or owing any debts to the delinquent person or employing unit who surrenders such credits or other personal property or pays such debts owing the delinquent person or employing unit shall be discharged from any obligation or liability to the delinquent person or employing unit with respect to the credits or personal property surrendered or debts paid to the director. If the levy is made on a deposit or credits or other personal property in the possession or under the control of a bank or savings and loan association, the notice of levy shall be delivered or mailed to the branch or office of such bank or savings and loan association at which such deposit is carried or at which such credits or personal property is held.

SEC. 13. Section 1756 of the Unemployment Insurance Code is amended to read:

1756. Notices of levy to the state, pursuant to Section 1755, shall be given to the state department, board, office or commission prior to the time it presents the claim of the person or employing unit to the State Controller.

SEC. 14. Section 1757 of the Unemployment Insurance Code is amended to read:

1757. Any person notified pursuant to Section 1755 who fails or refuses to surrender any credits or other personal property, or pay any debts owing to the delinquent employer, up to the amount specified in the levy, shall be liable in his own person and estate to the director in an amount equal to the value of the credits or other personal property in the amount of the debt, but not exceeding the amount specified in the notice of levy, if solely by reason of such failure or refusal, the department is unable to recover the contributions, penalties, or interest owing by the person with respect to which the notice was given.

SEC. 15. The provisions of Sections 1177 and 1178 of the Unemployment Insurance Code as amended by this act shall apply to overpayments determined by the director on or after the effective date of this act. The provisions of Sections 1177 and 1178 in effect prior to the amendments made by this act shall remain applicable to overpayments determined by the director prior to the effective date of this act.

CHAPTER 874

An act to amend Section 22654 of the Vehicle Code, relating to removal of vehicles.

[Approved by Governor October 4, 1971. Filed with
Secretary of State October 4, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 22654 of the Vehicle Code is amended to read:

22654. (a) Whenever any peace officer finds a vehicle standing upon a highway in violation of Sections 22500 and 22504, the officer may move the vehicle or require the driver or other person in charge of the vehicle to move the same to the nearest available position off the roadway or to the nearest parking location, or may remove and store the vehicle if moving it off the roadway at a parking location is impracticable.

(b) Whenever a peace officer finds a vehicle standing upon a street in violation of a traffic ordinance enacted by local authorities to prevent flooding of adjacent property, he may move the vehicle or require the driver or person in charge of the vehicle to move the same to the nearest available location in the vicinity where parking is permitted.

(c) Any state, county, or city authority charged with the maintenance of any highway may move any vehicle which is disabled or abandoned or which constitutes an obstruction to traffic from the place where located on a highway to the near-

est available position on the same highway as may be necessary to keep the highway open or safe for public travel. In addition, employees of the Department of Public Works may remove any disabled vehicle which constitutes an obstruction to state freeway traffic from the place where located to the nearest available location where parking is permitted; and if the vehicle is unoccupied, the department shall comply with the notice requirements of subdivision (d) of this section.

(d) Any state, county or city authority charged with the maintenance or operation of any highway, highway facility or public works facility, in cases necessitating the prompt performance of any work on or service to such highway, highway facility or public works facility, may move to the nearest available location where parking is permitted, any unattended vehicle which obstructs or interferes with the performance of such work or service or may remove and store such a vehicle if moving it off the roadway to a location where parking is available would be impractical. If the vehicle is moved to another location where it is not readily visible from its former parked location or it is stored, the person causing such movement or storage of the vehicle shall immediately, by the most expeditious means, notify the owner of the vehicle of its location. If for any reason the vehicle owner cannot be so notified, the person causing the vehicle to be moved or stored shall immediately, by the most expeditious means, notify the police department of the city in which the vehicle was parked, or, if the vehicle had been parked in an unincorporated area of a county, notify the sheriff's department and nearest office of the California Highway Patrol in that county. No vehicle may be removed and stored pursuant to this subdivision unless signs indicating that no person shall stop, park, or leave standing any vehicle within the areas marked by the signs because such work or service would be done, were placed at least 24 hours prior to such movement or removal and storage.

CHAPTER 875

An act to amend Section 4054 of the Agricultural Code, relating to state contracts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 4, 1971. Filed with Secretary of State October 4, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 4054 of the Agricultural Code is amended to read:

4054. If the board of an association, by resolution adopted by vote of two-thirds of all its members, finds and

determines that the public interest and necessity require the acquisition of any building or improvement which is situated on property that is owned by the association, in trust or otherwise, or of any outstanding rights to such property, the association may, with the approval of the department, acquire such building, improvement, or outstanding rights by condemnation.

The use by the association of its property shall be considered a more necessary public use than the use of the property by any grantee, lessee, or licensee for the purposes which are specified in Section 4051 of this chapter.

Notwithstanding any provision of Sections 14256 and 14792 of the Government Code, the board of an association, by resolution adopted by vote of two-thirds of all its members, may purchase materials and lease equipment for not in excess of twenty thousand dollars (\$20,000) when such purchase or lease is made in conjunction with donated labor construction improvements on the grounds of the association.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the district agricultural associations may provide essential facilities for the current fair's season, it is necessary that this act go into immediate effect.

CHAPTER 876

An act to amend Section 6268.12 of the Education Code, relating to vocational education.

[Approved by Governor October 5, 1971. Filed with
Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 6268.12 of the Education Code is amended to read:

6268.12. Each area vocational committee shall, within two years following the initial meeting of the committee, develop and submit to the State Board of Education and to the Board of Governors of the California Community Colleges, and to any other appropriate policymaking body, an area master plan providing for maximum coordination between vocational, technical, adult, and continuation education agencies within the area, together with recommendations for the implementation of such master plan in the area.

CHAPTER 877

An act to amend Section 16851 of the Education Code, and to amend Section 22454 of the Vehicle Code, relating to schoolbuses.

[Approved by Governor October 5, 1971. Filed with Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 16851 of the Education Code is amended to read:

16851. A schoolbus is defined as any motor vehicle while being used for the transportation of any school pupil at or below the 12th-grade level to and from a public or private school or to and from public or private school activities, except the following:

(a) A passenger vehicle designed for and when actually carrying not more than eight persons, including the driver.

(b) A nine-passenger or 10-passenger station wagon when used for the transportation of not more than eight pupils and the driver, other than the regular transportation of pupils to and from a public or private school or the transportation of mentally retarded or physically handicapped pupils.

(c) A motor vehicle of any type carrying only members of the household of the owner thereof.

(d) A motor vehicle operated by a common carrier, or by and under exclusive jurisdiction of a publicly owned transit system, on scheduled runs but not used exclusively for the transportation of school pupils.

(e) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned transit system, or by a passenger charter-party carrier and used under a contractual agreement to transport pupils to and from school activities but not used regularly to transport pupils to and from a public or private school.

Notwithstanding any other provisions of this section, the governing board of a district maintaining a community college may, by resolution, designate any motor vehicle operated by or for the district, a schoolbus within the meaning of this section, while it is being used for the transportation of any community college students to and from a public community college or to and from public community college activities. The designation shall not be effective until written notification thereof has been filed with the Superintendent of Public Instruction.

SEC. 2. Section 22454 of the Vehicle Code is amended to read:

22454. The driver of any vehicle upon meeting or overtaking from either direction any schoolbus equipped with signs as required in this code which has stopped for the purpose of receiving or discharging any schoolchildren and dis-

plays a flashing red light signal visible from front and rear shall bring such vehicle to a stop immediately before passing the schoolbus and shall not proceed past the schoolbus until the red flashing signal ceases operation.

The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a schoolbus which is upon the other roadway. The driver of a vehicle need not stop upon meeting or passing a schoolbus when the schoolbus is stopped at an intersection where traffic is controlled by a traffic officer or official traffic control signal, or when the schoolbus is stopped at a place where traffic is controlled by a traffic officer or official traffic control signal.

CHAPTER 878

*An act to amend Section 12991 of the Agricultural Code,
relating to agricultural chemicals.*

[Approved by Governor October 5, 1971. Filed with
Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 12991 of the Agricultural Code is amended to read:

12991. It is unlawful for any person, by himself, or through another, in connection with any substance or mixture of substances included within the scope of this chapter, to do any of the following:

- (a) Make any material or substantial misrepresentation.
- (b) Make any false promises of a character likely to influence, induce or deceive.
- (c) Engage in illegitimate business or dishonest dealing.
- (d) Cause to be published or distributed any false or misleading literature, or cause to be displayed any false or misleading advertisement.

- (e) For any person to store, transport, handle, or dispose of any economic poison, or of any container which holds or has held such economic poison, except in compliance with rules and regulations of the director.

CHAPTER 879

*An act to add Section 27707.1 to the Government Code,
relating to public defenders.*

[Approved by Governor October 5, 1971. Filed with
Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 27707.1 is added to the Government Code, to read:

27707.1. The boards of supervisors of two or more counties may authorize their respective public defenders to enter into reciprocal or mutual assistance agreements whereby a deputy public defender of one county may be assigned on a temporary basis to perform public defender duties in the county to which he has been assigned in actions or proceedings in which the public defender of the county to which the deputy has been assigned has properly refused to represent a party because of a conflict of interest.

Whenever a deputy public defender is assigned to perform public defender duties in another county pursuant to such an agreement, the county to which he is assigned shall reimburse the county in which he is regularly employed in an amount equal to the portion of his regular salary for the time he performs public defender duties in the county to which he has been assigned. The deputy public defender shall also receive from the county to which he has been assigned the amount of actual and necessary traveling and other expenses incurred by him in traveling between his regular place of employment and the place of employment in the county to which he has been assigned.

CHAPTER 880

An act to amend Section 564 of the Welfare and Institutions Code, relating to juveniles.

[Approved by Governor October 5, 1971. Filed with Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 564 of the Welfare and Institutions Code is amended to read:

564. Upon a hearing conducted in accordance with Section 563, upon an admission by the minor of the commission of a traffic violation charged, or upon a finding that the minor did in fact commit such traffic violation, the judge, referee, or traffic hearing officer may

- (1) Reprimand the minor and take no further action, or
- (2) Direct the probation officer to file a petition as provided for in Article 7 (commencing with Section 650) of this chapter, or
- (3) Make any or all of the following orders:
 - (a) That the driving privileges of the minor be suspended or restricted for a period not to exceed 90 days,
 - (b) That the minor attend traffic school over a period not to exceed 60 days,
 - (c) That the minor pay to the general fund of the county a sum, not to exceed fifty dollars (\$50),
 - (d) That the probation officer undertake a program of supervision of the minor for a period not to exceed six months,

(e) That the minor work in a city park or recreational facility or county or regional park for not to exceed 25 hours over a period not to exceed 30 days, during times other than his hours of school attendance or employment. When the order to work is made by a referee or a traffic hearing officer, it shall be approved by a judge of the juvenile court.

The judge, referee, or traffic hearing officer shall retain jurisdiction of the case until all orders made under this section have been fully complied with.

SEC. 2. Section 564 of the Welfare and Institutions Code is amended to read:

564. Upon a hearing conducted in accordance with Section 563, upon an admission by the minor of the commission of a traffic violation charged, or upon a finding that the minor did in fact commit such traffic violation, the judge, referee, or traffic hearing officer may

(1) Reprimand the minor and take no further action, or
(2) Direct the probation officer to file a petition as provided for in Article 7 (commencing with Section 650) of this chapter, or

(3) Make any or all of the following orders:

(a) That the driving privileges of the minor be suspended or restricted for a period not to exceed 90 days,

(b) That the minor attend traffic school over a period not to exceed 60 days,

(c) That the minor pay to the general fund of the county a sum, not to exceed fifty dollars (\$50), and to the Driver Training Penalty Assessment Fund and the Peace Officers' Training Fund, a penalty assessment in the amount provided in Section 42050 of the Vehicle Code,

(d) That the probation officer undertake a program of supervision of the minor for a period not to exceed six months,

(e) That the minor work in a city park or recreational facility or county or regional park for not to exceed 25 hours over a period not to exceed 30 days, during times other than his hours of school attendance or employment. When the order to work is made by a referee or a traffic hearing officer, it shall be approved by a judge of the juvenile court.

The judge, referee, or traffic hearing officer shall retain jurisdiction of the case until all orders made under this section have been fully complied with.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 762 are both chaptered and amend Section 564 of the Welfare and Institutions Code, and this bill is chaptered after Senate Bill No. 762, that the amendments to Section 564 proposed by both bills be given effect and incorporated in Section 564 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 762 are both chaptered, both amend Section 564, and Senate Bill No. 762 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 881

An act to amend Sections 19006, 19007, and 19007.5 of, and to add Sections 19089.3 and 19155 to, the Business and Professions Code, relating to furniture and bedding.

[Approved by Governor October 5, 1971. Filed with Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 19006 of the Business and Professions Code is amended to read:

19006. "Upholstered furniture" means any furniture, including children's furniture, movable or stationary, which is made or sold with cushions or pillows, loose or attached, or is itself stuffed or filled in whole or in part with any material, is or can be stuffed or filled in whole or in part with any substance or material, hidden or concealed by fabric or any other covering, including cushions or pillows belonging to or forming a part thereof, together with the structural units, the filling material and its container and its covering which can be used as a support for the body of a human being, or his limbs and feet when sitting or resting in an upright or reclining position.

SEC. 2. Section 19007 of the Business and Professions Code is amended to read:

19007. "Bedding" means any quilted pad, packing pad, mattress pad, hammock pad, mattress, comforter, quilt, sleeping bag, box spring, studio couch, pillow or cushion made of leather, cloth or any other material, which is or can be stuffed or filled in whole or in part with any concealed substance or material, which can be used by any human being for sleeping or reclining purposes.

SEC. 3. Section 19007.5 of the Business and Professions Code is amended to read:

19007.5. "Filling material" means cotton, wool, kapok, feathers, downs, hair, liquid, or any other material, substance, or any combination thereof, loose or in batting, pads, or any other prefabricated form, concealed or not concealed to be used or that could be used in articles of bedding or upholstered furniture.

SEC. 4. Section 19089.3 is added to the Business and Professions Code, to read:

19089.3. All bedding with liquid filling material and each component part of such bedding shall be clearly labeled with the name of the manufacturer.

SEC. 5. Section 19155 is added to the Business and Professions Code, to read:

19155. The bureau shall adopt rules and regulations regulating the quality of construction of all bedding with liquid filling material and of each component part of such bedding.

Such rules and regulations shall be designed to protect the health and safety of persons using such bedding.

In preparing such regulations the bureau shall consult with representatives of the industry. All bedding with liquid filling material and each component part of such bedding, including but not limited to, the mattress, liner, frame, and heater, shall meet individual standards of safety as provided in the rules and regulations adopted pursuant to this section whether sold separately or as a portion of a complete unit.

SEC. 6. All fees collected attributable to the amendments to Sections 19006, 19007 and 19007.5 of the Business and Professions Code adopted at the 1971 Regular Session of the Legislature shall be reported to the State Controller and paid to the State Treasurer and credited to the Bureau of Furniture and Bedding Inspection Fund to be expended in carrying out the provisions of Chapter 3 (commencing with Section 19000), Division 8 of the Business and Professions Code.

CHAPTER 882

An act to amend Sections 69903, 69903.2, 70102, 73084.1, 73084.2, 73084.3, 73084.4, 73084.5, 73085.1, 73085.2, 73085.3, 73085.4, 73085.5, 73085.6, 73086, 73088, 73089, 73090, 73090.1, and 74843 of, and to add Sections 69903.3, 70102.5, 73084.6, 73085.8, 73085.9, and 73090.2 to, the Government Code, relating to courts.

[Approved by Governor October 5, 1971 Filed with
Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 69903 of the Government Code is amended to read:

69903. In any county with a population of less than 1,000,000 but more than 800,000 as determined by the 1960 federal census, the superior court shall appoint an administrative officer, who shall hold office at the pleasure of the court, and shall act as secretary to the judges of the superior court and perform the duties of jury commissioner and shall exercise such other administrative duties as may be required of him by the court. The court shall fix the qualifications of the administrative officer and may delegate to him any administrative powers and duties as are now or may hereafter by law be vested in or required to be exercised by the court. The salary of the administrative officer shall be fixed by the court at not less than one thousand six hundred sixty-seven dollars (\$1,667) nor more than two thousand twenty-five dollars (\$2,025) per month.

In such a county the court and secretary may have to assist them in the performance of their duties the following employees:

(a) Two legal research assistants, who shall be members of the bar, who shall receive a salary of not less than four hundred dollars (\$400) nor more than one thousand two hundred dollars (\$1,200) a month.

(b) One senior administrative assistant-deputy jury commissioner, who shall receive a salary of not less than eight hundred sixty-two dollars (\$862) nor more than one thousand forty-eight dollars (\$1,048) a month.

(c) One administrative assistant-deputy jury commissioner, who shall receive a salary of not less than seven hundred twenty-seven dollars (\$727) nor more than eight hundred eighty-three dollars (\$883) a month.

(d) One senior clerk-deputy jury commissioner, who shall receive a salary of not less than five hundred eighty-four dollars (\$584) nor more than seven hundred ten dollars (\$710) a month.

(e) Five secretary-deputy jury commissioners, who shall receive a salary of not less than five hundred thirty dollars (\$530) nor more than six hundred forty-four dollars (\$644) a month.

(f) Three clerks, who shall receive a salary of not less than four hundred eighty-one dollars (\$481) nor more than five hundred eighty-four dollars (\$584) a month.

(g) One jury payroll and assembly room supervisor-deputy jury commissioner who shall receive a salary of not less than five hundred eighty-four dollars (\$584) nor more than seven hundred ten dollars (\$710) a month.

(h) One senior calendar clerk-deputy jury commissioner, who shall receive a salary of not less than six hundred thirteen dollars (\$613) nor more than seven hundred forty-five dollars (\$745) a month.

Such employees shall be appointed by the secretary with the approval of a majority of the judges of the superior court of such county. Each such position shall be exempt from civil service laws. The salaries of such persons shall be fixed by a majority of the judges of the superior court of such county. The salaries of such secretary and other employees of the superior court shall be paid by the county in which they serve.

SEC. 2. Section 69903.2 of the Government Code is amended to read:

69903.2. Notwithstanding any other provision of this article, whenever higher compensation is provided for positions in the class of superior court clerk II in the Alameda County classified service, each person holding a position in the classes of clerk, secretary-deputy jury commissioner, jury payroll and assembly room supervisor-deputy jury commissioner, administrative assistant-deputy jury commissioner, senior administrative assistant-deputy jury commissioner, supervising conciliation counselor, senior clerk-deputy jury commissioner, deputy conciliation counselor, and jury commissioner specified in this article shall receive correspondingly higher compensation pay-

able at the same time as that higher compensation provided in the salary ordinance of Alameda County.

SEC. 3. Section 69903.3 is added to the Government Code, to read:

69903.3. Notwithstanding any other provisions of this article, in any county with a population of less than 1,000,000 but more than 800,000 as determined by the 1960 federal census, and if the superior court does not have a position of assistant jury commissioner, the positions referred to in subdivisions (b) and (c) of Section 69903 shall be compensated at a rate 10 percent more than the salary to which they would be entitled otherwise.

SEC. 4. Section 70102 of the Government Code is amended to read:

70102. In each county with a population of 850,000 and under 1,000,000, as determined by the 1960 federal census, the annual salary of the regular official phonographic reporters shall be based on a five-step salary plan with one-year increments as follows:

Step 1, fourteen thousand forty dollars (\$14,040).

Step 2, fourteen thousand eight hundred thirty-two dollars (\$14,832).

Step 3, fifteen thousand six hundred seventy-two dollars (\$15,672).

Step 4, sixteen thousand five hundred sixty dollars (\$16,560).

Step 5, seventeen thousand four hundred ninety-six dollars (\$17,496).

In each such county, the compensation of the official phonographic reporters pro tempore shall be at the rate of sixty dollars (\$60) a day, or any fractional part thereof. All phonographic reporters appointed at an annual salary pursuant to this section shall be allowed vacation leave and sick leave annually as provided in the Alameda County Administrative Code for other county employees.

SEC. 5. Section 70102.5 is added to the Government Code, to read:

70102.5. Notwithstanding any other provision of this article, whenever higher compensation is provided for positions in the class of legal stenographer in the Alameda County classified service, each person holding the position of regular official phonographic reporter specified in this article shall receive correspondingly higher compensation payable at the same time as that higher compensation provided in the salary ordinance of Alameda County.

SEC. 6. Section 73084.1 of the Government Code is amended to read:

73084.1. The clerk of the municipal court for the Oakland-Piedmont Judicial District shall receive a monthly salary at the rate specified in schedule number 58 of the salary schedule.

SEC. 7. Section 73084.2 of the Government Code is amended to read:

73084.2. The clerk of the municipal court for the Alameda Judicial District shall receive a monthly salary at the rate specified in schedule number 50 of the salary schedule.

SEC. 8. Section 73084.3 of the Government Code is amended to read:

73084.3. The clerk of the municipal court for the Berkeley-Albany Judicial District shall receive a monthly salary at the rate specified in schedule number 53 of the salary schedule.

SEC. 9. Section 73084.4 of the Government Code is amended to read:

73084.4. The clerk of the municipal court for the San Leandro-Hayward Judicial District shall receive a monthly salary at the rate specified in schedule number 54 of the salary schedule.

SEC. 10. Section 73084.5 of the Government Code is amended to read:

73084.5. The clerk of the municipal court for the Fremont-Newark-Union City Judicial District shall receive a monthly salary at the rate specified in schedule number 51 of the salary schedule.

SEC. 11. Section 73084.6 is added to the Government Code, to read:

73084.6. The clerk of the municipal court for the Livermore Judicial District shall receive a monthly salary at the rate specified in schedule number 50 of the salary schedule.

SEC. 12. Section 73085.1 of the Government Code is amended to read:

73085.1. Deputy clerks, division chiefs, shall receive a monthly salary at the rate specified in schedule number 50 of the salary schedule.

SEC. 13. Section 73085.2 of the Government Code is amended to read:

73085.2. The deputy clerk, chief deputy of the Oakland-Piedmont Judicial District, shall receive a monthly salary at the rate specified in schedule number 53 of the salary schedule.

SEC. 14. Section 73085.3 of the Government Code is amended to read:

73085.3. Deputy clerks grade IV shall receive a monthly salary at the rate specified in schedule number 45 of the salary schedule.

SEC. 15. Section 73085.4 of the Government Code is amended to read:

73085.4. Deputy clerks grade III shall receive a monthly salary at the rate specified in schedule number 43 of the salary schedule.

SEC. 16. Section 73085.5 of the Government Code is amended to read:

73085.5. Deputy clerks grade II shall receive a monthly salary at the rate specified in schedule number 39 of the salary schedule, except as otherwise provided in Section 73089.

SEC. 17. Section 73085.6 of the Government Code is amended to read:

73085.6. Deputy clerks grade I shall receive a monthly salary at the rate specified in schedule number 35 of the salary schedule. Appointments to such position shall be at step 2 of the schedule.

SEC. 18. Section 73085.8 is added to the Government Code, to read:

73085.8. The deputy clerk, chief deputy of the San Leandro-Hayward Judicial District, shall receive a monthly salary at the rate specified in schedule number 49 of the salary schedule.

SEC. 19. Section 73085.9 is added to the Government Code, to read:

73085.9. The deputy clerk, chief deputy of the Berkeley-Albany Judicial District, shall receive a monthly salary at the rate specified in schedule number 48 of the salary schedule.

SEC. 20. Section 73086 of the Government Code is amended to read:

73086. Notwithstanding any other provision of this article, until 90 days after the adjournment of the next regular session of the Legislature, whenever a higher compensation is provided for positions in the class of clerk II in the Alameda County classified service, each person holding a position in the class of deputy clerk I specified in this article, shall receive correspondingly higher compensation up to but not exceeding four steps on the pay schedule provided in Section 73076, payable at the same time as that higher compensation provided in the salary ordinance of Alameda County; and whenever a higher compensation is provided for positions in the class of superior court clerk I in the Alameda County classified service, each person holding a position in the class of deputy clerk II specified in this article, shall receive correspondingly higher compensation up to but not exceeding four steps on the pay schedule provided in Section 73076, payable at the same time as that higher compensation provided in the salary ordinance of Alameda County; and whenever a higher compensation is provided for positions in the class of superior court clerk II in the Alameda County classified service, each person holding a position in the classes of deputy clerk III and deputy clerk IV specified in this article shall receive correspondingly higher compensation up to but not exceeding four steps on the pay schedule provided in Section 73076, payable at the same time as that higher compensation provided in the salary ordinance of Alameda County; and whenever a higher compensation is provided for positions in the class of superior court clerk III in the Alameda County classified service, each person holding a position in the classes of chief deputy clerk, division chief, and clerk specified in this article shall receive correspondingly

higher compensation up to, but not exceeding, four steps on the pay schedule provided in the salary ordinance of Alameda County.

SEC. 21. Section 73088 of the Government Code is amended to read:

73088. The clerk of the municipal court for the Berkeley-Albany Judicial District may appoint the following deputy clerks:

- (a) One chief deputy clerk.
- (b) Seven deputy clerks grade IV.
- (c) Five deputy clerks grade III.
- (d) Eleven deputy clerks grade II.
- (e) Seven deputy clerks grade I.

SEC. 22. Section 73089 of the Government Code is amended to read:

73089. The clerk of the municipal court for the Oakland-Piedmont Judicial District may appoint the following deputy clerks:

- (a) One chief deputy.
- (b) Four deputy clerks, division chiefs, who shall be in charge of the civil division, criminal division, traffic division and accounting division.
- (c) Twenty-three deputy clerks grade IV.
- (d) Sixteen deputy clerks grade III.
- (e) Forty deputy clerks grade II; provided, that not to exceed 12 such deputy clerks may be assigned to perform duties as bail office tellers at the additional compensation of two schedule numbers.
- (f) Thirty deputy clerks grade I.

SEC. 23. Section 73090 of the Government Code is amended to read:

73090. The clerk of the municipal court for the San Leandro-Hayward Judicial District may appoint the following deputy clerks:

- (a) One chief deputy clerk.
- (b) Nine deputy clerks grade IV.
- (c) Six deputy clerks grade III.
- (d) Fourteen deputy clerks grade II.
- (e) Twelve deputy clerks grade I.

SEC. 24. Section 73090.1 of the Government Code is amended to read:

73090.1. The clerk of the municipal court for the Fremont-Newark-Union City Judicial District may appoint the following deputy clerks:

- (a) Four deputy clerks grade IV.
- (b) Two deputy clerks grade III.
- (c) Six deputy clerks grade II.
- (d) Four deputy clerks grade I.

SEC. 25. Section 73090.2 is added to the Government Code, to read:

73090.2. The clerk of the municipal court for the Livermore Judicial District may appoint the following deputy clerks:

- (a) One deputy clerk IV.
- (b) One deputy clerk III.
- (c) Three deputy clerks II.
- (d) Four deputy clerks I.

SEC. 26. Section 74843 of the Government Code is amended to read:

74843. The clerk may appoint:

- (a) One chief deputy clerk.
- (b) Five senior deputy clerks.
- (c) Nine deputy clerks II or deputy clerks I as shall be determined by the judges with the concurrence of the board of supervisors.

Each of these employees shall receive the monthly salary specified in Section 74847 for his classification.

CHAPTER 883

An act to amend Section 712 of the Unemployment Insurance Code, relating to nonprofit organizations.

[Approved by Governor October 5, 1971 Filed with
Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 712 of the Unemployment Insurance Code is amended to read:

712. To the extent permitted by federal law, no contributions shall be due from any nonprofit organization which has, prior to January 1, 1971, elected a method of financing under Section 711 and elected to use prior contributions pursuant to this section as in effect prior to January 1, 1971, until the additional cost of benefits reimbursable by or the cost of benefits paid and reimbursable by the nonprofit organization together with the benefits charged and chargeable to the reserve account of the nonprofit organization as the result of its prior elective coverage agreement exceed the contributions made by the nonprofit organization and credited to its reserve account pursuant to its prior elective coverage agreement.

CHAPTER 884

An act to amend Sections 1418 and 1418.5 of the Penal Code, relating to destruction of exhibits.

[Approved by Governor October 5, 1971 Filed with
Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1418 of the Penal Code is amended to read:

1418. The court may, on application of the party entitled thereto, or an agent designated in writing by the owner, order all such exhibits, other than documentary exhibits, as may be released from the custody of the court without prejudice to the state, delivered to such party at any time after the final determination of the action or proceedings; provided, however, where the action or proceeding has resulted in an order granting probation, such delivery may be made any time after the final determination of an appeal of such order, taken under the provisions of Section 1237, or after the time for such appeal has elapsed. In all cases in which the death penalty has been imposed no such order shall be made until the sentence of death has been carried out. If the party entitled to such exhibits is unknown, or fails to apply for the return of such exhibits, the procedure for their disposition shall be as follows:

After the expiration of two years from the time the conviction becomes final, or if the action or proceeding has not resulted in a conviction, at any time after the judgment has become final, the court in which the case was tried shall make an order specifying what exhibits may be released from the custody of the court without prejudice to the state. Upon receipt of such an order, the clerk of the court shall transfer the property to the county purchasing and stores agency or other proper county agency for sale to the public.

At any time prior to the time fixed for the transfer, the owner or any person entitled to the possession of any of such exhibits may obtain from the court an order returning them to him.

Articles not returned to their owners or to persons entitled to their possession at or prior to the time set for the transfer shall be sold by the proper receiving agency for cash; said articles shall be sold singly or in combinations. The money received from such sales shall be placed in the general fund of the county.

Where the exhibit consists of money or currency and is unclaimed at the time of the transfer, the clerk shall not transfer it but shall immediately deposit it in the general fund of the county.

If any property is transferred to the county purchasing agent pursuant to this section it may be sold in the manner provided by Article 7 (commencing with Section 25500) of Chapter 5 of Part 2 of Division 2 of Title 3 of the Government Code for the sale of surplus personal property. If the county purchasing and stores agency or other proper county agency determines that any such property transferred to it for sale is needed for a public use, such property may be retained by the agency and need not be sold.

SEC. 2. Section 1418.5 of the Penal Code is amended to read:

1418.5. The court may, on application of the party entitled thereto, or an agent designated in writing by the owner, order such documentary exhibits as may be released from the custody of the court without prejudice to the state delivered to such party any time after the final determination of the action or proceeding; provided, however, where the action or proceeding has resulted in an order granting probation, such delivery may be made any time after the final determination of an appeal of such order, taken under the provisions of Section 1237, or after the time for such appeal has elapsed.

If the party entitled to such documentary exhibits is unknown, or fails to apply for the return of said exhibits, the procedure for their disposition shall be as follows:

After the expiration of two years from the time the conviction becomes final, or if the action or proceeding has not resulted in a conviction, at any time after the judgment has become final, the court in which the case was tried shall make an order requiring such exhibits to be destroyed; provided, that no such order shall be made authorizing the destruction of any documentary exhibit if the destruction of such exhibits would prejudice the state.

In all cases in which the death penalty has been imposed no such order shall be made until the sentence of death has been carried out.

No exhibit shall be destroyed or otherwise disposed of until 60 days after the clerk of the court has posted a notice conspicuously in three public places in the county, referring to the order for the disposition, describing briefly the exhibit, and indicating the date after which the exhibit will be destroyed or otherwise disposed of.

CHAPTER 885

An act to amend Section 938.1 of the Penal Code, relating to grand juries.

[Approved by Governor October 5, 1971. Filed with
Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 938.1 of the Penal Code is amended to read:

938.1. If an indictment has been found or accusation presented against a defendant, such stenographic reporter shall certify and deliver to the county clerk an original transcription of his shorthand notes and a copy thereof and as many additional copies as there are defendants, other than fictitious defendants, regardless of the number of charges or fictitious defendants included in the same investigation. The reporter

shall complete such certification and delivery within 10 days after the indictment has been found or the accusation presented unless the court for good cause makes an order extending the time. The time shall not be extended more than 20 days. The county clerk shall file the original of the transcript, deliver a copy of the transcript to the district attorney immediately upon his receipt thereof, and deliver a copy of such transcript to each such defendant or his attorney. If the copy of the testimony is not served as provided in this section the court shall on motion of the defendant continue the trial to such time as may be necessary to secure to the defendant receipt of a copy of such testimony 10 days before such trial. Except as authorized in this section, the county clerk shall not exhibit the transcript to any person nor divulge any of its contents until after the defendant is in custody. If several criminal charges are investigated against a defendant on one investigation and thereafter separate indictments are returned or accusations presented upon said several charges, the delivery to such defendant or his attorney of one copy of the transcript of such investigation shall be a compliance with this section as to all of such indictments or accusations.

CHAPTER 886

An act to add Chapter 7 (commencing with Section 32100) to Division 22 of the Education Code, relating to continuous school programs.

[Approved by Governor October 5, 1971. Filed with Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7 (commencing with Section 32100) is added to Division 22 of the Education Code, to read:

CHAPTER 7. CONTINUOUS SCHOOL PROGRAMS

Article 1. General Provisions

32100. It is the intent and purpose of the Legislature in enacting this chapter to authorize public school districts of any type or class to establish, maintain, and operate their educational program under a continuous school program, to be conducted throughout the entire school year.

The Legislature is especially concerned and aware of the mounting costs of acquisition and construction of school sites and facilities, and is, therefore, desirous of providing a procedure whereby those fiscal burdens may be reduced by increased utilization of existing plants and facilities.

The Legislature is also interested in providing for the replacement of the present system of lengthy summer vacations

with shorter periodic vacation periods, which will result in a reduction of the student's summer vacation "learning loss."

32101. The provisions of this chapter shall become operative on July 1, 1973.

Article 2. Establishment and Maintenance of the Continuous School Program

32110. The governing board of any school district may establish and operate in one or more of the schools within the district, or in all schools within the district, a continuous school program pursuant to the provisions of this chapter.

32111. The governing board of any school district operating pursuant to the provisions of this chapter shall divide the students of each selected school into four groups. Students of the same family shall be placed in the same group unless one or more of such students is enrolled in a special education class or unless the parent or guardian of such students requests that the students be placed in different groups.

32112. The governing board of any school district operating pursuant to the provisions of this chapter shall establish a school calendar whereby each of the four groups of pupils will attend school all year around in rotating shifts of four approximately 45 class-day sessions, with approximately 15 class-day vacations interspaced between the four sessions.

32113. Each selected school shall be closed for all students and employees on regular school holidays specified in Article 3 (commencing with Section 5201) of Chapter 2 of Division 6.

32114. The sessions and vacations required by Section 32112 shall be established without reference to the school year as defined in Section 5101. The schools and classes shall be conducted for a total of no fewer than 175 days during the academic year.

Article 3. Elements of the Continuous School Program

32120. The provisions of Chapter 6 (commencing with Section 12101) of Division 9, and all other laws relating to compulsory full-time education and the enrollment and attendance of pupils in the kindergarten, elementary, and secondary grades shall be applicable with respect to the regular school-days prescribed for the entire academic year established for the school at which a program pursuant to this chapter is conducted, and to the attendance area established for such school.

32121. The courses of instruction offered at a school maintained pursuant to this chapter shall meet all applicable requirements of law, including the requirements prescribed by or pursuant to Chapter 3 (commencing with Section 8501) of Division 7 relating to physical education. For such purposes the instructional program shall be designed to provide at least the overall equivalent in instruction in each course of study required by law to be provided in kindergarten and grades 1

to 12, inclusive, upon a pupil's completion of the work prescribed for any particular grade.

32122. The governing board of any school district operating the continuous school program pursuant to this chapter shall prescribe a separate salary schedule for the certificated and classified employees of the district who are employed at any school maintaining the continuous school program pursuant to this chapter, and who, because of such employment, will be engaged in rendering services for the district for a greater number of total days during the academic year than would be the case for a regular academic year.

Article 4. Financial Support

32130. Each school district maintaining a continuous school program in any school within the district pursuant to this chapter shall be entitled to receive the same support, but not more support, from the State School Fund due to the average daily attendance at such school that it would have received if the school had been operating under the provisions of law relating to the regular school year, including summer school.

32131. The Superintendent of Public Instruction shall prescribe an appropriate procedure for the computation of allowances, apportionments, and disbursements from the State School Fund which are to be made to any school district maintaining a continuous school program pursuant to this chapter for any one or more of the purposes specified in Sections 17303 and 17303.5 for the average daily attendance at any school operating such a program.

32132. The allowances, disbursements, and apportionments under this article shall be made with respect to any school district maintaining a continuous school program pursuant to this chapter in accordance with the provisions of Chapter 2 (commencing with Section 17300) and Chapter 3 (commencing with Section 17601) of Division 14, to the extent possible.

32133. The Superintendent of Public Instruction may provide for the actual disbursement of the apportionments to the school district maintaining the continuous school program pursuant to this chapter at times other than as specified in Article 3 (commencing with Section 17401) of Chapter 2 of Division 14. In no event, however, shall the school district receive apportionments in a total amount in excess of the amount determined pursuant to this article.

CHAPTER 887

An act to amend Sections 6902.05, 6902.3 and 6903.2 of the Education Code, relating to mentally retarded minors.

The people of the State of California do enact as follows:

SECTION 1. Section 6902.05 of the Education Code is amended to read:

6902.05. (a) Admission of a minor to a special educational program for the mentally retarded established under the provisions of Sections 6901 to 6913, inclusive, and in Sections 895 to 895.7, inclusive, shall be made only on the basis of an individual evaluation according to standards established by the State Board of Education and upon individual recommendation of a local admission committee which shall include an administrator in charge of special education programs in the district or county or other administrator designated by the school district or county superintendent of schools, an experienced special education teacher, a school nurse, and a school psychologist or other pupil personnel worker authorized to serve as a school psychologist who has examined the child under consideration for eligibility and placement.

Whenever possible, the persons serving on the admission committee for mentally retarded minors may also serve on the admission committee for educationally handicapped minors.

The admission committee shall use such medical reports as are needed to properly evaluate the child. The admission committee shall have the services or presence of other pupil personnel workers, educational specialists, school nurses, social workers, or physicians as the committee may require and request. Such recommendation shall include a statement that in the professional judgment of the members of the admission committee the minor recommended for placement in any program for the mentally retarded can reasonably be expected to benefit from such placement. Any member of the local admission committee dissenting from the final committee recommendation shall attach to the final recommendation a statement of reasons for such objection.

(b) The administrative head of a school district or office of the county superintendent of schools may make an interim placement of a pupil in a program for the mentally retarded for a period not to exceed 30 schooldays whenever a pupil transfers into the school district from another school district in which his last enrollment was in a program for mentally retarded minors. Such an interim placement may be made without the complete documentation specified in subdivision (a). Before the expiration of the 30-day period such interim placement shall be reviewed by the admission committee and a final recommendation shall be made by the committee in accord with the requirements of this chapter. The committee may utilize information, records, and reports from the admission committee proceedings of the school district or county program from which the pupil transferred.

SEC. 2. Section 6902.3 of the Education Code is amended to read:

6902.3. The maximum enrollment of pupils enrolled in special day classes as defined by subdivision (a) of Section 6902.2 shall be 18 pupils except that when the chronological age span is more than four years the appropriate maximum enrollment shall be 15 pupils.

The Superintendent of Public Instruction may waive the maximum class size standards prescribed by this section whenever it approves a project submitted by a school district or county superintendent of schools to conduct experimental studies to determine the proper class size standards.

If after the beginning of the school year it is determined that classes are at maximum size, that additional pupils will be without schooling unless additional classes are established, and that additional qualified teachers are not available for employment, a school district or a county superintendent of schools may, on forms provided for this purpose by the Department of Education, request permission of the Superintendent of Public Instruction to exceed the maximum class size for all or a part of the remainder of the school year. The Superintendent of Public Instruction may approve such request for all or a part of the remainder of the school year, provided the maximum size is not increased by more than two pupils above the maximum enrollment specified.

SEC. 3. Section 6903.2 of the Education Code is amended to read:

6903.2. The maximum enrollment of pupils in a special day class (as defined by Section 6903.1) shall be 12 pupils.

The Superintendent of Public Instruction may waive the maximum class size standards prescribed by this section whenever he approves a project submitted by a school district or county superintendent of schools to conduct experimental studies to determine the proper class size standards.

If after the beginning of the school year it is determined that classes are at maximum size, that additional pupils will be without schooling unless additional classes are established, and that additional qualified teachers are not available for employment, a school district or a county superintendent of schools may, on forms provided for this purpose by the Department of Education, request permission of the Superintendent of Public Instruction to exceed the maximum class size for all or a part of the remainder of the school year. The Superintendent of Public Instruction may approve such request for all or a part of the remainder of the school year, provided the maximum size is not increased by more than two pupils above the maximum enrollment specified.

CHAPTER 888

An act to amend Sections 13125 and 13168.1 of the Education Code, relating to teaching credentials.

[Approved by Governor October 5, 1971. Filed with Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 13125 of the Education Code is amended to read:

13125. No person otherwise qualified shall be denied the right to receive credentials from the State Board of Education, to receive training for the purpose of becoming a teacher, or to engage in practice teaching in any school, on the grounds he is physically handicapped; nor shall any school district refuse to engage a teacher on such grounds, provided, that such physically handicapped teacher is able to carry out the duties of the position for which he applies in the school district. "Physically handicapped" as used in this section includes total or partial visual or hearing impairments, orthopedic impairments, and other physical impairments.

The governing board of a school district may request the commission established pursuant to Section 363 for advice and assistance for purposes of this section, and it shall be the duty of the commission, upon such request, to render advice and assistance.

SEC. 2. Section 13168.1 of the Education Code is amended to read:

13168.1. No person otherwise qualified shall be denied the right to receive credentials from the commission, to receive training for the purpose of becoming a teacher, or to engage in practice teaching in any school, on the grounds he is physically handicapped; nor shall any school district refuse to engage a teacher on such grounds, provided, that such physically handicapped teacher is able to carry out the duties of the position for which he applies in the school district. "Physically handicapped" as used in this section includes total or partial visual or hearing impairments, orthopedic impairments, and other physical impairments.

The governing board of a school district may request the commission established pursuant to Section 363 for advice and assistance for purposes of this section, and it shall be the duty of the commission, upon such request, to render advice and assistance.

SEC. 3. Section 1 of this act shall remain operative until January 1, 1973, or until such earlier date as the Commission for Teacher Preparation and Licensing may determine pursuant to Section 93 of Chapter 557 of the Statutes of 1970.

SEC. 4. Section 2 of this act shall become operative on January 1, 1973, or at such earlier date as the Commission for Teacher Preparation and Licensing may determine pursuant to Section 93 of Chapter 557 of the Statutes of 1970.

CHAPTER 889

An act to amend Section 27361.2 of the Government Code, relating to recording fees.

[Approved by Governor October 5, 1971. Filed with Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 27361.2 of the Government Code is amended to read:

27361.2. Whenever any instrument, paper, or notice is recorded which contains references to more than one previously recorded document and which requires additional indexing by the county recorder to give notice required by law, an additional fee of one dollar (\$1) shall be charged for each reference to a previously recorded document, other than the first such reference, requiring additional indexing. References to group mining claims listed on a proof of labor shall be considered as only one reference when they are consecutively numbered or lettered alphabetically, and each break in consecutive numbers or letters shall be considered as an additional mine for fee purposes under this section and shall be so indexed in the index.

CHAPTER 890

An act to amend Section 49 of the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), relating to drainage districts.

[Approved by Governor October 5, 1971. Filed with Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 49 of the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903) is amended to read:

Sec. 49. After adopting a plan for such conduits, drains, pumping plants, watergates and other works as is in this act provided for, the board of directors shall give notice by publication thereof not less than 10 days as required in Section 6062a of the Government Code, in one newspaper published in each of the counties composing the district (provided, a newspaper is published therein) and in such other newspapers as they may deem advisable, calling for bids for the construction of such work, or of any portion thereof; if less than the whole work is advertised, then the portion so advertised must be particularly described in such notice. Said notice shall set forth that plans and specifications, can be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest respon-

sible bidder, stating the time and place for opening said proposals, which, at the time and place appointed shall be opened in public; and as soon as convenient thereafter the board shall let said work, whether in portions or as a whole, to the lowest responsible bidder; or they may reject any or all bids and readvertise for proposals, or may proceed to construct the work under their own superintendence. Contracts for the purchase of material shall be awarded, or the board may reject any or all bids, and may readvertise for proposals. Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for its use for 50 percent of the amount of the contract price, conditioned for the faithful performance of the contract. The work shall be done under the direction and to the satisfaction of the engineer, and be approved by the board.

Contracts under this section calling for an expenditure of less than three thousand five hundred dollars (\$3,500) may be let without bid.

CHAPTER 891

An act to add Section 30101.5 to the Streets and Highways Code, relating to the California Toll Bridge Authority.

[Approved by Governor October 5, 1971. Filed with
Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 30101.5 is added to the Streets and Highways Code, to read:

30101.5. The authority may permit authorized emergency vehicles, as defined in Section 165 of the Vehicle Code, responding to or returning from mutual aid calls or other emergencies, and other vehicles owned by any public agency when called upon to perform emergency work on the property of any toll bridge, tube, or other toll highway crossing, to cross toll bridges, tubes, or other toll highway crossings without paying a toll.

CHAPTER 892

An act to amend the heading of Article 7 (commencing with Section 29460) of Chapter 2 of Division 3 of Title 3 of, and to amend Sections 29460, 29461, 29462, and 29463 of, the Government Code, and Section 8015 of the Welfare and Institutions Code, relating to public guardian.

[Approved by Governor October 5, 1971. Filed with
Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 7 (commencing with Section 29460) of Chapter 2 of Division 3 of Title 3 of the Government Code is amended to read:

Article 7. Public Administrator's and
Public Guardian's Revolving Funds

SEC. 2. Section 29460 of the Government Code is amended to read:

29460. The board of supervisors in any county in which the public administrator or guardian receives a salary in lieu of fees may, in addition to any other revolving fund, establish a revolving fund to be used by the public administrator and a revolving fund to be used by the public guardian in paying the respective fees, expenses, and charges incurred by them: (a) in securing the possession or protecting the assets of any estate, or (b) for the purpose of securing letters of administration, or letters of guardianship or conservatorship, in any estate in which the public administrator or guardian has no funds for the payment of such fees, charges, or expenses but anticipates securing sufficient assets to reimburse the county for such amounts.

SEC. 3. Section 29461 of the Government Code is amended to read:

29461. The fees, charges, and expenses incurred in connection with any estate required to be administered by the public administrator or guardian in which the assets of the estate prove insufficient are county charges.

SEC. 4. Section 29462 of the Government Code is amended to read:

29462. The board shall fix the amount of the public administrator's revolving fund and the amount of the public guardian's revolving fund in a sum sufficient to enable the public administrator and the public guardian at all times to meet necessary fees, charges, and expenses.

SEC. 5. Section 29463 of the Government Code is amended to read:

29463. As soon as sufficient assets of an estate are received by the public administrator or guardian, he shall replenish his revolving fund by payment from such assets. If the assets are insufficient therefor, the revolving fund shall be replenished by a warrant drawn by the auditor on the order of the board, based upon such vouchers as show proper evidence of the facts.

SEC. 6. Section 8015 of the Welfare and Institutions Code is amended to read:

8015. Necessary expenses of the public guardian in the conduct of any guardianship or any conservatorship estate may be advanced by the county and if so ordered by the board of supervisors such expenses shall be a county charge, but the

county shall be reimbursed therefor out of any funds or property of the estate by the public guardian. As a means of advancing necessary expenses to a public guardian who receives a salary in lieu of fees, the county board of supervisors may establish a revolving fund to be used by the public guardian. Such revolving fund shall be established pursuant to Article 7 (commencing with Section 29460) of Chapter 2, Division 3, Title 3 of the Government Code.

CHAPTER 893

An act to amend Section 6754 of the Business and Professions Code, relating to professional engineers.

[Approved by Governor October 5, 1971. Filed with Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 6754 of the Business and Professions Code is amended to read:

6754. Examination for registration shall be held at such times and places as the board shall determine.

Work of the board relating to examination and registration may be divided into committees as the board shall direct. The scope of examinations and the methods of procedure may be prescribed by board rule.

CHAPTER 894

An act to amend Section 77.7 of the Harbors and Navigation Code, relating to yacht and ship brokers.

[Approved by Governor October 5, 1971. Filed with Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 77.7 of the Harbors and Navigation Code is amended to read:

77.7. (a) Within one month after the closing of a transaction in which title to a yacht or ship is conveyed from a seller to a purchaser through a licensee under this article, such licensee shall inform or cause the information to be given to the seller and purchaser in writing of the selling price thereof; and in the event an exchange of yachts or ships is involved, such information shall include a description of such property and amount of added money consideration, if any. If any transaction is closed through escrow and the escrow holder renders a closing statement which reveals such information,

that shall be deemed compliance with this subdivision on the part of the licensee.

(b) Before any licensee under this article shall engage in any transaction for which a license is required under this article, he shall obtain a written authorization from his principal to so act. The written authorization shall contain a description of the vessel including the undocumented vessel registration number if the vessel is registered in accordance with Chapter 2 (commencing with Section 9850) of Division 3.5 of the Vehicle Code or the name of the vessel if documented with the United States Coast Guard. A telegraphic authorization from the principal shall be deemed to comply with the requirements of this subdivision.

(c) When a licensee prepares or there is prepared on behalf of a licensee an agreement authorizing or employing such licensee to purchase, sell, or exchange a yacht or ship, for compensation or commission, such licensee shall deliver a copy of the agreement to the person signing it. Receipt for such copy may be made on the face of the agreement.

CHAPTER 895

An act to amend Section 20202.5 of the Government Code, relating to Public Employees' Retirement System.

[Approved by Governor October 5, 1971. Filed with Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 20202.5 of the Government Code is amended to read:

20202.5. Costs of administration of the system shall be paid from funds appropriated from interest income from the Retirement Fund beginning with the fiscal year 1959-60; provided, that the amount of income so appropriated may not exceed ten-hundredths (0.10) of 1 percent in any fiscal year ending prior to July 1, 1972, and thirteen-hundredths (0.13) of 1 percent in any subsequent fiscal year of the investments of the Retirement Fund at book value as of the close of the preceding fiscal year.

CHAPTER 896

An act to amend Section 367d of the Penal Code, relating to motor vehicle offenses.

[Approved by Governor October 5, 1971. Filed with Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 367d of the Penal Code is amended to read:

367d. (a) Any person driving a motor vehicle who is under the influence of intoxicating liquor or under the combined influence of intoxicating liquor and any drug, shall be guilty of a misdemeanor.

(b) Any person driving a motor vehicle who is under the influence of any drug shall be guilty of a misdemeanor.

CHAPTER 897

An act to amend Section 41103 of the Vehicle Code, relating to notice of parking violations.

[Approved by Governor October 5, 1971. Filed with
Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 41103 of the Vehicle Code is amended to read:

41103. The method of giving notice for the purposes of the provisions of Section 41102 is as follows:

(1) During the time of the violation a notice thereof shall be securely attached to the vehicle setting forth the violation including reference to the section of this code or of such ordinance so violated, the approximate time thereof and the location where such violation occurred and fixing a time and place for appearance by the registered owner in answer to said notice.

Such notice shall be attached to said vehicle either on the steering post or front door handle thereof or in such other conspicuous place upon the vehicle as to be easily observed by the person in charge of such vehicle upon his return thereto.

(2) Before any warrant of arrest shall issue following the filing of a complaint charging such a violation, a notice of the violation must be given to the person so charged. Such notice shall contain the information required in paragraph (1) above and shall also inform such registered owner that unless he appears in the court to be designated in said notice within 10 days after service of such notice and answers said charge, a warrant or citation to appear will be issued against him.

Such notice shall be given, either by personal delivery thereof to such owner or by deposit in the United States mail of an envelope with postage prepaid which said envelope shall contain such notice and shall be addressed to such owner at his address as shown by the records of the department. The giving of notice by personal delivery is complete upon delivery of a copy of said notice to said person. The giving of notice by mail is complete upon the expiration of 10 days after said deposit of such notice.

Proof of giving such notice may be made by the certificate of any traffic or police officer or affidavit of any person over 18 years of age naming the person to whom such notice was given and specifying the time, place and manner of the giving thereof.

SEC. 2. Section 41103 of the Vehicle Code is amended to read:

41103. The method of giving notice for the purposes of the provisions of Section 41102 is as follows:

(1) During the time of the violation a notice thereof shall be securely attached to the vehicle setting forth the violation including reference to the section of this code or of such ordinance so violated, the approximate time thereof and the location where such violation occurred and fixing a time and place for appearance by the registered owner or the lessee or renter in answer to said notice.

Such notice shall be attached to said vehicle either on the steering post or front door handle thereof or in such other conspicuous place upon the vehicle as to be easily observed by the person in charge of such vehicle upon his return thereto.

(2) Before any warrant of arrest shall issue following the filing of a complaint charging such a violation, a notice of the violation must be given to the person so charged. Such notice shall contain the information required in paragraph (1) above and shall also inform such registered owner or the lessee or renter that unless he appears in the court to be designated in said notice within 10 days after service of such notice and answers said charge, a warrant or citation to appear will be issued against him.

Such notice shall be given, either by personal delivery thereof to such owner, lessee or renter, or by deposit in the United States mail of an envelope with postage prepaid which said envelope shall contain such notice and shall be addressed to such owner, lessee or renter at his address as shown by the records of the department or the leasing or renting agency. The giving of notice by personal delivery is complete upon delivery of a copy of said notice to said person. The giving of notice by mail is complete upon the expiration of 10 days after said deposit of such notice.

Proof of giving such notice may be made by the certificate of any traffic or police officer or affidavit of any person over 18 years of age naming the person to whom such notice was given and specifying the time, place and manner of the giving thereof.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 778 are both chaptered and amend Section 41103 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 778, that the amendments to Section 41103 proposed by both bills be given effect and incorporated in Section 41103 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if

this bill and Assembly Bill No. 778 are both chaptered, both amend Section 41103, and Assembly Bill No. 778 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 898

An act to amend Section 7847.5 of the Business and Professions Code, relating to geologists.

[Approved by Governor October 5, 1971. Filed with Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 7847.5 of the Business and Professions Code is amended to read:

7847.5. The board, upon application therefor, on its prescribed form, and upon the payment of the application and registration fees fixed by this chapter, which fees shall be retained by the board, may issue a certificate of registration as a geologist, without written examination, to any person who has at least 14 years of professional geological work and who meets the requirements of subdivisions (a) and (b) of Section 7841. The 14 years of professional geological work shall include either a minimum of three years of professional geological work under the supervision of a registered or qualified geologist or a registered civil or petroleum engineer, or a minimum of five years' experience in responsible charge of geological work.

In lieu of the requirements contained in subdivision (b) of Section 7841, an applicant shall be considered qualified pursuant to this section, upon majority vote of the board, if he can demonstrate to its satisfaction, or to a committee of examiners appointed by it, that he has acquired sound scientific knowledge and proficiency in geology at least equivalent to that of a college graduate who has majored in the field of geology.

The ability of the applicant shall have been demonstrated by his having performed the work in a responsible position, as the term "responsible position" is defined in regulations adopted by the board. The adequacy of the required supervision and experience shall be determined by the board in accordance with standards set forth in regulations adopted by it.

CHAPTER 899

An act to add Section 5001.5 to the Vehicle Code, relating to law enforcement vehicles.

[Approved by Governor October 5, 1971. Filed with Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5001.5 is added to the Vehicle Code, to read:

5001.5. The director may enter into agreements or arrangements with motor vehicle departments in other states, subject to the approval of the California Attorney General, to provide for a reciprocal exchange of regular series license plates for the purposes of and under the conditions provided in Sections 5001 and 5003.

CHAPTER 900

An act to amend Section 21664 of the Public Utilities Code, relating to airports.

[Approved by Governor October 5, 1971. Filed with Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 21664 of the Public Utilities Code is amended to read:

21664. Any political subdivision or person planning to construct, establish, or expand an airport shall apply for the appropriate permit from the department prior to such construction, establishment or expansion. The application shall set forth the location of all highways, railways, mains, pipes, conduits, wires, cables, poles, and other facilities and structures of public service corporations and of persons engaged in radio or television broadcasting located within the area proposed to be acquired or zoned, and the names of the owners of the facilities and structures, and such other information as may be required by the rules and regulations of the department. Whenever an airport owned or operated by the United States ceases to be so owned or operated, any political subdivision or person desiring or planning to own or operate said airport shall apply to the department in compliance with the provisions of this article. If such an airport holds a permit issued by the department, the application shall be confined to consideration of the matters enumerated in subdivision (e) of Section 21666.

CHAPTER 901

An act to amend Section 25411.5 of the Education Code, relating to community colleges.

[Approved by Governor October 5, 1971. Filed with Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 25411.5 of the Education Code is amended to read:

25411.5. In every community college district in which trustee areas have not been established, there shall be a governing board of either five or seven members elected at large from the district to serve a term of four years. If trustee areas have been established in a community college district the governing board shall consist of a member or members from each trustee area.

In the Peralta Joint Junior College District, the governing board may consist of not to exceed 15 members, if the governing board so determines, whether or not trustee areas have been established.

CHAPTER 902

An act to add Article 3 (commencing with Section 25428) to Chapter 1 of Division 18.5 of the Education Code, relating to community participation.

[Approved by Governor October 5, 1971. Filed with Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Article 3 (commencing with Section 25428) is added to Chapter 1 of Division 18.5 of the Education Code, to read:

Article 3. Community Participation

25428. This article shall be applicable only to community college districts located in a county with a population in excess of 800,000, as measured in the 1970 federal census.

25428.5. The governing board of a community college district may implement any one or more of the following procedures to achieve greater community participation in the operation of the community college district:

(a) Retaining the present pattern of board representation of trustee areas and administrative organization, increase the involvement of students, faculty, and the community so as to make it more effective and more satisfying to the participants.

(b) Strengthen board relationships to the area each trustee represents by greater involvement of the community through advisory boards established geographically to serve as a source of information and recommendation for each board member.

(c) Establish at each college in the district, in a form developed at the college and approved by the governing board, a five-member advisory committee in accordance with Section 1005.

(d) Develop a district plan for selecting community representatives, to be implemented at each college in accordance with guidelines established by the governing board.

CHAPTER 903

An act to amend Sections 1812.66 and 1812.67 of the Civil Code, relating to dance studios.

[Approved by Governor October 5, 1971. Filed with Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1812.66 of the Civil Code is amended to read:

1812.66. In lieu of furnishing the bond required by Section 1812.64 the dance studio may deposit with the Secretary of State a cash deposit in a like amount. This cash deposit may be satisfied by any of the following:

(1) Certificates of deposit payable to the Secretary of State issued by banks doing business in this state and insured by the Federal Deposit Insurance Corporation.

(2) Investment certificates or share accounts assigned to the Secretary of State and issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation.

(3) Bearer bonds issued by the United States government or by this state.

(4) Cash deposited with the Secretary of State.

SEC. 2. Section 1812.67 of the Civil Code is amended to read:

1812.67. Sections 1812.64 to 1812.66, inclusive, do not apply to any dance studio which by January 15 of every even-numbered year files a declaration, executed under penalty of perjury by the owner or manager of the dance studio, with the Secretary of State, stating that the dance studio does not require or in the ordinary course of business receive prepayment for lessons or other services. For purposes of this section, payment for lessons or other services received on the day in which the lessons or other services are to be rendered does not constitute prepayment. Any dance studio commencing operations after January 15, 1972, shall file a declaration pursuant to this section prior to commencing operations and thereafter shall file an updated declaration no later than January 15 of every even-numbered year. Any dance studio which has filed a declaration pursuant to this section and which intends to begin requiring or receiving prepayment for lessons or other services shall comply with the provisions of Sections 1812.64 to 1812.66, inclusive.

CHAPTER 904

An act to add Section 31117 to the Government Code, relating to county civil service systems.

[Approved by Governor October 5, 1971. Filed with Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 31117 is added to the Government Code, to read:

31117. Any person who previously had permanent status in a civil service system of any county and who vacated his position to accept appointment by any court of record in the same county to an elected position shall be reinstated to his former position if he so desires at the termination of such appointment, or term of office, if his acceptance of such appointment was without a break in continuity of service.

CHAPTER 905

An act to amend Sections 12303.1, as added by Chapter 1425 of the Statutes of 1970, and 12303.6 of, and to repeal Sections 12303.1, as added by Chapter 1421 of the Statutes of 1970, 12303.5, as added by Chapters 1421 and 1425 of the Statutes of 1970, 12303.7, and 12312, as added by Chapter 1421 of the Statutes of 1970, of, the Penal Code, relating to explosives.

[Approved by Governor October 5, 1971. Filed with Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 12303.1 of the Penal Code as added by Chapter 1421 of the Statutes of 1970 is repealed.

SEC. 2. Section 12303.1 of the Penal Code as added by Chapter 1425 of the Statutes of 1970 is amended to read:

12303.1. Every person who willfully does any of the following is guilty of a felony and is punishable by imprisonment in the state prison not exceeding 15 years:

(a) Carries any explosive or destructive device on any vessel, aircraft, car, or other vehicle that transports passengers for hire.

(b) Places or carries any explosive or destructive device, while on board any such vessel, aircraft, car or other vehicle, in any hand baggage, roll, or other container.

(c) Places any explosive or destructive device in any baggage which is later checked with any common carrier.

SEC. 3. Section 12303.5 of the Penal Code as added by Chapter 1421 of the Statutes of 1970 is repealed.

SEC. 4. Section 12303.5 of the Penal Code as added by Chapter 1425 of the Statutes of 1970 is repealed.

SEC. 5. Section 12303.6 of the Penal Code is amended to read:

12303.6. Any person, firm, or corporation who, within this state, sells, offers for sale, or knowingly transports any destructive device, other than fixed ammunition of a caliber greater than 60 caliber, except as provided by this chapter, is guilty of a felony and is punishable by imprisonment in the state prison not exceeding 15 years.

SEC. 6. Section 12303.7 of the Penal Code is repealed.

SEC. 7. Section 12312 of the Penal Code as added by Chapter 1421 of the Statutes of 1970 is repealed.

CHAPTER 906

An act to add Sections 14054, 14055, and 14056 to, and to repeal Sections 14054, 14055, 14056, and 14057 of, the Education Code, relating to teacher's retirement, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 5, 1971. Filed with Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 14054 of the Education Code is repealed.

SEC. 2. Section 14054 is added to the Education Code, to read:

14054. Each month the county superintendent shall draw his requisition against the county auditor, and the requisition when allowed and signed by the county auditor shall constitute a warrant against the county treasurer for the amount of contributions deducted from members' salary payments during the preceding month.

The county auditor thereupon shall forward the warrant to the office of the board in Sacramento.

SEC. 3. Section 14055 of the Education Code is repealed.

SEC. 4. Section 14055 is added to the Education Code, to read:

14055. Employing agencies other than school districts or counties shall deduct from each salary payment made to the respective members employed by them the contributions required to be paid by such members to the system.

SEC. 5. Section 14056 of the Education Code is repealed.

SEC. 6. Section 14056 is added to the Education Code, to read:

14056. The county superintendent or employing agency, other than a school district or a county, shall make a report

annually or monthly to the board as it may require, containing the name of each member from whose salary payment contributions were deducted, the amount of salary paid him, the amount of contributions withheld and such other information as the board may require.

An annual report shall cover the earnings of each member for the school year ended on the preceding June 30. The original of the report shall be sent by the county superintendent or employing agency to the board.

Such annual reports are due on the July 31 following the close of the school year and shall be considered delinquent if not received in the system's office in Sacramento in acceptable form on or before December 31 following the close of the school year.

Any required monthly report shall contain said information regarding each member for each school month and shall be sent by the county superintendent or said employing agency to the board. Monthly reports are due in the office of the system and all member contributions are due and payable to the office of the system on the 20th of the month immediately following the month covered by the report. All such monthly reports and payments are delinquent if not received in the system's office in Sacramento on or before the last day of the month following said 20th day.

Should any required annual or monthly report be received late by the system or in unacceptable form, the board may assess the county superintendent of schools or such reporting district a reasonable amount to cover the administrative costs incurred because of the county superintendent's failure to submit acceptable reports.

The board may charge interest on any delinquent contributions until they have been paid to the system, at a rate approximating the average rate yielded on moneys invested by the board during the previous year, but not to exceed 10 percent per annum. The charge shall be deemed interest earned in the year in which received. Such county superintendent of schools may in turn assess and collect from any reporting school district, reporting to such county superintendent of schools, any amount assessed by the board, including said interest, against the county superintendent of schools, where the reporting school district caused the county superintendent of schools to fail to report or to pay.

Should any county superintendent fail to make payment of any assessment by the board, the State Controller shall, upon order of the board, withhold subsequent payments from the State School Fund to the county for deposit in the county

school service fund or upon the request of a county superintendent of schools, to a school district for deposit in the district general fund until the report is received in acceptable form and the board directs the State Controller to make such payments less the amount of such assessments to the county and the school district as would have been paid had no payments been withheld. The State Controller shall thereupon pay to the system the amount of such assessments withheld for deposit in the State Treasury to the Teachers' Retirement Fund.

SEC. 7. Section 14057 of the Education Code is repealed.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The retirement system urgently needs to recoup the investment losses it incurs because of late remittance and reporting, which losses increase the cost of operating the system.

CHAPTER 907

An act to amend Section 41605 of the Government Code and Section 4017 of the Penal Code, relating to city chiefs of police.

[Approved by Governor October 5, 1971. Filed with Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 41605 of the Government Code is amended to read:

41605. He has charge of the prisoners and of any city jail established by the legislative body.

SEC. 2. Section 4017 of the Penal Code is amended to read:

4017. All persons confined in the county jail, industrial farm, road camp, or city jail under a final judgment of imprisonment rendered in a criminal action or proceeding and all persons confined in the county jail, industrial farm, road camp, or city jail as a condition of probation after suspension of imposition of a sentence or suspension of execution of sentence may be required by an order of the board of supervisors or city council to perform labor on the public works or ways

in the county or city, respectively, and to engage in the prevention and suppression of forest, brush and grass fires upon lands within the county or city, respectively, or upon lands in adjacent counties where the suppression of fires would afford fire protection to lands within the county.

Whenever any such person so in custody shall suffer injuries or death while working in the prevention or suppression of forest, brush or grass fires he shall be considered to be an employee of the county or city, respectively, for the purposes of compensation under the provisions of the Labor Code regarding workmen's compensation and such work shall be performed under the direct supervision of a local, state or federal employee whose duties include fire prevention and suppression work. A regularly employed member of an organized fire department shall not be required to directly supervise more than 20 such persons so in custody.

As used in this section, "labor on the public works" includes clerical and menial labor in the county jail, industrial farm, camps maintained for the labor of such persons upon the ways in the county, or city jail.

CHAPTER 908

An act to amend Sections 38003, 38200, 38201, 38202, 38203, 38204, 38205, and 38256 of, and to amend the chapter heading of Chapter 5 (commencing with Section 38200) of Division 25 of, and to add Section 38064 to, the Health and Safety Code, relating to developmental disabilities.

[Approved by Governor October 5, 1971. Filed with Secretary of State October 5, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 38003 of the Health and Safety Code is amended to read:

38003. As used in this division:

(a) "Regional center" means a regional diagnostic, counseling and service center for mentally retarded persons and their families.

(b) "Director" means the Director of Public Health.

(c) "Department" means the Department of Public Health.

(d) "Secretary" means the Secretary of the Human Relations Agency.

(e) "State council" means the State Developmental Disabilities Planning and Advisory Council.

(f) "Area board" means an areawide mental retardation program board.

(g) "Area plan" means an areawide mental retardation plan.

(h) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, or other neurological handicapping condition found to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals. Such disability originates before an individual attains age 18, continues, or can be expected to continue, indefinitely, and constitutes a substantial handicap for such individual.

SEC. 2. Section 38064 is added to the Health and Safety Code, to read:

38064. In order to coordinate the existing service structure for services for the developmentally disabled, the secretary may request area boards to submit a plan for services for persons with developmental disabilities in their area.

SEC. 3. The heading of Chapter 5 (commencing with Section 38200) of Division 25 of the Health and Safety Code is amended to read:

CHAPTER 5. STATE DEVELOPMENTAL DISABILITIES PLANNING AND ADVISORY COUNCIL

SEC. 4. Section 38200 of the Health and Safety Code is amended to read:

38200. There is in the Human Relations Agency the State Developmental Disabilities Planning and Advisory Council.

The council shall consist of 17 voting members. Six members shall represent consumers of services for persons with developmental disabilities of whom one member shall be the parent of a mentally retarded child who is not in a state hospital and one member shall be the parent of a mentally retarded child who is a patient in a state hospital.

Five members shall be representatives of local agencies, nongovernmental organizations, and groups concerned with services for persons with developmental disabilities.

The Governor shall appoint the following seven members of the council: the six representatives of consumers of services for persons with developmental disabilities and one representative of a local agency or nongovernmental organization serving the retarded. The Senate Rules Committee and the Speaker of the Assembly shall each appoint two representatives of local agencies or nongovernmental organizations serving the retarded.

The Director of Public Health, the Director of Social Welfare, the Superintendent of Public Instruction, the Director of Mental Hygiene, the Director of the Department of Rehabilitation, and the Director of Health Care Services shall serve as members of the council.

Of the members appointed by the Governor, three shall hold office for three years, two shall hold office for two years, and two shall hold office for one year. The members appointed by the Senate Rules Committee and by the Speaker of the Assembly each shall hold office for three years.

SEC. 5. Section 38201 of the Health and Safety Code is amended to read:

38201. The members of the state council shall serve without compensation but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this division.

The state council shall meet at least quarterly, and on call of the council chairman as often as necessary to fulfill its duties. All meetings and records of the council shall be open to the public.

The state council shall, by majority vote of the voting members, elect its own chairman from among the 11 appointed members, and shall establish such committees as it deems necessary or desirable. The council chairman shall appoint all members of committees of the state council. The chairman may appoint such advisory committees composed of professional persons serving the mentally retarded as necessary for technical assistance.

SEC. 6. Section 38202 of the Health and Safety Code is amended to read:

38202. The state council shall advise the Health Planning Council, the secretary, the Governor and the Legislature on the initiation, coordination, and implementation of programs and projects for the mentally retarded and other developmentally disabled persons including, but not limited to, the following:

(a) Present and proposed programs of state, local governmental, and voluntary agencies for persons with developmental disabilities.

(b) The development by the secretary of a state plan for services for persons with developmental disabilities and the system of priorities contained in a program budget to be developed by the secretary.

(c) The development by the Health Planning Council of that portion of the state plan for all health services for persons with developmental disabilities.

(d) Standards for services in various facilities that are now being operated or which will hereafter be created.

(e) Standards and rates of state payment for any services purchased for mentally retarded persons through the regional centers.

(f) The development of uniform recordkeeping in all services for the mentally retarded.

(g) The coordination of services and research activities in the field of developmental disabilities, including the evaluation of services and programs, studies of the prevalence of developmental disabilities, and the development of experimental programs.

(h) The stimulation of planning for professional training in the state universities and colleges.

SEC. 7. Section 38203 of the Health and Safety Code is amended to read:

38203. The state council shall prepare and render annually a written report of its activities and its recommendations to the Health Planning Council, the Secretary of the Human Relations Agency, the Governor and the Legislature.

SEC. 8. Section 38204 of the Health and Safety Code is amended to read:

38204. To the extent feasible, the departments of state government shall cooperate with and furnish such information, records, and documents, as the state council may request, except for confidential patient records.

SEC. 9. Section 38205 of the Health and Safety Code is amended to read:

38205. The state council may appoint an executive secretary who may appoint persons to such staff positions as the council may authorize within available funds. The affirmative votes of a majority of the members of the council shall be necessary for the appointment or removal of the executive secretary.

SEC. 10. Section 38253 of the Health and Safety Code is amended to read:

38256. The secretary shall coordinate all services and related programs for mentally retarded and other developmentally disabled persons conducted by state agencies, with the federal government and ensure that there is no duplication of such programs among state agencies and that all agreements, contracts, plans or programs conform to the provisions of this division. Any plan proposed to be submitted by any such agency to the federal government in relation to a mental retardation or related program shall first be submitted to the secretary for his review. The secretary may require state departments to contract with it for services to carry out the provisions of this division.

CHAPTER 909

An act to add Division 9 (commencing with Section 16000) to the Water Code, relating to sewage services.

[Approved by Governor October 5, 1971 Filed with
Secretary of State October 5, 1971]

The people of the State of California do enact as follows:

SECTION 1. Division 9 (commencing with Section 16000) is added to the Water Code, to read:

**DIVISION 9. BAY AREA SEWAGE
SERVICES AGENCY**

PART 1. GENERAL PROVISIONS

**CHAPTER 1. LEGISLATIVE FINDINGS AND
DECLARATIONS**

16000. This division shall be known and may be cited as the Bay Area Sewage Services Agency Law.

16001. The Legislature hereby finds and declares that the public has an interest in the San Francisco Bay as the most valuable single natural resource of the bay area, a resource that gives special and unique character to that region; that the bay is a single body of water that serves many beneficial uses; and that the bay operates as an integrated physical system in which changes in one part may also affect all other parts; and that preservation and enhancement of the water quality in the bay is essential to the social and economic well-being of the region.

16002. The Legislature finds and declares that the quality of bay area waste waters and the uncoordinated disposal of such waste waters in the bay could threaten the integrity of the bay itself; that there is urgent need to finalize and implement a plan which will provide for a coordinated areawide approach to disposal and reclamation of municipal and industrial waste waters including consolidation of waste treatment facilities and the reduction of waste water loads in the bay and its estuaries; that there are more than 100 different local agencies performing sewerage functions in the region and in addition there are more than 70 industries that discharge their waste waters to the bay rather than to public sewer systems; that although some cities, districts and counties have prepared detailed plans for their own waste

water treatment and disposal needs, no permanent governmental mechanism exists for evaluating individual treatment and disposal systems so as to determine their effect on the entire bay; that the collection, treatment, disposal and reclamation of waste water must be planned in a coordinated manner so as to protect, conserve and enhance the many beneficial uses which can be made of the bay waters; that the waste water treatment and disposal facilities of local agencies vary widely as to their adequacy and as to the quality of waste discharged into the bay; that maintenance of water quality and the treatment, disposal and reclamation of waste waters are areawide problems which cannot be planned for by the individual local agencies and industries acting alone; that the financial resources and jurisdictional authority of individual local agencies are insufficient to provide the necessary coordination of planning and research for regional treatment, disposal and reclamation facilities.

16003. The Legislature finds and declares: that the only feasible way to protect the interests of the entire San Francisco Bay area and its inhabitants is to assign the responsibility for the coordination of planning water quality control facilities to an areawide agency with the authority to adopt areawide plans for the conveyance, treatment, reclamation and disposal of municipal and industrial waste water; that it is the intent of the Legislature that such plans shall be implemented, insofar as possible, on a subregional basis by existing local agencies, or groups of local agencies within the respective subregions.

CHAPTER 2. DEFINITIONS

16010. The definitions contained in this chapter govern the construction of this division unless the context otherwise requires. The definition of a word or phrase applies to any variants thereof.

16011. "Agency board" means the legislative and governing body of the Bay Area Sewage Services Agency.

16012. "Agency" means the Bay Area Sewage Services Agency.

16013. "Bay" or "San Francisco Bay" includes all or any portions of the San Francisco Bay, San Pablo Bay and Suisun Bay within the region.

16014. "City" means any charter or general law city and any other city or town incorporated pursuant to law.

16015. "County" means any city and county and any charter or general law county.

16016. "Legislative body" means the legislative body or governing board of a county, city or special district.

16017. "Local agency" means any county, city, city and

county, or special district.

16018. "Local sewage collection facilities" means facilities whose primary function is the collection of sewage and other waste waters from the properties where such sewage and other waste waters are generated or originated.

16019. "Plan", unless expressly limited, includes any general plan, specific plan or interim plan adopted by the agency board or the legislative body of any local agency.

16020. "Private person" means any human being, fiduciary, partnership, joint venture, unincorporated private organization or private corporation.

16021. "Public agency" means any local agency and any department, board, commission, independent agency or instrumentality of a local agency or of the federal or state governments.

16022. "Region", as used in this part, means the City and County of San Francisco and the Counties of Marin, Sonoma, Napa, Solano, Contra Costa, Alameda, Santa Clara and San Mateo.

16023. "Regional" means any matter substantially affecting the incorporated or unincorporated territory, or the inhabitants or property therein, of two or more counties or cities or any combination of cities and counties.

16024. "Service charge" includes any fee, toll, rate, rental or other charge imposed for the furnishing of any governmental or proprietary facilities, services or products or for making any of the foregoing available, whether or not the same are actually used.

16025. "Special district" means any public corporation, other than a county or a city, or a city and county, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries.

16026. "Voter" means any elector registered pursuant to the Elections Code.

16027. "Water pollution" shall have the meaning contained in any definition of "pollution", as set forth in Section 13050.

16028. "Water quality control" means the control of any factor which may affect the quality of the waters of the region, and includes the prevention and correction of pollution and nuisance.

16029. "Water quality control facilities" means all facilities used or intended to be used for the transmission, treatment, disposal or reclamation of municipal and industrial waste waters, including trunkline and interceptor sewers, outfall sewerlines, facilities for the disposal of waste residuals, and facilities appurtenant to any of the foregoing but excluding local sewage collection facilities.

PART 2. ESTABLISHMENT OF THE BAY AREA SEWAGE SERVICES AGENCY

16110. The Bay Area Sewage Services Agency, a regional body corporate and politic, is hereby established, comprising the entire territory of the region

16111. The agency shall be known and designated as the "Bay Area Sewage Services Agency."

PART 3. NOTICE AND PUBLICATION

16125. Unless the provisions or context otherwise requires, whenever any provision of this division requires notice to be published, posted or mailed, it shall be published, posted or mailed as provided in this part.

16126. Notice authorized or required to be given by publication, posting or mailing shall contain all matters required by any particular provision of this division or by any ordinance, resolution or order of the agency board. If any ordinance, resolution or order of the agency board gives notice and contains all matters required to be contained in any notice, a copy of such ordinance, resolution or order may be published, posted or mailed, in which case no other notice need be given.

16127. Whenever any notice is required to be given and the duty of giving such notice is not specifically enjoined upon some agency officer, the agency clerk shall give such notice or cause the same to be given.

16128. The agency board shall designate a newspaper of general circulation published and printed within the region as the official agency newspaper in which all official publications of the agency shall be made.

16129. All ordinances adopted by the agency board and any other resolution, order, notice or instrument authorized or required to be published shall be published in the official agency newspaper. In addition, the agency board may order the publication of any ordinance, resolution, order, notice or other instrument in one or more other newspapers of general circulation within any county or city in the region. Any failure to make publication in any newspaper, other than the official agency newspaper, or any errors or defects in any such publication, shall not affect the validity of such ordinance, resolution, order, notice or other instrument, if it was published in the official agency newspaper in the time, form and manner required by law.

16130. Unless otherwise specified, any published ordinance, resolution, order, notice or other instrument shall be published pursuant to Section 6061 of the Government Code.

16131. If published notice shall be a notice of hearing, publication thereof shall be commenced at least 15 days prior to the date specified therein for hearing.

16132. Notice required to be posted shall be posted on or near the doors of the meeting room of the agency board or upon any official bulletin board customarily used for the purpose of posting such notices.

16133. Posted notice shall remain posted for not less than five days. If posted notice shall be notice of a hearing, posting shall be commenced at least 15 days prior to the date specified therein for hearing and shall continue to the time of hearing.

16134. Mailed notice shall be sent by first-class mail and deposited, postage prepaid, in the United States mail and shall be deemed to have been given when so deposited. Requirements for mailed notice may be satisfied either (1) by personal delivery to the person entitled to such notice, in which case notice is deemed given upon such delivery, or (2) by delivery for transmission by any other usual means of communication, cost of transmission prepaid, in which case notice is deemed given upon such delivery.

16135. If mailed notice shall be notice of hearing, mailing thereof shall be made at least 15 days prior to the date specified therein for hearing.

16136. Mailed notice to the owners of land shall be given by mailing to the persons whose names and addresses appear on the last equalized assessment roll of a county.

16137. Mailed notice to a local agency shall be given by mailing to the clerk or secretary of such local agency or its legislative or governing body.

16138. Any public agency or private person to whom mailed notice is not required to be given by any provisions of this division may file with the agency clerk a written application requesting the giving of special mailed notice and specifying the matters for which such notice is desired. Thereafter special mailed notice shall be given in accordance with such application. Any failure to give such special mailed notice or any defects or errors therein shall not affect the validity of any act or determination of the agency board or of any agency officer.

PART 4. ORGANIZATION OF THE BAY AREA SEWAGE SERVICES AGENCY

CHAPTER 1. GOVERNMENT

16300. The legislative and governing powers of the agency shall be vested in the agency board which shall constitute the legislative and governing body of the agency.

16301. The agency board shall consist of trustees selected

in accordance with this part and each member shall be a resident and registered voter of the county from which appointed. With the exception of the City and County of San Francisco, each member shall be either an elective member of the legislative body of a county, a city, or a special district operating water quality control facilities within the region, or a member of the legislative body of such a special district appointed by virtue of holding an elective office in the legislative body of a county, city, or special district. With the exception of the City and County of San Francisco, no more than one trustee from one such city, county, or special district shall serve on the agency board at the same time. Trustees from the City and County of San Francisco shall be elected members of the board of supervisors except that one trustee may be the chief administrative officer of the city and county.

CHAPTER 2. LOCATION OF AGENCY OFFICES

16310. The headquarters offices and branch office of the agency and the meeting places of the agency board and its committees shall be located at such place or places as the agency board may designate.

16311. Except as otherwise authorized by the agency board, all permanent records of the agency shall be maintained on file in the headquarters office. Such permanent records, or copies thereof, which the agency board may authorize to be filed at any branch office shall be maintained on file in that office.

CHAPTER 3. AGENCY BOARD

Article 1. Agency Board Selection Committee

16320. There shall be a separate and distinct agency board selection committee for each county within the agency with the exception of the City and County of San Francisco. The membership of each such committee shall consist of the mayor of each incorporated city or town within each county and the president of the board of directors of each special district within the county which operates water quality control facilities.

16321. A majority of the members of each agency board selection committee shall constitute a quorum.

16322. The agency board selection committee of each county shall meet on or before June 30, 1972, in the chambers of the board of supervisors of such county for the purpose of making the first recommendations for appointments to the board of the agency. Whenever thereafter a vacancy occurs on the agency board the agency board selection committee of

that county shall meet within 30 days following the occurrence to make the required recommendations to fill the vacancy unless the vacancy has been filled pursuant to Section 16330. The chairman of the agency board selection committee shall determine promptly the time and place of the meeting and shall so inform the county clerk of the county that the committee represents. Whenever there shall not be a quorum present at a meeting of any agency board selection committee, the meeting shall be adjourned to a subsequent time and place as determined by a majority of the members present.

16323. At least two weeks prior to the date of each meeting the county clerk of each county shall give notice of the meeting to each member of the agency board selection committee of such county. The county clerk shall also give reasonable notice to each member of the agency board selection committee of the time and place of any adjourned meeting.

16324. All meetings of the agency board selection committee of each county shall be conducted in the presence of the county clerk, or his deputy, who shall act as the recording officer for the meetings.

The county clerk shall forward the copies of the resolutions and recommendations required to be forwarded by Section 16334 to the clerk of the board of supervisors of the county and to the clerk of the agency board. Each resolution and recommendation shall be signed by the chairman of the committee.

16325. Each committee shall appoint from among its members a chairman and such other officers as may be necessary.

16326. Members of the agency board selection committee shall serve without compensation, but may be allowed actual expenses incurred in the discharge of their duties as may be authorized by the agency board.

Article 2. Composition of Agency Board

16330. A member of the board of supervisors of, a mayor or member of the city council of a city within a county or city and county, or a member of the board of a special district operating water quality control facilities within the region may be appointed to and serve simultaneously as a member of the agency board.

16331. The first agency board, appointed as provided for in this part, shall be composed of 21 members as follows:

- (a) Five representatives from the County of Alameda,
- (b) Three representatives from the City and County of San Francisco,

- (c) Five representatives from the County of Santa Clara,
- (d) Two representatives from the County of Contra Costa,
- (e) Two representatives from the County of San Mateo,
- (f) One representative from the County of Marin,
- (g) One representative from the County of Napa,
- (h) One representative from the County of Solano,
- (i) One representative from the County of Sonoma.

16332. Subsequent to the appointment of the first agency board the number of members composing the board shall be determined as follows:

(a) Each county within the agency shall be represented by one board member for each 225,000 persons within the county, and one additional member for each major fraction thereof. For the purposes of this section each "major fraction thereof" shall be deemed to be more than 50 percent of 225,000 persons.

(b) Each county within the region shall have at least one representative on the agency board. In any case where the number of trustees representing a county is decreased by reason of a relative decrease in population, all trustees then in office representing the county shall be permitted to serve out the terms for which they were appointed.

16333. For the purpose of Section 16332, population shall be determined on the basis of the last official United States decennial census.

If between official United States censuses the agency board determines that the population of any county within the district has changed sufficiently to warrant adjustment in the number of trustees representing that county, the agency board may determine the number of directors to represent that county on the basis of population estimates prepared by the State Department of Finance; provided, however, that changes in the number of trustees composing the agency board, if determined on the basis of population estimates, shall not be made more frequently than once each four years.

16334. On or before July 15, 1972, the agency board selection committee of each county within the region shall forward to the board of supervisors of the county a list of persons qualified as provided in Section 16301 as its recommendation for appointment as the representative, or representatives, on the agency board from its county. The list of candidates shall include three names for each representative of the county on the agency board.

On or before July 15, 1972, the board of supervisors of each county other than the City and County of San Francisco shall appoint from the list of names recommended by the county's agency board selection committee its representatives on the board.

On or before July 15, 1972, the Board of Supervisors of the

City and County of San Francisco shall appoint its representatives qualified as provided in Section 16301.

16335. The trustees shall be appointed for a term of four years from and after their appointment and until their respective successors shall be duly appointed and qualified, provided that the members of the first board shall classify themselves by lot so that seven of the trustees shall hold office for two years, seven of the trustees shall hold office for three years, and seven of the trustees shall hold office for four years, at the end of which terms their successors shall be appointed. The agency board selection committee that originally recommended the trustee whose term has expired shall make recommendations for his successor as provided in this chapter, and the board of supervisors shall appoint the successor for a full four-year term.

16335.1. At the time of appointing the representatives for each county pursuant to the provisions of Sections 16334 and 16335 the respective boards of supervisors may authorize and appoint an alternate for each regular member. The alternate shall attend the meetings of the agency board and vote in the absence of the regular member. Alternates shall be selected from the list provided to each board of supervisors pursuant to Section 16334 and shall be qualified as provided in Section 16301. Alternates shall serve at the pleasure of the board of supervisors which has appointed them.

16336. Each trustee or alternate appointed by a board of supervisors shall be appointed by a resolution adopted by that board.

Certified copies of all resolutions adopted pursuant to this section, together with notices of appointments made thereby shall be forwarded without delay to the Secretary of State and to the clerk of the agency.

16337. If a trustee or alternate ceases to be qualified pursuant to Section 16301 during his term of office on the agency board, his membership on the agency board shall thereafter be considered vacant.

16338. Any vacancy in the agency board shall be filled for the unexpired term by appointment by the board of supervisors which originally made the appointment to the office in which the vacancy exists. The board of supervisors may make the appointment from the most current list of recommendations by the agency board selection committee or may request such board to make new recommendations pursuant to this chapter.

Article 3. Organization and Compensation of the Agency Board

16340. Each trustee, before entering upon the duties of his

office, shall take the oath of office as provided for in the Constitution and laws of this state. A copy of the oath shall be filed with the clerk of the agency and the Secretary of State.

16341. The board shall choose one of its members president, and another vice president, who shall be authorized to act for the president during his absence or disability. The board shall choose a clerk who shall not be a member of the board, and shall provide for the time and place of holding its meetings which shall be held at least once a month.

16342. Each trustee shall be paid the sum of fifty dollars (\$50) for each agency meeting that he attends, whether a full board meeting or a meeting of a committee of the board, but he shall not be paid more than two hundred fifty dollars (\$250) in any one calendar month, nor shall he be paid for more than one meeting which he attends on the same day. Each trustee shall be allowed such necessary traveling and personal expenses incurred in the performance of his duties as may be authorized by the agency board.

16343. The board may appoint an executive committee consisting of the president and four other members. A majority of the members of the committee shall constitute a quorum for the transaction of business and a majority vote of those present shall carry any matter before the committee. The board may authorize the executive committee to exercise any powers possessed by the board. Any resolution, order, or ordinance adopted by the executive committee may be amended or repealed by a majority vote of all board members.

16344. Alternates may not vote on the executive committee when a regular member is absent.

Article 4. Meetings and Legislation

16350. The agency board or any committee thereof may meet and transact business at any place or places within the region.

16351. The agency board shall adopt rules establishing the location of its principal meeting place and fixing the dates and times of its regular meetings at such place. Such rules shall also establish a subsidiary meeting place in each county where any meetings in such county shall be held, unless otherwise ordered by the agency board, but need not fix any dates or times for holding meetings at such places.

16352. The agency shall be deemed a local agency under the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950), Part 1, Division 2, Title 5 of the Government Code and shall be subject to the provisions of that act and to the extent of any inconsistency between that act and this

division, the provisions of this division shall control.

16353. The president, or in his absence the vice president, shall be the presiding officer of the agency board. In the absence of both the president and the vice president, the agency board may elect a president pro tem from among the trustees present at any meeting.

16354. A majority of the trustees shall constitute a quorum for the transaction of business and a majority vote of those present shall carry any matter before the agency board.

16355. Each trustee shall have one vote on the agency board.

16356. Acts of the agency board may be expressed by the adoption of ordinances, resolutions or orders.

16357. The enacting clause of all ordinances shall be: "The Bay Area Sewage Services Agency does ordain as follows:"

16358. No ordinance shall be passed by the agency board on the day of its introduction, nor within three days thereafter, nor at any time other than a regular or adjourned regular meeting.

16359. Within 15 days after adoption of an ordinance, the agency clerk shall cause such ordinance to be published in the official agency newspaper.

16360. Every ordinance and resolution shall be signed by the president and attested by the agency clerk.

16361. The agency clerk shall file all ordinances and resolutions in separate books and shall prepare an index of all such ordinances and resolutions.

CHAPTER 4. AGENCY OFFICERS AND EMPLOYEES

Article 1. General Provisions

16370. The agency board shall appoint, fix the salary of, and may remove an agency general manager, who shall have full charge and control of the administration of the affairs of the agency, and shall be the chief planning officer and technical adviser of the board.

16371. In selecting a general manager the agency board shall give consideration to the applicant's experience with, and knowledge of, the functions, responsibilities and operations of water quality management and the relationship of the state, local and federal governments thereto.

16373. The general manager with approval of the board may appoint an auditor, a clerk, a treasurer, an attorney, and such other officers as the agency board may authorize, who shall hold office at the pleasure of the board.

16375. The agency board may provide for assistants to any officer, to be appointed by the general manager with approval of the board, who shall hold office at the pleasure of

the board and may perform any and all acts that their principal may perform, when authorized so to do by the board.

16376. The agency board may consolidate any of the agency offices in one person.

16378. The oath of office of all appointive officers of the agency shall be taken, subscribed and filed with the clerk of the agency at any time after the officer has notice of his appointment but not later than 15 days after the commencement of his term of office. No other filing is required.

16379. Each appointive officer shall give such bond and in such amount as the board may require, at the expense of the agency.

16380. All officers and employees not required by this article to be appointed by the agency board shall be appointed, and may be removed, by the general manager subject to the provision of the civil service ordinance.

16381. The agency board shall determine the compensation to be paid to each appointive officer and employee and for that purpose shall establish appropriate salaries or wages or ranges of salaries or wages.

16382. The general manager may authorize the payment of the actual and necessary expenses incurred by any officer or employee in the performance of his duties subject to criteria approved by the board.

16383. The attorney shall take charge of all suits and other legal matters to which the agency is a party or in which it is legally interested. He shall be the chief legal adviser and the attorney for the agency, the agency board, and all officers of the agency. He shall prepare and approve the forms of all ordinances, resolutions, contracts, bonds, and other legal documents. He shall perform such other duties as the agency board or general manager may require.

16384. The auditor shall install and maintain a system of auditing and accounting which shall completely and at all times show the financial condition of the agency. He shall draw all warrants for the payment of demands against the agency approved by the general manager and the agency board. He shall perform such other duties as the agency board or general manager may require.

16385. The treasurer shall be the custodian of the funds of the agency and shall make payments only upon warrants duly and regularly signed by the general manager. He shall keep an account of all receipts and disbursements. With the approval of the agency board, the treasurer and general manager may designate alternates to act for them.

16386. The agency treasurer shall comply with all laws governing the deposit and securing of public funds and the

handling of trust funds in his custody.

Article 2. Civil Service

16390. The board shall make rules to effect a civil service system, and for examinations, appointments, promotions, and removals, and from time to time may make changes in existing rules. All rules and all changes shall be forthwith printed for distribution by the board.

16391. The agency board may contract with any city, county, special district, or the state, or any officer, board or department of any thereof, for the performance or exchange of any services or the utilization of any facilities required in connection with the administration of the civil service system.

Article 3. Retirement Benefits

16400. The agency board shall provide for the payment of retirement benefits to eligible officers and employees.

16401. The agency is authorized to participate in or to become a member of one or more retirement systems established by the state or by any city or county within the region.

CHAPTER 5. CONSULTANTS AND ADVISORY COMMITTEE

16500. The agency may contract with and employ any specially trained, experienced and competent persons to furnish the agency or any officer thereof special services and advice in financial, economic, accounting, legal, engineering, geological, architectural, planning, environmental or administrative matters and to pay such experts as it deems proper for the services rendered.

16501. The agency board shall appoint a technical advisory committee to review and to make recommendations and reports to the agency board on any regional water quality plans to be adopted by the agency. Such technical advisory committee shall be composed of the following membership:

(a) One representative from each county who shall be a person professionally engaged in the field of water quality control.

(b) One representative from the San Francisco Bay Regional Water Quality Control Board.

(c) One representative from the Water Quality Office of the Federal Environmental Protection Agency.

(d) Two representatives of bay area industry.

(e) One professional engineer registered in California with experience in the water quality control field.

(f) Three scientists in the field of marine biology or oceanography.

(g) One representative from the areawide agency designated by the federal or state government to perform metropolitan or regional planning.

(h) One representative from the Bay Conservation and Development Commission.

16502. The agency board may make any facilities of the agency available to the technical advisory committee and may provide for the officers and employees of the agency to furnish advice, assistance or services to the committee. Such officers and employees shall make available for examination by the committee all records and documents pertaining to the work of the committee.

16503. The agency board may appoint public advisory committees to review and to make recommendations to the agency board or to any officer of the agency on such subjects as the board may assign to any such committee. Persons appointed to any such committees shall have an interest, either as a member of the public or otherwise, in the subjects assigned to any such committee and shall include persons with broadly representative points of view on any such subjects. Persons appointed as members of any public advisory committee shall serve without compensation but the agency board may provide for the payment of the necessary and reasonable expenses of the committee and its members.

PART 5. POWERS AND FUNCTIONS OF THE AGENCY

CHAPTER 1. GENERAL POWERS

16600. The agency has perpetual succession and may adopt a seal and alter it at pleasure.

16601. The agency may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

CHAPTER 2. PROPERTY

16610. The agency may acquire any real or personal property, within or without the region, or any interest in any such property, by deed, purchase, lease, contract, gift, devise or otherwise. The power of condemnation may be exercised only pursuant to Section 16682.

16611. The agency may dispose of any real or personal property, within or without the region, or any interest in any such property by deed, sale, lease, contract or otherwise.

CHAPTER 3. CONTRACTS

16620. The agency may make contracts for any purposes necessary or convenient for the full exercise of its powers.

16621. Except in the case of an emergency declared by the agency board, and in the case of contracts for professional services, contracts shall be made, after competitive bidding, with the lowest responsible bidder, if the estimated cost of:

(a) Construction of any facility shall exceed ten thousand dollars (\$10,000); or

(b) Purchase of any materials or supplies shall exceed four thousand dollars (\$4,000).

16622. Where competitive bidding is required, the agency board may provide for bids to be received and opened by the board, by the agency administrative officer or by any officer or employee designated by him.

16623. Before making any contract pursuant to Section 16621, the agency clerk shall publish a notice inviting bids therefor. The notice shall be published once in the official agency newspaper at least 10 days before the date specified therein for the opening of bids.

16624. The agency board may reject any and all bids received pursuant to a notice inviting bids. If all bids are rejected, or if no bids are received, the board may order the notice inviting bids to be readvertised.

CHAPTER 4. INTERGOVERNMENTAL RELATIONS

Article 1. Intergovernmental Cooperation

16630. The agency, by contract or otherwise, may accept contributions from any public agency or private person and may make contributions to any public agency. Contributions may be in the form of money, labor, materials, real or personal property or the construction, maintenance and operation of any facility.

16631. The agency and any public agency may make any of their property or facilities available for the use of the other and may authorize their respective officers and employees to furnish advice, assistance or services to the other.

16632. The agency, upon request, may provide any local agency with advice and assistance in filing and processing applications for financial assistance with the state or federal government and in obtaining any such financial assistance.

Article 2. Joint Exercise of Powers

16640. The agency by agreement with any other public agency may provide for the joint exercise of any powers

common to the contracting parties pursuant to Article 1 (commencing with Section 6500), Chapter 5, Division 7, Title 1 of the Government Code.

CHAPTER 5. PLANNING

Article 1. Regional Water Quality Management Plan

16650. The agency shall develop and adopt a regional water quality management plan for that portion of the region defined as the "San Francisco Bay region" in subdivision (b) of Section 13200 and the remainder of Contra Costa County. The plan shall be based on land use projections of the areawide agency designated by the federal or state government to perform metropolitan or regional planning, and other more detailed plans of local governments. The agency shall attempt to resolve any differences among local, regional and state projections of population to the extent that they will affect the development of the plan. The format and content of the plan shall be designed to satisfy the basic concepts of the water quality control and water reclamation elements of any metropolitan or regional plan adopted by the areawide agency designated by the federal or state government to prepare such plan. The plan shall include at least the following:

(a) **Facilities Plan.** A system or systems for conveyance, treatment, reclamation and disposal of municipal and industrial waste waters in such a manner as to meet state policies, plans and requirements established pursuant to Division 7 (commencing with Section 13000). Insofar as practicable the facilities plan shall incorporate the existing plans of local or subregional agencies operating waste water treatment and disposal facilities.

(b) **Implementation Plan.** Identification of the appropriate local agency or agencies, acting separately or through joint exercise of powers or other available procedures, which should be responsible for construction and operation of water quality control facilities; a recommended timetable for construction of such facilities; and a proposed financing plan including apportionment of costs. Insofar as possible the implementation plan shall make use of existing local agencies, or combinations of local agencies for construction and operation of the facilities plan, and shall make recommendations accordingly.

16651. In formulating the plan the agency shall harmonize the needs and goals of the entire region, the plans of local agencies within the region and the plans or planning activities of federal, state and other governmental or nongovernmental agencies and organizations which affect or are concerned

with water quality matters within the region.

16652. When the agency assumes responsibility for construction and operation of water quality control facilities pursuant to Section 16681 it shall make every effort to harmonize its activities with the needs, goals and programs of the local agencies involved.

16653. The agency shall comply with policies, plans and objectives adopted by the State Water Resources Control Board and the appropriate California regional water quality control boards for any and all of the waters within the region and for those waters outside the region which may have any effect inside the region, in the development of the water quality management plan. The agency may review and comment upon, prior to adoption or amendment, any water quality plans, objectives, standards and requirements proposed to be adopted by the State Water Resources Control Board, or any California regional water quality control board or the federal government insofar as the same may pertain to or affect the region.

Article 2. Adoption and Amendment of Regional Water Quality Management Plan

16660. Not later than January 1, 1974, the agency board shall adopt a regional water quality management plan containing the elements specified in Section 16650. From time to time prior to January 1, 1974, the board may adopt a part of the plan.

16661. The regional water quality management plan and any amendment thereto may be in such form as the agency board prescribes and may consist of any combination of words, maps, graphic or other appropriate forms.

16662. The agency board may by ordinance amend or repeal all or part of the regional water quality management plan. The agency board shall continuously review the plan and the board shall make such changes therein as it deems advisable.

16663. Upon completion of all or any part of the proposed regional water quality management plan or any amendment thereof, the agency general manager shall submit the same to the technical advisory committee, and to the areawide agency designated by the federal or state government to perform metropolitan or regional planning, for their review and comments, which shall be submitted to the agency board along with the proposed plan or amendments thereof. Thereupon the agency board shall adopt a resolution providing for a hearing on the question of whether the proposed plan, portion of a plan or amendment should be approved and adopted by the board.

16664. A resolution providing for a hearing shall:

(a) Concisely summarize the substance of the proposed regional water quality management plan, portion of a plan or amendment and refer to the same, or file with the agency general manager, for a full and complete description thereof.

(b) Indicate where the proposed plan, portion of the plan or amendment may be examined and where copies thereof may be obtained.

(c) Fix a time, not less than 15 days or more than 75 days after adoption of such resolution, and the place of hearing by the agency board on the question of whether the proposed plan, portion of the plan or amendment, shall be approved and adopted by the board.

16665. The agency clerk shall give notice of any such hearing by publication and by posting. Mailed notice of hearing shall be given to each county and city and to any other public agency or private person who shall have filed a written request with the agency clerk for mailed notice thereof.

16666. After the hearing, the agency board may, by ordinance, wholly or partially approve or disapprove the proposed regional water quality management plan, portion of the plan or amendment, as filed with the agency general manager, or it may order any changes therein, consistent with this chapter, which it deems advisable.

16667. Prior to adopting the proposed regional water quality management plan, the agency shall submit it to the State Water Resources Control Board for a finding that the proposed plan is in conformity with policies, plans and objectives adopted by the State Water Resources Control Board and the appropriate California regional water quality control boards for any and all waters within the region and for those waters outside the region which may have any effect inside the region in the development of the regional water quality management plan.

CHAPTER 6. STUDIES AND RESEARCH

16670. The agency, by itself or jointly with other public agencies or private persons may make studies and investigations and undertake research and development programs pertaining to the regional water quality management plan.

16671. To the maximum extent feasible, the agency shall cooperate with any other public agency undertaking a study or investigation on the same or a similar subject and shall make the maximum use of any data and information available from any public or private sources.

16672. The agency may apply for and receive financial

assistance from any public or private source for the purpose of paying all or a part of the costs and expenses of any studies and investigations or any research and development program undertaken by the agency.

16673. Research and development programs may be conducted either by the officers and employees of the agency or by others pursuant to contract authorized by the agency board. Any such contracts shall not be subject to the competitive bidding requirements of this division.

CHAPTER 7. IMPLEMENTATION OF THE REGIONAL WATER QUALITY MANAGEMENT PLAN

Article 1. Construction and Operation of Facilities by the Regional Agency

16680. The agency shall maintain close surveillance of the implementation of the regional water quality management plan.

16681. The agency may assume the responsibility for construction and operation, and may construct and operate water quality control facilities consistent with the adopted and approved regional water quality management plan under the following conditions:

(a) When requested to do so by a local agency or group of local agencies.

(b) When the agency, after notice and a public hearing, finds both of the following:

(1) The proposed water quality control facilities and a firm commitment for their construction and operation are needed.

(2) A local agency or, collectively, a group of local agencies does not wish to proceed or cannot proceed.

16682. When the agency assumes responsibility for construction and operation of water quality control facilities pursuant to Section 16681 it shall have the authority as provided in the County Sanitation District Act, Chapter 3 (commencing with Section 4700) of Part 3 of Division 5 of the Health and Safety Code, and any proceedings thereunder shall be in accordance with the provisions of such act, to do the following:

(a) Acquire, construct, operate and maintain water quality control facilities, including land, easements and rights-of-way.

(b) Create assessment or improvement districts for the area to be served.

(c) Incur indebtedness for capital expenditures.

(d) Levy taxes, collect service or use charges and obtain revenue from other authorized sources from the area served by the facilities in order to pay administration, operating and maintenance costs and to repay indebtedness.

Article 2. Review of Applications for Financial Assistance

16683. As used in this chapter, "financial assistance" means financial assistance extended to any local agency by the state or federal governments or any other public agency, including grants and contractual arrangements, such as, loans, loan guarantees, insurance and any other form of financial assistance, but shall not include financial assistance extended by one local agency to another local agency.

16684. If any application by a local agency for financial assistance relates to or substantially affects any matter within the scope of the regional water quality management plan, such application shall be submitted to the agency for review and comment prior to being submitted to the agency from whom financial assistance is proposed to be requested. In reviewing any such application, the agency shall take the following factors into account:

(a) Whether the project or purpose for which financial assistance is requested is in conformity with the regional water quality management plan

(b) The relative priority of such project or purpose with respect to other projects or purposes for which financial assistance is being or may be sought by other public agencies

(c) Any other factors deemed to be relevant.

16685. A copy of every application by a local agency for financial assistance, other than applications subject to the provisions of Section 16684, shall be submitted to the agency not later than the date of its submission to the agency from whom financial assistance is requested.

The agency may submit comments and recommendations concerning the application to the applicant and to the agency from whom financial assistance is requested. Such comments and recommendations may include any of the factors mentioned in Section 16684.

16686. The agency board shall adopt an ordinance prescribing a procedure and providing standards and criteria to be followed by the agency in reviewing applications for financial assistance.

The ordinance may exempt from review certain classes of applications described by amount, project, purpose of assistance sought or other relevant criteria. The ordinance may authorize the agency general manager to review, comment or make recommendations upon certain classes of applications and to prescribe by rule supplementary standards and criteria not inconsistent with those contained in the ordinance.

16687. The agency shall coordinate its review of applications with the areawide agency designated by the

federal or state government to perform metropolitan or regional planning, and with other review agencies.

Article 3. Review of Local Plans

16690. All plans for water quality control facilities proposed by local agencies, or groups of local agencies, which relate to or substantially affect any matter within the scope of the regional water quality management plan must be submitted to the agency board for study, comment and recommendation before final adoption by the local agency or groups of local agencies.

16691. Within 60 days after submission of the local plan, the agency board shall adopt a resolution providing for a public hearing thereon. After such hearing the agency board shall either approve or disapprove, in whole or in part, such local plan. It shall notify the applying local agency of its action along with such comments and recommendations as the agency board may deem appropriate.

16692. If the agency board approves the proposed local agency plan, the local agency may finally adopt the same and proceed with its development.

16693. If the agency board finds and determines that the local agency plan is inconsistent with the regional water quality management plan, the local agency may modify its proposal and resubmit it for further consideration by the agency board, which shall hold further hearings on said resubmitted proposal. The agency board may approve or disapprove the modified plan in whole or in part. If the agency board disapproves the local agency plan, in whole or in part, it shall adopt specific findings setting forth the reasons for such disapproval.

CHAPTER 8. FINANCES

Article 1. Budget

16800. The fiscal year of the agency shall begin on July 1 of each year and end on June 30 of the following year.

16801. At such time as the agency board may prescribe, but not later than the first regular meeting of the board in May of each year, the agency general manager shall prepare and submit to the board a budget estimate of the expense of conducting the agency for the ensuing fiscal year. The budget estimate shall be in such form as the agency board may prescribe.

16802. After submission of the budget estimate, the agency board shall fix a time and place for hearing by the board thereon. Notice of such hearing shall be published, and

mailed notice of such hearing shall be given to each county within the agency.

16803. Upon conclusion of the hearing and not later than June 10, the agency board shall approve the budget estimate, as submitted by the agency general manager or as revised by the board, and thereupon the same shall constitute the final budget for the ensuing fiscal year.

Article 2. Apportionment of Costs and Expenses

16804. To the extent that other available revenues are not sufficient to meet and pay the estimated expenses and obligations, including a reasonable reserve for contingencies, of the agency for administration, planning, and research, it may apportion such costs and expenses among the counties within the agency as provided for in this article. As used herein, "counties" shall include the City and County of San Francisco.

16805. If the board elects to apportion costs and expenses among the counties as herein provided, it shall at the time set for approving the budget estimate determine the amount to be apportioned among the counties. The amount so determined shall be divided between the nine counties in the proportions that the populations of each county bears to the total population within the agency; provided, that the amount apportioned to any one county shall not exceed an amount which shall be the equivalent of a rate of one-half cent (\$.005) per one hundred dollars (\$100) of assessed valuation within such county as determined by the county assessor and the State Board of Equalization for the previous fiscal year. Population shall be determined and redetermined as provided for in Section 16333.

16806. Each county within the agency shall pay to the treasurer of the agency the amount apportioned to it at the times provided in this section. At least one-half the amount apportioned to each county shall be paid by it to the agency treasurer on or before December 30, with the remainder to be paid to the treasurer on or before April 30.

16807. Each county which has had apportioned to it a part of the agency's costs and expenses may obtain the revenue to pay such apportionment by means of tax revenues, by sewer service charges, an apportionment within the county as in this article provided, or from any other available revenues.

16808. A county may raise all or part of the revenue to pay its apportioned costs and expenses of the agency by collecting or causing to be collected sewer service charges from the users of sewer facilities within the county. The county may in its discretion enter into agreements with utilities, public or

private, to have its service charge collected with the rates, tolls, and charges for any water or other utility service.

16809. A county may raise all or part of the revenue to pay its apportioned share of the costs and expenses of the agency by apportioning the same among local agencies owning or operating water pollution control facilities within the county. Such amount to be apportioned shall be divided between such local agencies in the proportions that the populations of each such local agency within the county bears to the total population within the county. The population of each county shall be determined and redetermined as provided for in Section 16333. If the county elects to so apportion part or all of its share of the agency's costs and expenses it shall transmit to each local agency on or before the first weekday in August a statement of the amount apportioned to said local agency. Each local agency shall pay its apportioned share to the county in installments at the times provided for in Section 16806.

Article 3. Temporary Borrowing

16830. For the purpose of payment of operating and other expenses during the period ending with the third full fiscal year following the organization meeting of the first agency board, the board may borrow money and issue notes in anticipation of the receipt of revenues to be obtained pursuant to this division. Any such notes may mature and may be made payable not later than the end of such third full fiscal year. The principal sum borrowed, together with all interest and any other amounts to become due and payable to the holders of the notes, shall not exceed the estimated amount to be received as provided for in this division. Except as otherwise provided for in this section, the notes shall be authorized and issued pursuant to Sections 53853 to 53857, inclusive, of the Government Code.

16831. At any time prior to the receipt of the agency of funds any local agency within the agency may loan any available money to the agency for the purposes of organization and operation. Such expenditures shall constitute a proper expenditure of local agency funds.

16832. The provision of Article 7.6 (commencing with Section 53850) of Chapter 4, Part 1, Division 2, of Title 5 of the Government Code are incorporated by reference and shall apply to temporary borrowing of the agency.

CHAPTER 910

An act to add Section 19502.5 to the Revenue and Taxation Code, relating to senior citizens property tax assistance.

[Approved by Governor October 6, 1971. Filed with
Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 19502.5 is added to the Revenue and Taxation Code, to read:

19502.5. (a) A claimant shall not lose his residence for purposes of this part if he or she is temporarily confined to a hospital or medical institution for medical reasons where the homestead was the principal place of residence of the claimant immediately prior to such confinement.

(b) For purposes of this section, "medical institution" means a facility operated by, or licensed by, the United States, one of the several states, a political subdivision of a state, the State Department of Public Health, the State Department of Mental Hygiene, or exempt from such licensure pursuant to subdivision (c) of Section 1415 of the Health and Safety Code.

SEC. 2. The provisions of this act shall be applied to claims filed for property tax assistance for fiscal years commencing on or after July 1, 1971.

CHAPTER 911

An act relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 6, 1971. Filed with
Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. (a) When as a result of the earthquakes which occurred in southern California between January 1 and March 1 of 1971, stocks of state tax-paid alcoholic beverages held for sale by any licensee were destroyed or damaged so that they could not be sold, the State Board of Equalization shall refund to the licensee the amount of the tax imposed under Part 14 (commencing with Section 32001) of Division 2 of the Revenue and Taxation Code with respect to the alcoholic beverages and which has been paid by the licensee as part of his purchase price of the alcoholic beverages.

(b) The State Board of Equalization may approve claims for refunds under this section upon proof satisfactory to it that the alcoholic beverages were destroyed or damaged so that they could not be sold and that the licensee has not otherwise been compensated for the loss in the amount of the tax

included in the purchase price paid for the alcoholic beverages. A claim for refund under this section shall be in such form and accompanied by such proof as the State Board of Equalization may require.

(c) No refund under this section shall be allowed or approved after one year from the effective date of this section unless a claim therefor is filed with the State Board of Equalization within such period.

(d) The State Board of Equalization shall report to the California Legislature by the fifth legislative day of the 1973 Regular Session of the Legislature on the number of claimants, the amount of refunds requested, and the amount of refunds approved pursuant to this section.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The recent earthquakes in southern California have damaged or destroyed stocks of state tax-paid alcoholic beverages held for sale in the southern part of the state. The taxes paid with respect to such alcoholic beverages represent a substantial part of their inventory value. Unless refunds of the taxes are made in those cases where the alcoholic beverages were destroyed or damaged so that they would not be consumed, undue hardship will result to businessmen which may endanger their ability to continue in business. Therefore, it is necessary for this act to take immediate effect.

CHAPTER 912

An act relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 6, 1971. Filed with Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. (a) When as a result of the southern California earthquakes occurring between January 1 and March 1 of 1971, stocks of tax-paid cigarettes held for sale by any distributor, wholesaler, or dealer were destroyed or damaged so that they could not be sold, the State Board of Equalization shall refund to the distributor, wholesaler, or dealer the amount of the tax imposed under Part 13 (commencing with Section 30001) of Division 2 of the Revenue and Taxation Code with respect to the cigarettes and which has been paid by the distributor, wholesaler, or dealer as part of his purchase price of the cigarettes.

(b) The State Board of Equalization may approve claims for refunds under this section upon proof satisfactory to it that the cigarettes were destroyed or damaged so that they could not be sold and that the distributor, wholesaler, or dealer has not otherwise been compensated for the loss in the amount of the tax included in the purchase price paid for the cigarettes. A claim for refund under this section shall be in such form and accompanied by such proof as the board may require.

(c) No refund under this section shall be allowed or approved after one year from the effective date of this section unless a claim therefor is filed with the State Board of Equalization within such period.

(d) The State Board of Equalization shall report to the California Legislature by the fifth legislative day of the 1973 Regular Session of the Legislature on the number of claimants, the amount of refunds requested and the amount of refunds approved pursuant to this section.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The recent earthquakes in southern California, have damaged or destroyed stocks of tax-paid cigarettes held for sale in the southern part of the state. The taxes paid with respect to such cigarettes represent a substantial part of their inventory value. Unless refunds of the taxes are made in those cases where the cigarettes were destroyed or damaged so that they would not be consumed, undue hardship will result to businessmen which may endanger their ability to continue in business. Therefore, it is necessary for this act to take effect immediately.

CHAPTER 913

An act to amend Section 15002.1 of the Education Code, relating to school sites.

[Approved by Governor October 6, 1971. Filed with Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 15002.1 of the Education Code is amended to read:

15002.1. The governing board of a school district, prior to acquiring any site on which it proposes to construct any school building as defined in Section 15452 shall have the site, or sites, under consideration investigated by competent personnel to ensure that the final site selection is determined by an evaluation of all factors affecting the public interest and is not limited to selection on the basis of raw land cost only. The in-

vestigation shall include such geological and engineering studies by competent personnel as are needed to provide an assessment of the nature of the site and potential for earthquake damage from causes such as:

(a) Sudden or slow slippage along a fault where surface rupture can be expected within the life of the building.

(b) Ground shaking.

(c) Ground failure, such as land sliding, lateral spreading, lurching, differential compaction, ground cracking, and liquefaction.

(d) Seismically induced waves such as tsunamis and seiches.

The geological and engineering studies of the site shall also be of such a nature as will preclude siting of a school on or below a slide area, or in any other location where the geological characteristics are such that the construction effort required to make the site safe for occupancy is economically unfeasible. No school building shall be constructed or situated on a geological fault. The evaluation shall also include location of the site with respect to population, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors affecting the operating costs, as well as the initial costs, of the total project. Such geological and engineering investigations shall be made for all additions or alterations, costing more than ten thousand dollars (\$10,000), to existing buildings for work that effects structural elements or for replacement of any building. No such study need be made if the site or sites under consideration have been the subject of adequate prior study made within five years preceding the date of commencement of the proposed construction.

A copy of the report of each investigation conducted pursuant to this section shall be submitted to the Department of General Services pursuant to Article 4 (commencing with Section 15451) of Chapter 2 of this division. The cost of geological and engineering studies and investigations conducted pursuant to this section may be treated as a capital expenditure.

CHAPTER 914

An act to amend Section 5258 of, and to add Part 5 (commencing with Section 11700) to Division 2 of, the Financial Code, relating to savings and loan associations.

[Approved by Governor October 6, 1971 Filed with
Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5258 of the Financial Code is amended to read:

5258. Every order, decision, approval, certificate, license, permit, or the denial of any approval, certificate, license or permit, or other official act of the commissioner provided for in

Articles 1 (commencing with Section 5500), 2 (commencing with Section 5550), and 4 (commencing with Section 5650) of Chapter 3, Chapter 5 (commencing with Section 6000), Sections 6450 to 6455, inclusive, Article 1 (commencing with Section 9200) of Chapter 18, Part 4 (commencing with Section 11500), and Part 5 (commencing with Section 11700) of this division is subject to judicial review in accordance with law. Except for review of proceedings conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code, an action or proceeding for judicial review pursuant to this section must be commenced within 60 days after the issuance of such order, decision, approval, certificate, license or permit, or within 60 days after such denial, or other official act.

SEC. 2. Part 5 (commencing with Section 11700) is added to Division 2 of the Financial Code, to read:

PART 5. ACQUISITION OF CONTROL OF SAVINGS AND LOAN ASSOCIATION OR SAVINGS AND LOAN HOLDING COMPANY

CHAPTER 1. DEFINITIONS

11700. "Person" is as defined in Part 4 (commencing with Section 11500) of this division.

11701. "Company" is as defined in Part 4 (commencing with Section 11500) of this division.

11702. "Subsidiary" of a person or company for purposes of this part, means any person or company which is controlled by such person or company.

11703. "Savings and loan holding company" is as defined in Part 4 (commencing with Section 11500) of this division.

11704. "Control" means directly or indirectly or acting in concert with one or more other persons or companies, or through one or more subsidiaries, owning, controlling, or holding with the power to vote 25 percent or more of the outstanding guarantee stock of a savings and loan association or the shares of stock of a savings and loan holding company or holding or controlling proxies representing 25 percent or more of the shares of a mutual savings and loan association.

11705. "Acquiring party" means the person, company, subsidiary, or savings and loan holding company acquiring control of a savings and loan association or savings and loan holding company or acquiring all the assets, or substantially all the assets, of a savings and loan holding company by the process of merger, consolidation or purchase of assets of such savings and loan holding company.

CHAPTER 2. ACQUISITION

11706. It is unlawful for any acquiring party to acquire control of a savings and loan association or savings and loan holding company or to acquire all the assets, or substantially

all the assets, of a savings and loan holding company by the process of merger, consolidation or purchase of assets of such savings and loan holding company until 30 days after the date of filing with the commissioner of an application containing all or part of the following information and any additional information that the commissioner may prescribe as necessary or appropriate in the public interest or for the protection of savings account holders, borrowers or stockholders:

(1) The identity, character and experience of each acquiring party by whom or on whose behalf acquisition is to be made.

(2) The financial and managerial resources and future prospects of each acquiring party involved in the acquisition.

(3) The terms and conditions of any proposed acquisition and the manner in which such acquisition is to be made.

(4) The source and amount of the funds or other consideration used or to be used in making the acquisition, and, if any part of these funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making the acquisition, a description of the transaction and the names of the parties. However, where a source of funds is a loan made in the lender's ordinary course of business, if the person filing such statement so requests, the commissioner shall not disclose the name of the lender to the public.

(5) Any plans or proposals which any acquiring party making the acquisition may have to liquidate such savings and loan association or savings and loan holding company, to sell its assets or merge it with any company or to make any other major changes in its business or corporate structure or management.

(6) The identification of any persons employed, retained or to be compensated by the acquiring party, or by any person on his behalf, to make solicitations or recommendations to stockholders for the purpose of assisting in the acquisition, and brief description of the terms of such employment, retainer or arrangements for compensation.

(7) Copies of all invitations for tenders or advertisements making a tender offer to stockholders for purchase of their stock to be used in connection with the proposed acquisition.

(b) When an unincorporated company is required to file the statements under paragraphs (1), (2) and (6) of subdivision (a), the commissioner may require that the information be given with respect to each partner of a partnership or limited partnership; by each member of a syndicate or group; and by each person who controls a partner or member. When an incorporated company is required to file the statements under paragraphs (1), (2) and (6) of subdivision (a), the commissioner may require that the information be given for the corporation and for each officer and director of the corporation and for each person who is directly or indirectly the beneficial owner of 25 percent or more of the outstanding voting securities of the corporation.

(c) If any tender offer, request or invitation for tenders or other agreement to acquire control is proposed to be made by means of a registration statement under the Federal Securities Act of 1933, as amended, or in circumstances requiring the disclosure of similar information under the Federal Securities Exchange Act of 1934, as amended or in an application filed with the Federal Home Loan Bank Board requiring similar disclosure, such registration statement or application may be filed with the commissioner in lieu of the requirements of this section.

11707. The commissioner may within 30 days after the date of filing of the application referred to in Section 11706, file an action or proceeding in the superior court to prevent the pending acquisition of control if he finds any of the following:

(a) The acquisition would substantially lessen competition or would in any manner be in restraint of trade or would result in a monopoly, or would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the savings and loan business in any part of the State of California, unless he also finds that the anticompetitive effects of the proposed acquisition are clearly outweighed in the public interest by the probable effect of the acquisition in meeting the convenience and needs of the community to be served.

(b) The poor financial condition of any acquiring party might jeopardize the financial stability of the savings and loan association or the savings and loan holding company being acquired or might prejudice the interests of the savings account holders, borrowers, or stockholders of the savings and loan association or is not in the public interest.

(c) The plan or proposal under which the acquiring party intends to liquidate the savings and loan association or the savings and loan holding company, to sell its assets or to merge it with any person or company, or to make any other major change in its business or corporate structure or management, is not fair and reasonable to the association's savings account holders, borrowers, or stockholders or is not in the public interest.

(d) The competence, experience and integrity of any acquiring party who would control the operation of the savings and loan association or savings and loan holding company indicate that approval would not be in the interest of the association's savings account holders, borrowers, or stockholders or in the public interest.

CHAPTER 3. PENALTIES

11708. Any person who willfully violates any provision of this part, or any regulation or order thereunder, is guilty of a misdemeanor and shall upon conviction be fined not more than one thousand dollars (\$1,000) for each day during which the violation continues.

CHAPTER 915

An act to amend Sections 55861, 55862, 56102, 56103, 56104, 56107, 56132, 56134, 56181, 56182, 56184, 56189, 56192, 56193, 56194, 56251, 56252, as added by Chapter 1326 of the Statutes of 1969, 56253, as added by Chapter 1326 of the Statutes of 1969, and 56272 of, the heading of Article 10 (commencing with Section 56351) of Chapter 7 of Division 20, of, Sections 56351, 56352, 56411, 56441, 56535, 56571, 56572, and 56632 of, to add Sections 55861.5, 56452, and 56571.5 to, to repeal and add Article 5 (commencing with Section 56221) of Chapter 7 of Division 20 of, and to repeal Sections 55863, 56252, as added by Chapter 1105 of the Statutes of 1969, 56253, as added by Chapter 1105 of the Statutes of 1969, 56451, as added by Chapter 1105 of the Statutes of 1969, 56573, and 56575 of, the Agricultural Code, relating to agricultural marketing.

[Approved by Governor October 6, 1971. Filed with Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 55861 of the Agricultural Code is amended to read:

55861. Except as otherwise provided in this article or in Section 56574, each applicant for filing an application for a license shall pay the following fee which is prescribed for such license:

(a) Processor. One-hundred sixty-five dollars (\$165) for each year.

(b) Agent. Fifteen dollars (\$15) for each year.

SEC. 1.3. Section 55861.5 is added to the Agricultural Code, to read:

55861.5. The fees provided by Section 55861 are maximum fees. The director may fix such fees at a lesser amount, and may adjust such fees from time to time, whenever he finds that the cost of administering this chapter can be defrayed with such below-maximum fees.

SEC. 1.5. Section 55862 of the Agricultural Code is amended to read:

55862. If any processor does not apply for the renewal of a preexisting license on or before the date of expiration of the license, a penalty of ten dollars (\$10) shall be added to the fee provided for under Section 55861 or 55861.5.

SEC. 1.7. Section 55863 of the Agricultural Code is repealed.

SEC. 2. Section 56102 of the Agricultural Code is amended to read:

56102. "Agent" means any person that, on behalf of any licensee, receives, contracts for, or solicits any farm product from a producer of such product or that negotiates the consignment or purchase of any farm product on behalf of any licensee.

SEC. 3. Section 56103 of the Agricultural Code is amended to read:

56103. "Broker" means any person that negotiates the purchase or sale of any farm product. A broker may not, however, handle either the farm product which is involved or the proceeds of a sale.

SEC. 4. Section 56104 of the Agricultural Code is amended to read:

56104. "Cash buyer" means any person that obtains from the producer of any farm product, title, possession, or control of the farm product, buys or agrees to buy any farm product, by paying to the producer at the time of obtaining possession or control, or at the time of contracting for the title, possession, or control of any farm product, the full agreed price of such farm product in coin or currency, lawful money of the United States.

SEC. 5. Section 56107 of the Agricultural Code is amended to read:

56107. "Dealer" means any person that obtains from the producer title, possession, control, or delivery of any farm product at a designated price for the purpose of resale or that buys or agrees to buy any farm product from the producer of the farm product at a designated price.

SEC. 6. Section 56132 of the Agricultural Code is amended to read:

56132. The director may publish in pamphlet form as often as he thinks necessary a list of all licensees and agents that are licensed pursuant to this chapter together with all necessary regulations which concern the enforcement of this chapter.

SEC. 7. Section 56134 of the Agricultural Code is amended to read:

56134. Civil suits and criminal prosecutions which arise by virtue of any provision of this chapter may be commenced and tried in any of the following:

(a) The county where the product was received by the licensee or agent.

(b) The county in which the principal place of business of such licensee or agent is located.

(c) The county in which the violation of this chapter occurred.

SEC. 8. Section 56181 of the Agricultural Code is amended to read:

56181. Except as otherwise provided in Section 55610, any person engaged in the business of buying, receiving on commission, soliciting for sale on commission or negotiating the sale of farm products from a producer for resale, shall be licensed as provided in this chapter.

SEC. 9. Section 56182 of the Agricultural Code is amended to read:

56182. Any person required by Section 56181 to be licensed shall file an application with the director for a license to transact business before engaging in such business. The appli-

ation shall be accompanied by the application fee which is provided in Article 17 (commencing with Section 56571) of this chapter.

SEC. 10. Section 56184 of the Agricultural Code is amended to read:

56184. In addition to the general requirements which are applicable to all applications as set forth in this article, the following requirements shall apply to each applicant who engages in the designated activity:

(a) Each applicant who intends to engage in business as a commission merchant shall include a complete schedule of commissions, together with an itemized listing of all charges for all services. Such designated commissions and charges shall not be changed or varied except by written contract between the parties. If changed by a written contract, such charges shall be clearly set forth in detail in such written contract. Any services which are rendered for which charges are made, if not listed in the schedule on the application, shall be rendered on a strictly cost basis.

(b) Each application for an agent's license shall include such information as the director may consider proper or necessary, and shall include the name and address of applicant, and the name and address of the licensee that is represented or sought to be represented by the agent, and the written endorsement or nomination of such licensee.

SEC. 11. Section 56189 of the Agricultural Code is amended to read:

56189. Any person adjudged a bankrupt, or any person against whose bondsman or bondsmen a claim or claims have been collected by the director pursuant to any provision of Chapter 6 (commencing with Section 55401) of this division or unbonded processor against whom claims have been filed and adjudicated, and that has not made full settlement with all producer-creditors, shall not be licensed by the director as a principal for four years from the date of such adjudication or collection.

SEC. 12. Section 56192 of the Agricultural Code is amended to read:

56192. Except as otherwise provided in Section 56189, 56190, or 56191, upon the filing of the application and the payment of the application fee, the director shall, if he is satisfied as to the character, responsibility, and good faith of the applicant, or the persons in a responsible or managing position of a corporate or a partnership applicant, issue to such applicant a license that entitles the applicant to conduct the business named in the application for a year from the date of the license or until it is suspended or revoked for cause. The license of any agent shall, however, expire upon the date of expiration of the license of the principal for whom the agent acts.

SEC. 13. Section 56193 of the Agricultural Code is amended to read:

56193. Each licensee shall post his license or a copy of it in his office or salesroom in plain view of the public.

SEC. 14. Section 56194 of the Agricultural Code is amended to read:

56194. The director shall issue to any licensee that collects or receives any farm product from any producer by truck, a card which bears the signature of the licensee, and certifies that he is licensed. The licensee shall show such card upon the request of any interested person.

SEC. 15. Article 5 (commencing with Section 56221) of Chapter 7 of Division 20 of the Agricultural Code is repealed.

SEC. 16. Article 5 (commencing with Section 56221) is added to Chapter 7 of Division 20 of the Agricultural Code, to read:

Article 5. Licensee's Bonds

56221. Before any license is issued to any applicant, except a cash buyer as defined in Section 56104, he shall execute and deliver to the director a surety bond which is executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety in the sum of four thousand dollars (\$4,000).

The change in the amount of bond required by this section made by the Legislature at the 1971 Regular Session shall not affect the sufficiency of a bond presently in the possession of the director until the conclusion of the fixed period of its coverage as that was measured on the effective date of this article.

56222. The bond shall be conditioned upon compliance with the provisions of the chapter and upon the faithful and honest handling of farm products in accordance with this chapter.

56223. The bond shall be held by the state in favor of every producer-consignor or every producer-creditor of any farm product which is grown within this state.

56224. Any producer-consignor or producer-creditor of any farm product which is grown within this state that claims to be injured by the fraud, deceit, or willful negligence of any bonded licensee may bring action upon the bond of such licensee against both principal and surety in any court of competent jurisdiction to recover the damages which are caused by such fraud, deceit, or willful negligence, or the failure to comply with the provisions of this chapter.

56225. If a licensee, who is bonded under the provisions of this article fails to pay the producer-consignor creditors for any farm product which is received from such consignors to be sold, or fails to pay producer-creditors for any farm product which is received from such producers, the director shall proceed forthwith to ascertain the names and addresses of all consignor-creditors or producer-creditors of such licensee, together with the amounts due and owing to them and each of them by such licensee, and shall request all such consignor-

creditors or producer-creditors to file a verified statement of their respective claims with the director. Such request shall be addressed to each known consignor-creditor or producer-creditor at his last known address.

56226. If a consignor-creditor or producer-creditor fails, refuses, or neglects to file in the office of the director his verified claim as requested by the director within 60 days from the date of such request, the director is thereupon relieved of further duty or action pursuant to this article on behalf of such consignor-creditor or producer-creditor.

56227. If by reason of the absence of records or other circumstances which make it impossible or unreasonable for the director to ascertain the names and addresses of all such consignor-creditors or producer-creditors, the director, after exerting due diligence and making reasonable inquiry to secure such information from all reasonable and available sources, may make demand on the bond on the basis of information which is then in his possession, and thereafter is not liable or responsible for claims or the handling of claims which may subsequently appear or be discovered.

56228. Upon ascertaining all claims and statements in the manner which is set forth in this article, the director may make demand upon the bond on behalf of those claimants whose statements have been filed, and may settle or compromise the claims with the surety company on the bond. He may in such cases execute and deliver a release and discharge of the bond which is involved.

56229. Upon the refusal of the surety company to pay the demand, the director shall bring an action on the bond in behalf of the consignor-creditors or producer-creditors.

56230. Upon any action being commenced on the bond, the director may require the filing of a new bond and immediately upon the recovery in any action on such bond such licensee shall file a new bond. If a licensee fails to file a new bond within 10 days it shall constitute grounds for the suspension or revocation of his license.

56231. Should any bond issued pursuant to Section 56221 in support of applications for a license be canceled by either principal or surety during the license period covered by the bond, then the license supported by such bond shall stand suspended until a new bond is received by the director to replace the canceled bond. If the bond so received fails to provide continuous coverage from the date of cancellation of the previous bond, then new license applications and fees shall be filed.

56232. Surety shall be liable for the default of the principal for all farm products purchased or received on consignment by a licensee during each license period covered by the bond.

SEC. 17. Section 56251 of the Agricultural Code is amended to read:

56251. A licensee that finances, lends money, or otherwise makes advances of money or credits to another licensee may

not deduct from the proceeds of any farm product which is marketed, sold, or otherwise handled by him on behalf of or for the account of the licensee to whom such money, loans, advances or credits are made, an amount which exceeds a reasonable commission or brokerage, together with the usual and customary selling charges or costs of marketing, or both. He may not otherwise divert to his own use or account or in liquidation of such loans, advances, or credits the moneys, returns, or proceeds accruing from the sale, handling, or marketing of any farm product which is handled by him on behalf of or for the account of the licensee to whom or for whom such loans, advances, or credits are made.

SEC. 18. Section 56252 of the Agricultural Code, as added by Chapter 1326 of the Statutes of 1969, is amended to read:

56252. In addition to the other requirements of this chapter, each application for a license, or for the renewal of any such license, other than a cash buyer, shall include a true and correct current financial statement of the applicant. Such financial statement if not prepared by a public accountant or certified public accountant shall be on a form prescribed by the director and shall be submitted under penalty of perjury.

SEC. 19. Section 56252 of the Agricultural Code, as added by Chapter 1105 of the Statutes of 1969, is repealed.

SEC. 20. Section 56253 of the Agricultural Code, as added by Chapter 1326 of the Statutes of 1969, is amended to read:

56253. If at any time the director has cause or reason to believe that any licensee is in an unsound financial condition so as to impair his ability to pay consignor-creditors or producer-creditors in full for farm products received or handled, he may require such licensee to file with him a current financial statement which shows the true and correct financial condition of such licensee. Such financial statement if not prepared by a public accountant or certified public accountant shall be on a form prescribed by the director and shall be submitted under penalty of perjury. Failure of any licensee to file a financial statement as required by this section shall be sufficient grounds for revocation of the license of such licensee.

SEC. 21. Section 56253 of the Agricultural Code, as added by Chapter 1105 of the Statutes of 1969, is repealed.

SEC. 22. Section 56272 of the Agricultural Code is amended to read:

56272. A licensee operating as a commission merchant shall, before the close of the seventh business day following the final sale of any lot of farm products consigned to him, transmit or deliver to the producer or consignor of the farm products a true written report of such sale, showing the amount sold and the selling price.

SEC. 23. The heading of Article 10 (commencing with Section 56351) of Chapter 7 of Division 20 of the Agricultural Code is amended to read:

Article 10. Claims of Licensees

SEC. 24. Section 56351 of the Agricultural Code is amended to read:

56351. A claim may not be made against the seller of any farm product by a licensee pursuant to this chapter, and no credit may be allowed to such licensee against a producer of any farm product by reason of damage to, or loss, dumping, or disposal of any farm product which is sold to such licensee, in any payment, accounting, or settlement which is made by the licensee to the producer, unless the licensee has secured and is in possession of a certificate, which is issued by a commissioner, as defined in Section 26, a county health officer, the director, a duly authorized officer of the State Board of Health, or by some other official now or hereafter authorized by law, to the effect that the farm product which is involved has been damaged, dumped, destroyed, or otherwise disposed of as unfit for human consumption or as in violation of the fruit and vegetable standards which are contained in Division 17 (commencing with Section 42501) of this code.

SEC. 25. Section 56352 of the Agricultural Code is amended to read:

56352. The certificate is not valid as proof of a proper claim, credit, or offset unless it is issued within 24 hours of the receipt by the licensee of the farm product which is involved.

SEC. 26. Section 56411 of the Agricultural Code is amended to read:

56411. For the purpose of enforcing the provisions of this chapter, the director may receive verified complaints from producers against any licensee or any person, that assumes or attempts to act as such. Upon receipt of any such verified complaint, he may make any and all necessary investigations relative to the complaint.

SEC. 27. Section 56441 of the Agricultural Code is amended to read:

56441. The director on his own motion may, within one year after default by the licensee, or upon the verified complaint of any interested party shall, investigate, examine, or inspect any of the following:

(a) Any transaction which involves solicitation, receipt, sale, or attempted sale of any farm product by any person that is acting or assuming to act as a licensee.

(b) Failure to make proper and true account of sales and settlement of sales as required by this chapter.

(c) The intentional making of false statements as to condition and quantity of any farm product which is received or in storage.

(d) The intentional making of false statements as to market conditions.

(e) The failure to make payment for any farm product within the time which is required by this chapter.

(f) Any and all other injurious transactions.

SEC. 28. Section 56451 of the Agricultural Code, as added by Chapter 1105 of the Statutes of 1969, is repealed.

SEC. 29. Section 56452 is added to the Agricultural Code, to read:

56452. If a licensee fails to pay the producer-consignor creditors for any farm product which is received from such consignors to be sold, or fails to pay producer-creditors for any farm product which is received from such producers, the director shall proceed forthwith to ascertain the names and addresses of all consignor-creditors or producer-creditors of such licensee, together with the amounts due and owing to them and each of them by such licensee and shall request all such consignor-creditors or producer-creditors to file a verified statement of their respective claims with the director. Such request shall be addressed to each known consignor-creditor or producer-creditor at his last known address.

SEC. 30. Section 56535 of the Agricultural Code is amended to read:

56535. If the director is satisfied that to permit the licensee to continue to purchase or to receive further shipments or deliveries of any farm product would be likely to cause serious and irreparable loss to producer-creditors, or to producers with whom the licensee has such contracts, the director may shorten the time which is provided for hearing upon an order to show cause why the license of the licensee should not be forthwith suspended or revoked.

SEC. 31. Section 56571 of the Agricultural Code is amended to read:

56571. Except as otherwise provided in this article, each applicant for a license shall pay a fee of one hundred fifty dollars (\$150), except an agent who shall pay fifteen dollars (\$15) for each license period of the principal.

SEC. 32. Section 56571.5 is added to the Agricultural Code, to read:

56571.5. The fees provided by Section 56571 are maximum fees. The director may fix such fees at a lesser amount, and may adjust such fees from time to time, whenever he finds that the cost of administering this chapter can be defrayed with such below-maximum fees.

SEC. 33. Section 56572 of the Agricultural Code is amended to read:

56572. If any licensee does not apply for the renewal of a preexisting license on or before the date of the expiration of the license, a penalty of ten dollars (\$10) shall be added to the fee provided for under Section 56571 or 56571.5.

SEC. 34. Section 56573 of the Agricultural Code is repealed.

SEC. 35. Section 56575 of the Agricultural Code is repealed.

SEC. 36. Section 56332 of the Agricultural Code is amended to read:

56632. It is a misdemeanor for any person to assume or attempt to act, or to act, as a licensee or agent without a license.

CHAPTER 916

*An act to amend Section 22522 of the Education Code,
relating to college and university admissions.*

[Approved by Governor October 6, 1971 Filed with
Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 22522 of the Education Code is amended to read:

22522. It is further the intent of the Legislature that the following categories be established insofar as practicable in the following order for the purpose of enrollment planning and admission priority practice at the undergraduate resident student level for the California State Colleges and the University of California:

- (1) Continuing undergraduate students in good standing.
- (2) California residents who have successfully completed the first two years of their baccalaureate program.
- (3) California residents entering at the freshman or sophomore levels.

It is further the intent of the Legislature that within each of the preceding enrollment categories, the following groups of applicants receive priority consideration in admissions practice in the following order:

- (a) Residents of California who are recently released veterans of the armed forces of the United States.
- (b) Transfers from California public community colleges.
- (c) Applicants who have been previously enrolled at the campus to which they are applying, provided they left such institution in good standing.
- (d) Applicants who have a degree or credential objective that is not generally offered at other public institutions of higher learning within California.
- (e) Applicants for whom the distance involved in attending another institution would create financial or other hardships.
- (4) Residents of other states and foreign countries.

The segments may, in implementing these enrollment plans and admissions priorities, consider the overall needs of students in maintaining a balanced program and a quality curriculum.

SEC. 2. Section 22522 of the Education Code is amended to read:

22522. It is further the intent of the Legislature that the following categories be established insofar as practicable in the following order for the purpose of enrollment planning and admission priority practice at the undergraduate resident student level for the California State Colleges and the University of California:

- (1) Continuing undergraduate students in good standing.
- (2) California residents who have successfully completed the first two years of their baccalaureate program.

(3) California residents entering at the freshman or sophomore levels.

It is further the intent of the Legislature that within each of the preceding enrollment categories, the following groups of applicants receive priority consideration in admissions practice in the following order:

(a) Residents of California who are recently released veterans of the armed forces of the United States.

(b) Transfers from California public community colleges.

(c) Applicants who have been previously enrolled at the campus to which they are applying, provided they left such institution in good standing.

(d) Applicants who have a degree or credential objective that is not generally offered at other public institutions of higher learning within California.

(e) Applicants for whom the distance involved in attending another institution would create financial or other hardships.

It is further the intent of the Legislature that those veterans referred to in paragraph (a) who were enrolled in good standing at a campus of the University of California or at one of the California state colleges prior to military service receive priority over other veterans recently released from military service.

(4) Residents of other states and foreign countries.

The segments may, in implementing these enrollment plans and admissions priorities, consider the overall needs of students in maintaining a balanced program and a quality curriculum.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 2078 are both chaptered and amend Section 22522 of the Education Code, and this bill is chaptered after Assembly Bill No. 2078, that the amendments to Section 22522 proposed by both bills be given effect and incorporated in Section 22522 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 2078 are both chaptered, both amend Section 22522, and Assembly Bill No. 2078 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 917

An act to add Section 25413.7 to the Education Code, relating to community college governing boards.

[Approved by Governor October 6, 1971. Filed with
Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 25413.7 is added to the Education Code, to read:

25413.7. The members of the governing board of any district maintaining a community college shall call an election for the purpose of determining whether the members shall continue to serve also as members of the governing board of any unified school district having boundaries which are co-terminous with the boundaries of the community college district. The election shall be held at the general election in accordance with the provisions of this code for conducting a regular election of governing board members. The ballots used in such election shall contain the words "Separate Community College Board—Yes" and "Separate Community College Board—No." Each elector voting at the election shall indicate the answer he desires to give in accordance with regular election procedures.

If the proposition receives a majority "yes" vote, then those persons who serve as members of the governing boards of both a community college district and any such unified school district shall, on or before December 31, 1972, choose on which of the two boards they will continue to serve. Those persons who choose to serve as members of either the governing board of a community college district or the governing board of any such unified school district shall continue to serve also as members of the governing board from which they have chosen to withdraw until their successors on such boards are elected, or appointed after December 31, 1972, and have assumed office.

CHAPTER 918

An act to amend the heading of Article 6 (commencing with Section 4800) of Chapter 2 of Part 2 of Division 4 of, and to add Sections 3213, 4806, 4807, 4808, 4809, and 4810 to, the Labor Code, relating to workmen's compensation.

[Approved by Governor October 6, 1971. Filed with
Secretary of State October 6, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 3213 is added to the Labor Code, to read:

3213. In the case of a member of the University of California Police Department who has graduated from an academy certified by the Commission on Peace Officer Standards and Training, when he and all members of the campus department of which he is a member have graduated from such an academy, and when any such member is employed upon a regular, full-time salary, the term "injury" as used in this division includes heart trouble and pneumonia which develops or manifests itself during a period while such member is in the service of such campus department of the University of California Police Department. The compensation which is awarded for

such heart trouble or pneumonia shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits as provided by the provisions of this division.

Such heart trouble or pneumonia so developing or manifesting itself shall be presumed to arise out of and in the course of the employment; provided, however, that the member of the University of California Police Department shall have served five years or more in such capacity before the presumption shall arise as to the compensability of heart trouble so developing or manifesting itself. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the appeals board is bound to find in accordance with it.

Such heart trouble or pneumonia so developing or manifesting itself in such cases shall in no case be attributed to any disease existing prior to such development or manifestation.

As used in this section:

(a) "Members" shall be limited to those employees of the University of California Police Department who are defined as peace officers in Section 830.2 of the Penal Code.

(b) "Campus" shall include any campus or other installation maintained under the jurisdiction of the Regents of the University of California

(c) "Campus department" means all members of the University of California Police Department who are assigned and serve on a particular campus.

SEC. 2. The heading of Article 6 (commencing with Section 4800) of Chapter 2 of Part 2 of Division 4 of the Labor Code is amended to read:

Article 6. Special Payments to Certain Persons

SEC. 3. Section 4806 is added to the Labor Code, to read: 4806. Whenever any member of the University of California Police Department falling within the "law enforcement" class is disabled by injury arising out of and in the course of his duties, he shall become entitled, regardless of his period of service with the police department, to leave of absence while so disabled without loss of salary, in lieu of disability payments under this chapter, for a period of not exceeding one year. This section shall apply only to members of the University of California Police Department whose principal duties consist of active law enforcement, and shall not apply to persons employed in the University of California Police Department whose principal duties are those of telephone operator, clerk, stenographer, machinist, mechanic or otherwise clearly not falling within the scope of active law enforcement service, even though such person is subject to occasional call or is occasionally called upon to perform duties within the scope of active law enforcement service.

This section shall apply only to those members of the University of California Police Department specified in Section 3213.

SEC. 4. Section 4807 is added to the Labor Code, to read:

4807. It shall be the duty of the appeals board to determine, in the case of members of the University of California Police Department, upon the request of the Regents of the University of California, whether or not the disability referred to in Section 4806 arose out of and in the course of duty. The appeals board shall, also in any disputed case, determine when such disability ceases.

SEC. 5. Section 4808 is added to the Labor Code, to read:

4808. Any such member of the University of California Police Department so disabled is entitled from the date of injury, and regardless of retirement under either the University of California Retirement System or Public Employees' Retirement System, to the medical, surgical, and hospital benefits prescribed by this division as part of the compensation for persons injured in the course of and arising out of their employment, at the expense of the Regents of the University of California, and such expense shall be charged upon the fund out of which the compensation of the member is paid.

SEC. 6. Section 4809 is added to the Labor Code, to read:

4809. Whenever such disability of such member of the University of California Police Department continues for a period beyond one year, such member shall thereafter be subject, as to disability indemnity, to the provisions of this division other than Section 4806, which refers to temporary disability only, during the remainder of the disability, except that such compensation shall be paid out of funds available for the support of the Regents of the University of California and the leave of absence shall continue.

SEC. 7. Section 4810 is added to the Labor Code, to read:

4810. No disability indemnity shall be paid to such member of the University of California Police Department as temporary disability concurrently with wages or salary payments.

CHAPTER 919

An act to amend Section 4709 of the Labor Code, relating to workmen's compensation.

[Approved by Governor October 6, 1971. Filed with
Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 4709 of the Labor Code is amended to read:

4709. Notwithstanding any other provisions of law to the contrary, each dependent of any chief of police, police officer,

sheriff, deputy sheriff, marshal or deputy marshal of the municipal courts, or member of the California Highway Patrol who is killed in the performance of his duty or who dies or is totally disabled as a result of an accident or an injury caused by external violence or physical force, incurred in the performance of his duty, when such death, accident or injury is compensable under this division or Division 4.5 (commencing with Section 6100) of this code, shall be entitled to a scholarship for a state college or any university in the State of California to include payment of tuition, monthly allowance, books and supplies, to a maximum of six thousand dollars (\$6,000) over a period not to exceed six years, with a maximum of one thousand five hundred dollars (\$1,500) per year if he has demonstrated his financial need for such scholarship. This shall not preclude any other benefits provided by law.

Nothing in this section shall be interpreted to allow the admittance of such dependent into a state college or university unless such dependent is otherwise qualified to gain admittance to such college or university.

As used in this section, "dependent" means the children (natural or adopted), at the time of his death, of the peace officer who is killed, or who receives injuries which result in his subsequent death.

The scholarships provided by this section shall be paid out of funds appropriated to the State Scholarship and Loan Commission established by Chapter 3 (commencing with Section 31201) of Division 22 of the Education Code, and the commission shall adopt the necessary regulations therefor.

SEC. 2. Section 4709 of the Labor Code is amended to read:

4709. Notwithstanding any other provisions of law to the contrary, each dependent of any chief of police, police officer, sheriff, deputy sheriff, marshal or deputy marshal of the municipal courts, or member of the California Highway Patrol who is killed in the performance of his duty or who dies or is totally disabled as a result of an accident or an injury caused by external violence or physical force, incurred in the performance of his duty, when such death, accident or injury is compensable under this division or Division 4.5 (commencing with Section 6100) of this code, shall be entitled to a scholarship at any one of the institutions of collegiate grade located in California if such institution offers a two-year junior college or four-year college course and is accredited by the Western Association of Schools and Colleges. Such scholarship is to include payment of tuition and fees, monthly allowance, books and supplies, to a maximum of six thousand dollars (\$6,000) over a period not to exceed six years, with a maximum of one thousand five hundred dollars (\$1,500) per year if he has demonstrated his financial need for such scholarship. This shall not preclude any other benefits provided by law.

Nothing in this section shall be interpreted to allow the admittance of such dependent into a college or university unless such dependent is otherwise qualified to gain admittance to such college or university.

As used in this section, "dependent" means the children (natural or adopted), at the time of his death, of the peace officer who is killed, or who receives injuries which result in his subsequent death.

The scholarships provided by this section shall be paid out of funds appropriated to the State Scholarship and Loan Commission established by Chapter 3 (commencing with Section 31201) of Division 22 of the Education Code, and the commission shall adopt the necessary regulations therefor.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 1038 are both chaptered and amend Section 4709 of the Labor Code, and this bill is chaptered after Assembly Bill No. 1038, that Section 4709 of the Labor Code, as amended by Section 1 of Assembly Bill No. 1038, be further amended on the effective date of this act in the form set forth in Section 2 of this act to incorporate the changes in Section 4709 proposed by this bill. Therefore, if Assembly Bill No. 1038 is chaptered before this bill and amends Section 4709, Section 2 of this act shall become operative on the effective date of this act and Section 1 of this act shall not become operative.

CHAPTER 920

An act to amend Section 4709 of the Labor Code, relating to scholarships, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 6, 1971 Filed with
Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 4709 of the Labor Code is amended to read:

4709. Notwithstanding any other provisions of law to the contrary, each dependent of any chief of police, police officer, sheriff, deputy sheriff, marshal or deputy marshal of the municipal courts, or member of the California Highway Patrol who is killed in the performance of his duty or who dies or is totally disabled as a result of an accident or an injury caused by external violence or physical force, incurred in the performance of his duty, when such death, accident or injury is compensable under this division or Division 4.5 (commencing with Section 6100) of this code, shall be entitled to a scholarship at any one of the institutions of collegiate grade located in California if such institution offers a two-year jun-

ior college or four-year college course and is accredited by the Western Association of Schools and Colleges. Such scholarship is to include payment of tuition and fees, monthly allowance, books and supplies, to a maximum of six thousand dollars (\$6,000) over a period not to exceed six years, with a maximum of one thousand five hundred dollars (\$1,500) per year if he has demonstrated his financial need for such scholarship. This shall not preclude any other benefits provided by law.

Nothing in this section shall be interpreted to allow the admittance of such dependent into a college or university unless such dependent is otherwise qualified to gain admittance to such college or university.

As used in this section, "dependent" means the children (natural or adopted), at the time of his death, of the peace officer who is killed, or who receives injuries which result in his subsequent death.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that accurate information with respect to students on scholarships described in this act may be printed and available before the fall school term, it is necessary that this act go into effect immediately.

CHAPTER 921

An act to add Section 2559 to the Business and Professions Code, relating to opticians.

[Approved by Governor October 6, 1971. Filed with Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 2559 is added to the Business and Professions Code, to read:

2559. Whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of any provision of this chapter, or Chapter 5.4 (commencing with Section 2540), the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order restraining such conduct on application of the Board of Medical Examiners, the Attorney General or the district attorney of the county.

The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that no undertaking shall be required.

CHAPTER 922

An act to amend Sections 73522, 73523, 73523.2, 73602, 73603, 73603.2, 74302, 74303, and 74303.2 of the Government Code, relating to court attachés.

[Approved by Governor October 6, 1971. Filed with Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 73522 of the Government Code is amended to read:

73522. There shall be one clerk who shall receive a monthly salary at the rate specified in salary range number 43.5 of the salary schedule.

SEC. 2. Section 73523 of the Government Code is amended to read:

73523. The clerk may appoint:

(a) One chief deputy clerk who shall receive a monthly salary at the rates specified in salary range number 38.5 of the salary schedule.

(b) Five deputy clerks, grade III, each of whom shall receive a monthly salary at the rates specified in salary range number 35.5 of the salary schedule.

(c) Six deputy clerks, grade II, each of whom shall receive a monthly salary at the rate specified in salary range number 31.5 of the salary schedule.

(d) Twelve deputy clerks, grade I, each of whom shall receive a monthly salary at the rates specified in salary range number 29.5 of the salary schedule.

SEC. 3. Section 73523.2 of the Government Code is amended to read:

73523.2. Notwithstanding any other provision of this article, until the 61st day after the final adjournment of the 1972 Regular Session of the Legislature, whenever a higher compensation is provided for positions in the classification of typist-clerk I in the San Mateo County classified service, each person holding a position in any of the classifications specified in this article shall receive proportionately higher compensation on the salary schedule provided for in Section 73523.1 payable at the same time as that higher compensation provided in the salary ordinance of that county.

SEC. 4. Section 73602 of the Government Code is amended to read:

73602. There shall be one clerk who shall receive a monthly salary at the rate specified in salary range number 43.5 of the salary schedule.

SEC. 5. Section 73603 of the Government Code is amended to read:

73603. The clerk may appoint:

(a) One chief deputy clerk who shall receive a monthly salary at the rates specified in salary range number 38.5 of the salary schedule.

(b) Five deputy clerks, grade II, each of whom shall receive a monthly salary at the rates specified in salary range number 35.5 of the salary schedule.

(c) Five deputy clerks, grade I, each of whom shall receive a monthly salary at the rates specified in salary range number 31.5 of the salary schedule.

(d) Fifteen deputy clerks, grade I, each of whom shall receive a monthly salary at the rates specified in salary range number 29.5 of the salary schedule.

(e) Two part-time deputy clerks, grade I, each of whom shall receive a monthly salary at an amount not to exceed one-half of the rates specified in salary range number 29.5 of the salary schedule.

SEC. 6. Section 73603.2 of the Government Code is amended to read:

73603.2. Notwithstanding any other provision of this article, until the 61st day after the final adjournment of the 1972 Regular Session of the Legislature, whenever a higher compensation is provided for positions in the classification of typist-clerk I in the San Mateo County classified service, each person holding a position in any of the classifications specified in this article shall receive proportionately higher compensation on the salary schedule provided for in Section 73603.1 payable at the same time as that higher compensation provided in the salary ordinance of that county.

SEC. 7. Section 74302 of the Government Code is amended to read:

74302. There shall be one clerk who shall receive a monthly salary at the rate specified in salary range number 43.5 of the salary schedule.

SEC. 8. Section 74303 of the Government Code is amended to read:

74303. The clerk may appoint:

(a) One chief deputy clerk who shall receive a monthly salary at the rate specified in salary range number 38.5 of the salary schedule.

(b) Six deputy clerks, grade III, each of whom shall receive a monthly salary at the rate specified in salary range number 35.5 of the salary schedule.

(c) Eight deputy clerks, grade II, each of whom shall receive a monthly salary at the rate specified in salary range number 31.5 of the salary schedule.

(d) Ten deputy clerks, grade I, each of whom shall receive a monthly salary at the rate specified in salary range number 29.5 of the salary schedule.

SEC. 9. Section 74303.2 of the Government Code is amended to read:

74303.2. Notwithstanding any other provision of this article, until the 61st day after the final adjournment of the 1972 Regular Session of the Legislature, whenever a higher compensation is provided for positions in the classification of typist-clerk I in the San Mateo County classified service, each

person holding a position in any of the classifications specified in this article shall receive proportionately higher compensation on the salary schedule provided for in Section 74303.1 payable at the same time as that higher compensation provided in the salary ordinance of that county.

CHAPTER 923

An act to amend Section 11872 of, and to add Section 20818 to, the Education Code, relating to pupil services.

[Approved by Governor October 6, 1971. Filed with Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 11872 of the Education Code is amended to read:

11872. For the purpose of providing funds with which to obtain school meals for needy pupils, the governing board of any school district may levy and collect a district tax over and above the maximum elsewhere specified in this code. Not more than 6 percent of such funds may be used for the administrative and clerical costs of conducting such a program.

SEC. 2. Section 20818 is added to the Education Code, to read:

20818. Not more than 6 percent of the proceeds of the tax levied and collected pursuant to Section 20817 may be used for the administrative and clerical costs of conducting the programs described in Section 20817.

SEC. 3. Section 1 of this act shall become operative only if Senate Bill No. 1596 of the 1971 Regular Session of the Legislature is not enacted.

SEC. 4. Section 2 of this act shall become operative only if Senate Bill No. 1596 of the 1971 Regular Session of the Legislature is enacted.

CHAPTER 924

An act to add Section 54739 to the Government Code, and to add Sections 4766.5 and 6523.01 to the Health and Safety Code, relating to industrial waste.

[Approved by Governor October 6, 1971. Filed with Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 54739 is added to the Government Code, to read:

54739. (1) Any city, county, municipal utility district, public utility district, sanitary district, county sanitation district, or any municipal or public district authorized to acquire,

construct, own, or operate a sanitation system, a sewer system, or both, may require:

(a) Pretreatment of any industrial waste which would otherwise be detrimental to the treatment works or its proper and efficient operation and maintenance; or

(b) The prevention of the entry of such waste into the collection system and treatment works; or

(c) The payment of excess costs to the system for supplementary treatment plants, facilities, or operations needed as a result of allowing the entry into the collection system and treatment works of such industrial waste.

(2) The provisions of this section shall be in addition to other requirements provided for in the respective enabling acts of those special districts listed in subdivision (1).

SEC. 2. Section 4766.5 is added to the Health and Safety Code, to read:

4766.5. (a) Any person who intentionally or negligently violates any requirement adopted or ordered by a district pursuant to paragraph (a) or (b) of subdivision (1) of Section 54739 of the Government Code may be civilly liable in a sum of not to exceed six thousand dollars (\$6,000) for each day in which such violation occurs.

(b) The district may petition the superior court to impose, assess and recover such sums. In determining such amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any.

SEC. 3. Section 6523.01 is added to the Health and Safety Code, to read:

6523.01. (a) Any person who intentionally or negligently violates any requirement adopted or ordered by a district pursuant to paragraph (a) or (b) of subdivision (1) of Section 54739 of the Government Code may be civilly liable in a sum of not to exceed six thousand dollars (\$6,000) for each day in which such violation occurs.

(b) The district may petition the superior court to impose, assess and recover such sums. In determining such amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any.

CHAPTER 925

An act to amend Sections 51237 and 51249 of, and to add Section 51237.5 to, the Government Code, relating to the California Land Conservation Act of 1965.

The people of the State of California do enact as follows:

SECTION 1. Section 51237 of the Government Code is amended to read:

51237. Whenever an agricultural preserve is established, and so long as it shall be in effect, a map of such agricultural preserve and the resolution under which the preserve was established shall be filed and kept current by the city or county with the county recorder.

SEC. 2. Section 51237.5 is added to the Government Code, to read:

51237.5. On or before the first day of September of each year, each city or county in which any agricultural preserve is located shall file with the Director of Agriculture a map of such city or county and designate thereon all agricultural preserves in existence at the end of the preceding fiscal year.

SEC. 3. Section 51249 of the Government Code is amended to read:

51249. Within 30 days after a form of contract is first used, the clerk of the board or council shall file with the Director of Agriculture a sample copy of each such form of contract and any land use restrictions applicable thereto.

CHAPTER 926

*An act to amend Section 5302 of the Education Code,
relating to admission to elementary school.*

[Approved by Governor October 6, 1971. Filed with
Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5302 of the Education Code is amended to read:

5302. A child who has been lawfully admitted to the kindergarten, as defined by the State of California, maintained by a private or a public school in California or any other state, and who has completed one year therein shall be admitted to the first grade of an elementary school regardless of age.

A child who has been lawfully admitted to a public school kindergarten or a private school kindergarten in California and who is judged by the administration of the school district, in accordance with rules and regulations adopted by the State Board of Education, to be ready for first-grade work may be admitted to the first grade at the discretion of the school administration of the district and with the consent of the child's parent or guardian regardless of age.

Where a child has been legally enrolled in the public schools of another district within or out of the state, he may be admitted to school and placed in the grade of enrollment in the

district of former attendance, at the discretion of the school administration of the district entered.

No child shall be admitted to the first grade of an elementary school pursuant to this section unless the child is at least five years of age.

CHAPTER 927

An act to amend Sections 15, 28, 29, 31, 34, 35 and 45 of the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session), relating to the Castaic Lake Water Agency.

[Approved by Governor October 6, 1971. Filed with Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 15 of the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 15. The agency incorporated as herein provided, shall have the power to acquire water from the State of California under the State Water Plan and to be a wholesale distributor of such water through a transmission system to be acquired or constructed by the agency, and to carry out these purposes shall have the following powers:

1. To have perpetual succession.
2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the agency.
5. To acquire, or contract to acquire, waterworks or a waterworks system, waters, lands, rights and privileges and construct, maintain and operate conduits, pipelines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a waterworks plant or system, and to complete, extend, add to repair or otherwise improve any waterworks or waterworks system acquired by it as herein authorized.
6. To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell for use within the area of the agency at wholesale only water of the agency to cities, to other public corporations and public agencies, and to water corporations as defined in the Public Utilities Code of the State of California,

and to any mutual water companies engaged in distributing water to its members for use, without any preference and it may, whenever the board shall find that there is a surplus of water above that which may be required by such consumers within said agency, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers.

7. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary or desirable for any facility reasonably required for the importation and transmission of water in the area of the agency. In proceedings relative to the exercise of such right, the agency shall have all of the rights, powers and privileges of a city; provided, the agency in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location. No action in eminent domain to acquire property or interests therein outside the boundaries of the agency shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

8. To issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided; also to refund (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the agency or property thereof; also to issue warrants to pay the formation expenses of the agency, which warrants may bear interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings.

9. To issue negotiable promissory notes bearing interest at a rate not exceeding 7 percent per annum; provided, however, that said notes shall be general obligations of the agency payable from revenues and taxes in the same manner as bonds of said agency; and provided further that the maturity shall not be later than three years from the date thereof and that the total aggregate amount of such notes outstanding at any one time may be at least equal to seventy-five thousand dollars (\$75,000) but shall not otherwise exceed the lesser of either one million dollars (\$1,000,000) or 2 percent of the assessed valuation of the taxable property in the agency, or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate.

10. To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the

agency, including its formation expenses and any warrants issued therefor.

11. To restrict the use of agency water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of agency water or the use of agency water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the agency; to prohibit the use of such water during such periods for specific uses which the agency may from time to time find to be nonessential.

12. To prescribe and define by ordinance, the restrictions, prohibitions and exclusions referred to in subdivision 11 hereof. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect forthwith upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation, printed, published and circulated in the agency within 10 days after adoption, or if there be no such newspaper it shall be posted within said time in three public places within the agency.

13. To make contracts, to employ labor, and do all acts necessary for the full exercise of the foregoing powers.

14. In case of condemnation proceedings the board shall proceed in the name of the agency.

15. To provide by ordinance of its board of directors for the pensioning of employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the agency, the wages of employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of such employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of employees before such pensions shall be available to them.

16. To join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other

and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. Particularly, but not exclusively, the agency may contract with the State of California for delivery of water under the State Water Plan. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation, the Metropolitan Water District of Southern California, or other public district of this state. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the agency, or an improvement district thereof, incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the agency, or an improvement district thereof, voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the agency. The exact form of such contract need not be available at the time of the special election, but the (1) purpose of the contract; (2) maximum amount of the indebtedness created thereby; (3) maximum term of repayment, and (4) maximum interest rate on such indebtedness shall be known and included in the proposition or measure submitted to the qualified electors of the agency, or an improvement district thereof, at such special election.

17. To issue bonds under Section 28 of this act for the purpose of providing money required to be paid by this agency to the State of California or any agency thereof under any contract which shall be made with it, or as all or part of the terms and conditions under which the corporate area of the agency may be annexed to and become a part of any metropolitan water district organized under the Metropolitan Water District Act. The amount of said bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

18. To disseminate information concerning the activities of the agency; and in instances in which it shall be found by two-thirds vote of the board of directors to be necessary for the protection of agency rights and properties to disseminate information concerning such rights and properties, also concerning matters which in the judgment of the board may adversely

affect such rights and properties; provided, that expenditures during any fiscal year for such purposes shall not exceed one cent (\$.01) for each one hundred dollars (\$100) of assessed valuation of the taxable property in such agency.

SEC. 2. Section 28 of the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 28. Whenever the board of directors deems it necessary for the agency to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act, the board shall, by resolution, so declare and call an election to be held in said agency for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of said agency. Said resolution shall state: (a) the purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance and sale of the bonds; (b) the amount of debt to be incurred; (c) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (d) the maximum rate of interest to be paid, which shall not exceed 7 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of said year; (e) the measure to be submitted to the voters; (f) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (g) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct. The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election, the last publication to be made not less than two weeks prior to the date of the proposed election, in at least one newspaper published in such agency, then such resolution shall be posted in three public places in such agency not less than two weeks prior to the date of the proposed election. No other notice of such election need be given. The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate

the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

SEC. 3. Section 29 of the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 29. Whenever the board of directors deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act and to provide for such bonded indebtedness to be payable from taxes levied upon less than all of the agency, the board shall, by resolution, so declare and state: (a) the purpose for which the proposed debt is to be incurred; (b) the amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance and the sale of the bonds; (c) that the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and to call an election in such proposed improvement district on a date to be fixed, for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district; (d) that taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district; (e) that a general description of the proposed improvement, together with a map showing the exterior boundaries of said proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary of the agency and is available for inspection by any person or persons interested; (f) the time and place for a hearing by the board on the questions of the formation of said proposed improvement district, the extent thereof, the proposed improvement and the amount of debt to be incurred; and (g) that at the time and place specified in the resolution any person interested, including all persons owning property in the agency or in the proposed improvement district, will be heard. Notice of said hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper printed and published in the agency, if there is a newspaper printed and published in such agency. Such notice shall also be given by posting a copy of said resolution in six

public places within the proposed improvement district at least two weeks before the time fixed for said hearing.

At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or within the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness. The board shall have the power to change the purpose for which the proposed debt is to be incurred, or the amount of bonded debt to be incurred, or the boundaries of said proposed improvement district, or one or all of said matters; provided, however, that said board shall not change such boundaries so as to include any territory which will not, in its judgment, be benefited by said improvement.

The purpose, amount of bonded debt or boundaries shall not be changed by said board except after notices of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper printed and published in said agency, if there is a newspaper printed and published in such agency, and by posting in six public places within said proposed improvement district. Said notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and specify the time and place for hearing on such change, which time shall be at least 10 days after publication or posting of said notice. At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or the proposed improvement district, may appear and present any matters material to the changes stated in the notice. At the conclusion of the hearing the board shall by resolution determine whether it is deemed necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purpose for which said proposed debt is to be incurred, the amount of the proposed debt, that the exterior boundaries of the portion of the agency which will be benefited are set forth on a map on file with the secretary of the agency which map shall govern for all details as to the extent of the improvement district, and that said portion of the agency set forth on said map shall thereupon constitute and be known as "Improvement District No. _____ of Castaic Lake Water Agency," and the determinations made in said resolution shall be final and conclusive. After the formation of such improvement district within the agency pursuant to this section, all proceedings for the purpose of a bond election shall be limited, and shall apply only to the improvement district, and taxes for the payment of said bonds and the interest thereon shall be

levied exclusively upon the taxable property in the improvement district.

After the board has made its determination of the matters required to be determined by said last-mentioned resolution, and if the board deems it necessary to incur the bonded indebtedness, the board shall by a further resolution call a special election in said improvement district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district. Said resolution shall state: (a) that the board deems it necessary to incur the bonded indebtedness; (b) the purpose for which the bonded indebtedness will be incurred; (c) the amount of debt to be incurred; (d) the improvement district to be benefited by said indebtedness, as set forth in the resolution making determinations, and that a map showing the exterior boundaries of said improvement district is on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district; (e) that taxes for the payment of such bonds and the interest thereon shall be levied exclusively upon the taxable property in said improvement district; (f) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (g) the maximum rate of interest to be paid, which shall not exceed 7 percent per annum payable semiannually, except that interest for the first year may be payable at the end of the said year; (h) the measure to be submitted to the voters; (i) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (j) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct.

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election prior to the date of the proposed election in at least one newspaper printed and published in the agency, if there is a newspaper printed and published in such agency. Such resolution shall also be posted in three public places in such improvement district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given.

The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board

a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of the formation of the improvement district or of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto, including the formation of the improvement district, shall be held to be valid and in every respect legal and incontestable.

SEC. 4. Section 31 of the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session) is amended to read .

Sec. 31. If from the returns it appears that more than two-thirds of the votes cast in an election held pursuant to the provisions of Section 28 or of Section 29 of this act, were in favor of and assented to the incurring of such indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, issue bonds of the agency for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized shall have been issued. Said full amount of bonds may be divided into two or more series and different dates fixed for each of the series. The maximum term which the bonds of any series shall run before maturity shall not exceed 40 years from the date of each series respectively.

The board of directors shall, by resolution, prescribe the form of the bonds and the form of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment of principal may be deferred for a period of not more than five years from the date of the bonds or the date of the bonds of each series respectively. The bonds shall bear interest at a rate or rates not to exceed seven percent (7%) per annum, payable semiannually, except that interest for the first year may be payable at the end of said year. The board of directors may also provide for call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one thousand dollars (\$1,000). The principal and interest shall be payable in lawful money of the United States at the office of the treasurer of the district or such other place or places as may be designated, or at either place or places at the option of the holder of the bond.

The bonds shall be dated, numbered consecutively, and be signed by the president and treasurer of the agency, countersigned by the secretary of the agency, and the official seal of the agency attached. The interest coupons of such bonds shall be signed by the treasurer of said agency. All such signatures and countersignatures may be printed, lithographed, or mechanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed.

If the bond election proceedings have been limited to and have applied only to an improvement district within said agency, said bonds are bonds of the agency and shall be issued in the name of the agency and shall be designated "Bonds of the Castaic Lake Water Agency for Improvement District No. -----" and each bond and all interest coupons thereof shall state that taxes levied for the payment thereof shall be levied exclusively upon the taxable property in said improvement district.

Before selling the bonds, or any part thereof, the board of directors shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if said board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

The proceeds arising from the sale of bonds shall be paid into the treasury of the agency and placed to the credit of a special improvement fund and expended only for the purpose for which the indebtedness was created; provided, however, that when said purpose has been accomplished any moneys remaining in said special improvement fund may be transferred to the fund to be used for the payment of principal of and interest on the bonds. Said remaining moneys remaining from the sale of bonds of the agency may also be used for some other agency purpose. Such moneys remaining from the sale of bonds of the agency for an improvement district therein may also be used for any purpose which will benefit the property in the improvement district. Said moneys may not be used for said other agency purpose or improvement district purpose until two-thirds of the qualified voters of said agency or improvement district have consented thereto at a special election called in said agency or improvement district by the board of directors. Notice of said election shall be given in the manner provided for bond elections in said agency or improvement district, as the case may be, and in other respects the election shall be conducted as are other agency elections.

SEC. 5. Section 34 of the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 34. The board of directors may advance general funds of the agency to accomplish the purposes of an improvement district formed in accordance with Section 29 or 33 and, if the

improvement district is formed under Section 29, may repay the agency from the proceeds of the sale of bonds authorized for such purpose, or if the improvement district is formed under Section 33 may, in the formation of such improvement district, provide that the agency shall be repaid with interest at not to exceed 7 percent from the special taxes levied exclusively upon the taxable property in said improvement district.

SEC. 6. Section 35 of the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 35. Interest on any bonds issued by the agency coming due before the proceeds of a tax levied at the next general tax levy after the sale of said bonds are available, may be paid from the proceeds of the sale of such bonds; provided that not more than seven percent (7%) of the proceeds of any sale of the bonds shall be used for said purpose.

SEC. 7. Section 45 of the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 45. Nothing in this act shall be so construed as repealing or in anywise modifying the provisions of any other act relating to water or the supply of water to, or the acquisition thereof, by cities within this state. The term "city," as used in this act, shall mean and include any city, whether organized or functioning under a freeholders' charter or under the provisions of general laws. The word "agency" shall apply, unless otherwise expressed or used, to the Castaic Lake Water Agency formed under the provisions of this act, and the word "board" and the words "board of directors" shall apply to the board of directors of such agency. The meaning of the term "voter," as used in this act, shall be ascertained by reference to Section 21 of the Elections Code.

CHAPTER 928

An act to add Article 11 (commencing with Section 73701) to Chapter 10 of Title 8 of the Government Code, relating to courts.

[Approved by Governor October 6, 1971. Filed with Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Article 11 (commencing with Section 73701) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 11. Manteca-Ripon-Escalon-Tracy

73701. This article applies to the municipal court established in the judicial district embracing the Manteca-Ripon-

Escalon Judicial District and the Tracy Judicial District in the County of San Joaquin to be known by the name designated for it pursuant to Section 71045.

73702. The district shall consist of two divisions as follows:

(a) The eastern division shall include all of the territory within the Manteca-Ripon-Escalon Judicial District on the effective date of this article and shall be known as the Eastern Division.

(b) The western division shall include all of the territory within the Tracy Judicial District on the effective date of this article and shall be known as the Western Division.

73703. As public convenience requires, the Board of Supervisors of the County of San Joaquin may change division boundaries by ordinance.

73704. For purposes of qualification and election of judges, each division shall be deemed to be a district within the meaning of subdivision (b) of Section 16 of Article VI of the State Constitution and Section 71140 of this code.

73705. There shall be one judge in each division who shall be the presiding judge of the division.

73706. There shall be one clerk in each division who shall be the administrative officer and act as secretary to the judge. Each clerk shall receive a salary in accordance with Section 73713.

73707. The clerk of the eastern division may appoint:

(a) One deputy clerk III who shall be assistant administrative officer and chief deputy.

(b) Four deputy clerks II.

(c) Two deputy clerks I.

73708. The clerk of the western division may appoint:

(a) One deputy clerk III who shall be assistant administrative officer and chief deputy.

(b) One deputy clerk II.

(c) Three deputy clerks I.

73709. There shall be one marshal in each division who shall be a resident eligible to vote in the division in which he is elected or appointed. Each marshal shall receive the bi-weekly salary specified in range 35, step E, as set forth in the biweekly salary schedule contained in Section 73712.

73710. The marshal of the eastern division may appoint:

(a) One deputy marshal.

(b) One clerk-typist I.

73711. The marshal of the western division may appoint:

(a) One deputy marshal.

(b) One clerk-typist I.

73712. The following biweekly salary schedule shall apply to persons employed in each division of the municipal court established in said judicial district:

Salary range number	Steps				
	A	B	C	D	E
22 -----	\$192.00	\$201.60	\$212.00	\$222.40	\$233.60
23 -----	201.60	212.00	222.40	233.60	245.60
24 -----	212.00	222.40	233.60	245.60	257.60
25 -----	222.40	233.60	245.60	257.60	270.40
26 -----	233.60	245.60	257.60	270.40	284.00
27 -----	245.60	257.60	270.40	284.00	298.40
28 -----	257.60	270.40	284.00	298.40	313.60
29 -----	270.40	284.00	298.40	313.60	329.60
30 -----	284.00	298.40	313.60	329.60	346.40
31 -----	298.40	313.60	329.60	346.40	364.00
32 -----	313.60	329.60	346.40	364.00	382.40
33 -----	329.60	346.40	364.00	382.40	401.60
34 -----	346.40	364.00	382.40	401.60	421.60
35 -----	364.00	382.40	401.60	421.60	442.40
36 -----	382.40	401.60	421.60	442.40	464.80
37 -----	401.60	421.60	442.40	464.80	488.00
38 -----	421.60	442.40	464.80	488.00	512.80
39 -----	442.40	464.80	488.00	512.80	538.40
40 -----	464.80	488.00	512.80	538.40	565.60

73713. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the salary schedule contained in Section 73712, except that if the range shown opposite the title of the position includes a fraction then the person employed in such position shall be paid a salary equal to that shown opposite said fractional range in the salary ordinance of the County of San Joaquin:

- (a) Deputy clerk I ----- Range 23.25
- (b) Deputy clerk II ----- Range 25.25
- (c) Deputy clerk III ----- Range 27.25
- (d) Clerk (eastern division) ----- Range 35.5
- (e) Clerk (western division) ----- Range 35.5
- (f) Clerk-typist II ----- Range 23.25
- (g) Deputy marshal ----- Range 32

Subject to the provisions of the San Joaquin County Salary Ordinance, each person employed in the clerk's office or marshal's office, including the clerk, but not including the marshal, may receive an annual increase in salary of one step on his assigned range until the employee reaches the maximum step on the range assigned for his position. Thereafter no additional step increase shall be granted.

73714. Certain classes of positions herein authorized are equated for purposes of salary adjustments with certain classifications in the service of San Joaquin County and whenever the salary of a classification in the service of San Joaquin County is adjusted by the board of supervisors, the salary of

the related classes of court positions shall be adjusted by an amount which is equivalent to the increase or decrease in the salary of the related class in the classified service of the County of San Joaquin. Such adjustments shall be effective on the date of the action by the board of supervisors but such adjustments shall be effective only until the 61st day following the final adjournment of the 1973 Regular Session of the Legislature.

73715. For purposes of salary adjustments required by Section 73714, the following classes are deemed to be related:

(a) The class of clerk-typist II in the service of the County of San Joaquin and the classes of deputy clerk I, deputy clerk II, deputy clerk III and clerk-typist II in the court positions.

(b) The class of superior court clerk in the service of San Joaquin County and the class of clerk in the court positions.

(c) The class of deputy sheriff I in the service of San Joaquin County and the class of deputy marshal in the court.

(d) The class of lieutenant in the service of San Joaquin County and the position of marshal in the court.

73715.5. If an adjustment in the salary of any class in the service of the County of San Joaquin as specified in Section 73715 is made in the fiscal year 1971-1972 prior to the effective date of this section, then an equivalent adjustment shall be made to the salary of the related class in the authorized court position on the day this section becomes effective.

73716. Notwithstanding any other provision of law, the provisions of the county ordinance relating to civil service and the rules of the civil service commission adopted pursuant thereto, shall apply to all employees, except the marshal and the clerk, in the same manner and to the extent as applicable generally to officers and employees of the County of San Joaquin.

Such employees, including the clerk, shall be entitled to, and shall receive, the same vacation, sick leave, and other employee benefits as are now, or may hereafter be, provided for the employees of the county, including the right to participate in any group, accident, health or life insurance plan adopted by the board of supervisors.

73717. For purposes of temporary assignments of attachés pursuant to Section 72002, each division shall be deemed another municipal court.

73718. Each officer, attaché or employee of the existing municipal court in the Manteca-Ripon-Escalon Judicial District on the day preceding the operative date of this article shall be entitled to succeed to a position in the eastern division of the municipal court which is comparable to the position then held and in no event shall the salary of any such officer, attaché, or employee be less than his salary on the day preceding the operative date of this article.

Each officer, attaché or employee of the existing justice court in the Tracy Judicial District on the day preceding such

operative date shall be entitled to succeed to the position in the western division of the court most comparable to the position he held in the superseded court and in no event shall the salary of any clerical employee of such existing justice court be less than it was on the day preceding the operative date of this article. If there are more persons eligible to succeed to positions in the newly established court than there are authorized positions, the civil service commission shall determine who shall succeed to the authorized positions pursuant to current applicable rules and regulations.

73719. This article shall become operative upon the consolidation of Manteca-Ripon-Escalon Judicial District and the Tracy Judicial District by the Board of Supervisors of the County of San Joaquin pursuant to Article 2 (commencing with Section 71040) of Chapter 6 of Title 8 of this code.

73720. In the event the board of supervisors consolidates the Manteca-Ripon-Escalon Judicial District and the Tracy Judicial District and the judge of the existing justice court in the Tracy Judicial District is not eligible to become the judge of the municipal court established in the western division of the judicial district so established, he shall, at his election, succeed to the position of clerk of the western division of the municipal court. Notwithstanding any other provision of this code, such position is the only position within the newly established judicial district to which the judge may succeed.

CHAPTER 929

An act to amend Sections 11516, 11714, and 11715 of the Vehicle Code, relating to occupational licensees.

[Approved by Governor October 6, 1971. Filed with Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 11516 of the Vehicle Code is amended to read:

11516. (a) Any automobile dismantler owning or controlling any vehicle of a type otherwise required to be registered hereunder, may operate or move the same upon the highways without subjecting the vehicle to registration or transfer, or both, solely for the purpose of moving the same from its then location to the established place of business of such automobile dismantler, if there is displayed on the vehicle special plates issued to such automobile dismantler as provided in this chapter, in addition to other license plates or permits already assigned and attached to the vehicle in the manner prescribed in Article 9 (commencing with Section 5200) of Chapter 1 of Division 3.

(b) The provisions of this section do not apply to work or service vehicles owned by an automobile dismantler.

(c) Every owner, upon receipt of a registration card issued for special plates, shall maintain the registration card or a facsimile copy of it with the vehicle bearing the special plates.

SEC. 2. Section 11714 of the Vehicle Code is amended to read:

11714. (a) The department, upon granting a license, shall issue to the applicant a license containing the applicant's name and address and the general distinguishing number assigned to the applicant.

(b) The department shall also issue special plates as applied for which shall have displayed thereon the general distinguishing number assigned to the applicant. Each plate so issued shall also contain a number or symbol identifying the same from every other plate bearing a like general distinguishing number. The identifying symbol shall also distinguish the type of license (automobile, trailer, or motorcycle) issued to the applicant.

(c) The department shall also furnish books and forms as it may determine necessary. Said books and forms are and shall remain the property of the department and may be taken up at any time for inspection.

SEC. 3. Section 11715 of the Vehicle Code is amended to read:

11715. (a) A manufacturer or dealer owning or lawfully possessing any vehicle of a type otherwise required to be registered hereunder may operate or move the same upon the highways without registering each such vehicle upon condition that any such vehicle display thereon special plates issued to such owner as provided in this chapter, in addition to other license plates or permits already assigned and attached to the vehicle in the manner prescribed in Sections 5200 to 5203, inclusive. Such vehicles may also be moved or operated for the purpose of towing or transporting by any lawful method other vehicles.

(b) A transporter may operate or move any owned or lawfully possessed vehicle of like type by any lawful method upon the highways solely for the purpose of delivery upon condition that there be displayed upon each vehicle in contact with the highway special license plates issued to such transporter as provided in this chapter, in addition to any license plates or permits already assigned and attached to the vehicle in the manner prescribed in Sections 5200 to 5203, inclusive. Such vehicles may be used for the purpose of towing or transporting by any lawful method other vehicles when the towing or transporting vehicle is being delivered for sale or to the owner thereof.

(c) The provisions of this section do not apply to any manufacturer, transporter or dealer operating or moving a vehicle as provided in Section 11716.

(d) The provisions of this section do not apply to work or service vehicles owned by a manufacturer, transporter or dealer. They do not apply to vehicles owned and leased by dealers, except those vehicles rented or leased to vehicle salesmen in the course of their employment for purposes of display or demonstration, nor to any unregistered vehicles used to transport more than one load of other vehicles for the purpose of sale.

(e) The provisions of this section do not apply to vehicles currently registered in this state which are owned and operated by a licensed dealer when the notice of transfer has been forwarded to the department by the former owner of record pursuant to Section 5900 and when a copy of the notice is displayed in the same manner as is required of registration certificates.

(f) Every owner upon receipt of a registration card issued for special plates shall maintain the same or a facsimile copy thereof with the vehicle bearing the special plates.

CHAPTER 930

An act to amend Section 20662 of, and to add Section 20672 to, the Agricultural Code, relating to brands.

[Approved by Governor October 6, 1971. Filed with Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 20662 of the Agricultural Code is amended to read:

20662. To conform to the objective of this chapter, all applications for the recordation of a brand shall be accepted by the chief only if the proposed brand design fulfills the following requirements:

(a) Is not in conflict with any other recorded brand in this state.

(b) Is capable of producing a like design when burned into the hide of an animal.

(c) Is capable of readily symbolizing the intended design to any person who views it.

(d) Lends itself to common verbal description.

SEC. 2. Section 20672 is added to the Agricultural Code, to read:

20672. Any person who is aggrieved at any determination made pursuant to Section 20662 may appeal in person to the Livestock Identification Advisory Board. Upon receipt of a written request from the person appealing the decision, such person shall be permitted to present his views to the board. The board may recommend to the director to affirm, reverse, or modify the determination. The decision of the director shall be final.

CHAPTER 931

An act to amend Section 13832 of, and to add Section 14005 to, the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor October 6, 1971. Filed with Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 13832 of the Education Code is amended to read:

13832. "Compensation" and "salary" mean remuneration in cash payable by the employer to the member, plus any payments in cash by the employer to one other than the member for the purpose of purchasing an annuity contract for the member under an annuity plan which meets the requirements of Section 403(b) of the Internal Revenue Code of the United States.

"Compensation" and "salary" do not mean and shall not include:

(a) Job-related expenses.

(b) Money paid to the employee for overtime service.

(c) Compensatory damages and money paid to the member in excess of regular salary as a compromise settlement of a dispute arising from termination of a member's employment contract.

(d) Lump sum payments for accumulated sick leave or accumulated vacation leave.

(e) Money paid for summer school employment.

(f) Money paid as a bonus.

Any such moneys paid under subdivisions (a) through (f) shall not be included as a part of the member's monthly payroll warrant or check.

SEC. 2. Section 14005 is added to the Education Code, to read:

14005. No credit toward retirement shall be granted for any lump sum payment made for accumulated sick leave upon transfer from one district to another, upon termination of service, upon death, or retirement. No contributions shall be taken from such lump sum payments. Lump sum payments for accumulated sick leave shall not be included in any payroll warrant paid the teacher but shall be paid by separate warrant. Such lump sum payments shall not be included in the computation for the purposes of determining "final compensation". No continued leave of absence shall be granted a member solely for the purpose of allowing the member to receive compensation for accumulated sick leave for which the member could otherwise have elected a lump sum payment.

CHAPTER 932

An act to amend Section 3123 of the Commercial Code, and to add Chapter 20 (commencing with Section 3600) to Division 1 of the Financial Code, relating to banks.

[Approved by Governor October 6, 1971. Filed with Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 3123 of the Commercial Code is amended to read:

3123. Every instrument is payable at the time fixed therein without grace. When the day of maturity falls upon Sunday, Saturday or a holiday, the instrument is payable on the next succeeding business day which is not a Saturday. Where the day of maturity of the instrument falls on an optional bank holiday or the instrument would except for the foregoing provision be payable on an optional bank holiday and it is payable by or at a banking house or any branch or separate office thereof, and the particular banking house or branch or separate office thereof by or at which the instrument is payable is open for the transaction of business on such optional bank holiday, the holder of the instrument may at his option present the instrument for payment at the banking house or branch or separate office thereof by or at which the instrument is payable on the optional bank holiday or on the next succeeding business day which is not a Saturday. An instrument payable on demand is not to be presented for payment on Sunday, Saturday, or a holiday but is to be presented for payment on the next succeeding business day which is not a Saturday, except that where the instrument is payable by or at a banking house or any branch or separate office thereof and the particular banking house or branch or separate office thereof by or at which the instrument is payable is open for the transaction of business on an optional bank holiday, the holder of the instrument may at his option present the instrument for payment at the banking house or branch or separate office thereof by or at which the instrument is payable on such optional bank holiday or on the next succeeding business day which is not a Saturday. For the purpose of this section an optional bank holiday is any closing of a bank because of an emergency, as that term is defined in the Bank Extraordinary Situation Closing Act (Chapter 20 (commencing with Section 3600) of Division 1 of the Financial Code), Good Friday commencing at 3 p.m. and every holiday referred to in Sections 6700 and 6701 of the Government Code, except the following: January 1st, July 4th, September 9th, known as "Admission Day," and December 25th, any Monday following any Sunday on which any such day falls, the last Monday in May, the first Monday in September, Good Friday from 12 noon until 3 p.m., the Thursday in November appointed as Thanksgiving Day, and every Sunday.

SEC. 2. Chapter 20 (commencing with Section 3600) is added to Division 1 of the Financial Code, to read:

CHAPTER 20. BANK EXTRAORDINARY SITUATION CLOSING

3600. This chapter is known and may be cited as the "Bank Extraordinary Situation Closing Act."

3601. "Extraordinary Situation" means any condition or occurrence, other than as set forth in Section 3100, which may interfere or is inconsistent with the conduct of normal business operations at one or more offices of a bank or which poses a threat to the safety or security of persons or property, or both.

3602. Whenever the superintendent determines that an extraordinary situation exists anywhere in this state he may, by proclamation, authorize banks located in the affected area or areas to close any or all of their offices. The office or offices so closed shall remain closed until the superintendent proclaims that the extraordinary situation has ended or until such earlier time as the officers of the bank determine that one or more closed offices should reopen and in either event for such further time thereafter as may reasonably be required to reopen.

3603. (a) Whenever the officers of a bank are of the opinion that an extraordinary situation exists which affects or may affect one or more of a bank's offices, they shall have the authority in the reasonable and proper exercise of their discretion to determine not to open such offices on any business or banking day, or, if such offices have opened to close one or more of them during the continuation of such extraordinary situation even if the superintendent has not issued and does not issue a proclamation of extraordinary situation. The office or offices so closed shall remain closed until such time as the officers determine with respect to each such office that the extraordinary situation has ended and for such further time thereafter as may reasonably be required to be reopened; however, in no case shall such office or offices remain closed for more than 48 consecutive hours excluding other legal holidays without requesting the approval of the superintendent nor, in case such request is denied by the superintendent, for more than 24 consecutive hours excluding other legal holidays after such denial.

(b) The officers of a bank may close one or more of the bank's offices on any day or days designated for mourning, rejoicing, or other special observance by proclamation of the Governor or the President of the United States.

3604. A bank closing an office or offices pursuant to the authority granted under subdivision (a) of Section 3603 shall give prompt notice of its action to the superintendent, by any means available.

3605. Any day on which a bank or any one or more of its offices is closed pursuant to the authorization granted by this

chapter shall be, with respect to such bank or any of its offices which are closed, a legal holiday for all purposes with respect to any banking business of any character. No liability, or loss of rights of any kind, on the part of any bank or director, officer, or employee thereof, shall accrue or result by virtue of any closing authorized by this chapter.

3606. Provisions of this chapter shall be construed and applied as being in addition to, and not a substitution for, or limitation of, any other law of this state or the United States authorizing the closing of a bank or excusing the delay by a bank in the performance of its duties and obligations because of extraordinary situations or conditions beyond the bank's control or otherwise.

CHAPTER 933

An act to add Section 1015 to the Fish and Game Code, relating to salmon and steelhead.

[Approved by Governor October 6, 1971. Filed with Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1015 is added to the Fish and Game Code, to read:

1015. Whenever the department is required, or provided an opportunity, to assess the adequacy of a project or to provide a detailed environmental impact statement or similar document pursuant to Public Law 91-190 or Section 21100, 21101, or 21102 of the Public Resources Code, or any other provision of law, it shall determine the extent to which salmon and steelhead resources will be protected from damage by the project in question, together with the extent to which the agency or person preparing the plans for such project has incorporated therein plans for increasing the salmon or steelhead resources of this state. To the fullest practicable extent, the department shall advise the commission at one of its regular scheduled meetings of the state's comments on the project. In no event shall more than one regular commission meeting transpire between the time the department renders comments to the requesting person or agency and the time it reports its findings to the commission.

CHAPTER 934

An act to amend Section 701 of the Welfare and Institutions Code, relating to minors.

[Approved by Governor October 6, 1971. Filed with Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 701 of the Welfare and Institutions Code is amended to read:

701. At the hearing, the court shall first consider only the question whether the minor is a person described by Sections 600, 601, or 602, and for this purpose, any matter or information relevant and material to the circumstances or acts which are alleged to bring him within the jurisdiction of the juvenile court is admissible and may be received in evidence; however, proof beyond a reasonable doubt supported by evidence, legally admissible in the trial of criminal cases, must be adduced to support a finding that the minor is a person described by Section 602, and a preponderance of evidence, legally admissible in the trial of civil cases must be adduced to support a finding that the minor is a person described by Section 600 or 601. When it appears that the minor has made an extrajudicial admission or confession and denies the same at the hearing, the court may continue the hearing for not to exceed seven days to enable the probation officer to subpoena witnesses to attend the hearing to prove the allegations of the petition. If the minor is not represented by counsel at the hearing, it shall be deemed that objections that could have been made to the evidence were made.

SEC. 2. Section 701 of the Welfare and Institutions Code is amended to read:

701. At the hearing, the court shall first consider only the question whether the minor is a person described by Sections 600, 601, or 602, and for this purpose, any matter or information relevant and material to the circumstances or acts which are alleged to bring him within the jurisdiction of the juvenile court is admissible and may be received in evidence; however, proof beyond a reasonable doubt supported by evidence, legally admissible in the trial of criminal cases, must be adduced to support a finding that the minor is a person described by Section 602, and a preponderance of evidence, legally admissible in the trial of civil cases must be adduced to support a finding that the minor is a person described by Sections 600 or 601. In cases in which it is alleged that the minor is a person described in Section 600, the investigation report prepared by the probation officer or social worker is admissible in evidence. When it appears that the minor has made an extrajudicial admission or confession and denies the same at the hearing, the court may continue the hearing for not to exceed seven days to enable the probation officer to subpoena witnesses to attend the hearing to prove the allegations of the petition. If the minor is not represented by counsel at the hearing, it shall be deemed that objections that could have been made to the evidence were made.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 458 are both chaptered and amend Section 701 of the Welfare and Institutions Code, and this bill is

chaptered after Senate Bill No. 458, that the amendments to Section 701 proposed by both bills be given effect and incorporated in Section 701 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 458 are both chaptered, both amend Section 701, and Senate Bill No. 458 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 935

An act to amend Section 5463 of the Health and Safety Code, relating to sewerage systems.

[Approved by Governor October 6, 1971. Filed with Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5463 of the Health and Safety Code is amended to read:

5463. Any health officer or governing board of any city, county, sanitary district or other district having the power to operate and maintain a sewerage system, having served written notice upon the owner or reputed owner of land upon which there is a dwelling house, and such owner or reputed owner, after 30 days, having refused, neglected, or failed to connect such dwelling house, together with all toilets, sinks, and other plumbing therein, properly vented, and in a sanitary manner, with the adjoining street sewer, may construct the same at a reasonable cost, and the person doing said work at the request of such health officer or governing board has a lien upon said real estate for his work done and materials furnished, and such work done and materials furnished shall be held to have been done and furnished at the instance of such owner or reputed owner, or person claiming or having any interest therein. Such governing board may pay all or any part of the cost or price of such connection to the person or persons who furnished labor, materials, or equipment for the same, and, to the extent such governing board pays the cost or price of said connection, it shall succeed to and have all the rights, including the lien provided for above, of such person or persons against the real estate and against the owner or reputed owner thereof.

As an alternative power to the enforcement of the lien provided for in this section, the governing body of the public agency performing the work of connection to the public sewer may, by order entered upon its minutes, declare that the amount of the costs of such work and the administrative expenses incurred by the governing body incident to the proceedings, together with other charges uniformly applicable within the jurisdiction of the governing body for the con-

nection of the premises to the public sewer, shall be transmitted to the assessor and tax collector of the public agency, whereupon it shall be the duty of those officers to add the amount of the assessment to the next regular bill for taxes levied against the lot or parcel of land.

The liens provided for by this section shall be enforced in the same manner as those provided for by Title 15 (commencing with Section 3082), Part 4, Division 3, of the Civil Code.

CHAPTER 936

An act to amend Section 2363.5 of the Education Code, relating to school districts.

[Approved by Governor October 6, 1971. Filed with Secretary of State October 6, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 2363.5 of the Education Code is amended to read:

2363.5. Within 20 days after the filing of a petition under Section 2362, subdivision (a), or Section 2363, subdivision (b), the county superintendent of schools shall transmit the petition to the governing board of the district to which the territory is to be transferred. The governing board shall set a date for a hearing on the petition which shall be within 30 days of the receipt of the petition and the county superintendent shall notify the chief petitioner or petitioners of the time and place of the hearing. At the hearing the petitioners and any other interested persons shall be given an opportunity to present their views on the petition. The governing board then shall either approve or deny the petition. No transfer shall be made unless a majority of the members of the governing board sign a statement agreeing to the transfer. Upon completion of the hearing the governing board shall return the petition together with a notice of action of the governing board to the county superintendent of schools.

CHAPTER 937

An act to provide for meeting the building needs of the California public community colleges by adoption of a construction program therefor, by providing the funds necessary therefor from the proceeds of bonds of the State of California, and by providing for the handling and disposition of said funds, making an appropriation therefor, and providing for the submission of portions of this act to the people at a special election to be consolidated with the 1972 general

election and in this connection to amend and supplement the Budget Bill for the 1971-1972 fiscal year (enacted as the Budget Act of 1971) by adding thereto Section 2.4A.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Sections 1 to 10, inclusive, of this act shall be known and may be cited as the Community College Construction Program Bond Act of 1972.

SEC. 2. The purpose of this act is to provide the necessary funds to meet the major building construction, equipment and site acquisition needs of California public community colleges.

For the purposes of this act, "public community colleges" includes public junior colleges, public community colleges, and any other public colleges which are maintained and operated as public community colleges or public junior colleges.

Proceeds of the bonds authorized to be issued under this act, in an amount or amounts which the Legislature shall determine, shall be used for major building construction, acquisition of equipment and acquisition of sites for California public community colleges under the Community College Construction Act of 1967 (Chapter 19 (commencing with Section 20050) of Division 14 of the Education Code), as it may be amended from time to time, or under any act enacted to succeed the Community College Construction Act of 1967.

SEC. 3. Bonds in the total amount of one hundred sixty million dollars (\$160,000,000), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in Section 2 of this act, and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Government Code Section 16724.5. Said bonds shall be known and designated as Community College Construction Program bonds and, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California are hereby pledged for the punctual payment of both principal and interest on said bonds as said principal and interest become due and payable.

SEC. 4. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, such sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on said bonds maturing in said year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum.

SEC. 5. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this act, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal and interest on bonds issued and sold pursuant to the provisions of this act, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 8 of this act, which sum is appropriated without regard to fiscal years.

SEC. 6. The proceeds of bonds issued and sold pursuant to this act, together with interest earned thereon, if any, shall be deposited in the State Construction Program Fund. The money so deposited in the fund shall be reserved and allocated solely for expenditure for the purposes specified in this act and only pursuant to appropriation by the Legislature.

SEC. 7. The office of the Chancellor of the California Community Colleges, which is hereby designated as the board for the purposes of this act, shall annually total the appropriations referred to in Section 6 and, pursuant to Section 16730 of the Government Code, request the Community College Construction Program Committee to cause bonds to be issued and sold in quantities sufficient to carry out the projects for which such appropriations were made.

SEC. 8. For the purposes of carrying out the provisions of this act the office of the Chancellor of the California Community Colleges may request the Director of Finance by executive order to authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this act. Any amounts withdrawn shall be deposited in the State Construction Program Fund, and shall be reserved, allocated for expenditure, and expended as specified in Section 6 of this act. Any moneys made available under this section to the board shall be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this act, together with interest at the rate of interest fixed in the bonds so sold.

SEC. 9. The bonds authorized by this act shall be prepared, executed, issued, sold, paid and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), and all of the provisions of said law are applicable to said bonds and to this act, and are hereby incorporated in this act as though set forth in full herein.

SEC. 10. The Community College Construction Program Committee is hereby created. The committee shall consist of the Governor, the State Controller, the State Treasurer, the Director of Finance, and the Chancellor of the California Community Colleges. For the purposes of this act the Community College Construction Program Committee shall be "the committee" as that term is used in the State General Obligation Bond Law.

SEC. 11. Sections 1 to 10 of this act shall take effect upon the adoption by the people of the Community College Con-

struction Program Bond Act of 1972, as set forth in Sections 1 to 10 of this act. Sections 11 to 16 of this act contain provisions which relate to and are necessary for the submission of the Community College Construction Program Bond Act of 1972 to the people and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 12. A special election is hereby called to be held throughout the state on the seventh day of November, 1972. The special election shall be consolidated with the general election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used. Except as otherwise provided in this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to the measure submitted pursuant to this act, and only one form of ballot and ballot pamphlet shall be used. The distribution of ballot pamphlets in all respects shall be conducted in accordance with the provisions of Section 3573 of the Elections Code.

SEC. 13. At the special election called by this act there shall be submitted to the electors Sections 1 to 10 of this act.

SEC. 14. The special election provided for in this act shall be proclaimed, held, conducted, the ballots shall be prepared, marked, collected, counted and canvassed and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the law governing general elections insofar as provisions thereof are applicable to the election provided for in this act.

SEC. 15. All ballots of said election shall have printed thereon in boldface type and in a square thereof, the words: "For bonds to provide public community college facilities." In the square immediately below the square containing such words there shall be printed on said ballot in boldface type the words: "Against bonds to provide public community college facilities." In each square containing the language specified above, immediately below that language and enclosed in parentheses, there shall be printed in 8-point type, the words: "This act provides for a bond issue of one hundred sixty million dollars (\$160,000,000)." Opposite the words: "For bonds to provide public community college facilities," and the language immediately following such statement, and "Against bonds to provide public community college facilities," and the language immediately following such statement, there shall be left spaces in which voters may place a cross in the manner required by law to indicate whether they vote for or against said act. Those voting for said bonds shall do so by placing a cross opposite the words: "For bonds to provide public community college facilities," and those voting against said bonds shall do so by placing a cross opposite the words: "Against bonds to provide public community college facilities;" provided that where the voting of said election is done by means of

voting machines used pursuant to law in such manner as to carry out the intent of this section, the use of such voting machines and the expression of the voter's choice by means thereof, shall be deemed to comply with the provisions of this section. The measures shall appear on the ballot and in the ballot pamphlets in substantially the following form:

For bonds to provide public community college facilities. (This act provides for a bond issue of one hundred sixty million dollars (\$160,000,000).)	
Against bonds to provide public community college facilities. (This act provides for a bond issue of one hundred sixty million dollars (\$160,000,000).)	

The Governor shall include the submission of the measure to the people, as aforesaid, in his proclamation calling for said election.

SEC. 16. If it appears that the measure shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against the measure then the same shall be and become void.

SEC. 17. Section 2.4A is added to the Budget Bill for the 1971-1972 fiscal year enacted as the Budget Act of 1971 (Chapter 266, Statutes of 1971), to read:

STATE CONSTRUCTION PROGRAM BOND ACT PROGRAM

Sec. 2.4A. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1971-1972, 1972-1973, and 1973-1974 fiscal years for expenditure only for the programs contemplated by the State Construction Program Bond Act of 1964. All such appropriations shall be paid out of the State Construction Program Fund.

Item	Amount
309A—For capital outlay, Board of Governors of the California Community Colleges, to be allocated, subject to the prior approval of the State Public Works Board, by the Board of Governors of the California Community Colleges to the community college districts for expenditure by said community college districts, in accordance with the priority listing	

of projects set forth in the schedule below, payable from the State Construction Program Fund -----	3,000,110
Schedule:	
Fremont-Newark Community Col- lege District, Chlone College:	
Construct northeast instruction unit -----	149,373
Construct northwest instruction unit -----	955,038
Construct southeast instruction unit -----	588,149
Construct southwest instruction unit -----	826,738
Santa Clarita Community College District, College of the Canyons:	
Working drawings for classroom center -----	38,644
Working drawings for labora- tory center -----	77,424
Yuba Community College District, Yuba College:	
Construct and equip science technology center, phase II ----	168,058
San Jose Community College Dis- trict, Evergreen Valley College:	
Working drawings for cluster "A" -----	63,702
Working drawings for cluster "C" -----	39,779
Rancho Santiago Community Col- lege District, Santa Ana Col- lege:	
Working drawings for social science-language arts buildings	48,679
San Luis Obispo County Community College District, Cuesta College:	
Working drawings for library and administration building --	44,526

SEC. 18. (a) Except to the extent provided for by sub-division (b) of this section, the appropriation for designated projects made by Section 17 of this act is substituted for and shall supersede the appropriation for identical designated

projects contained in Item 309 of the Budget Act of 1971, and for purposes of administering the appropriation contained in Item 309 and the priority listing therein established, such identical projects shall be deemed not to have been included in Item 309.

(b) To the extent that the appropriation of \$619,968 contained in schedule subdivision (oxw) of Item 309 of the Budget Act of 1971 exceeds the amount of \$149,373 appropriated by Section 17 of this act for construction of a northeast instruction unit at Ohlone College, Fremont-Newark Community College District, the appropriation made by Section 17 of this act shall not affect the appropriation contained in schedule (oxw) of Item 309 nor the priority for expenditure thereof established by Item 309.

CHAPTER 938

An act to amend Section 2409 of the Vehicle Code, relating to the Highway Patrol.

[Approved by Governor October 8, 1971. Filed with
Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 2409 of the Vehicle Code is amended to read:

2409. All members of the California Highway Patrol have the powers of a peace officer as provided in Section 830.2 of the Penal Code.

CHAPTER 939

An act to amend Section 3300 of the Welfare and Institutions Code, relating to California Rehabilitation Center.

[Approved by Governor October 8, 1971. Filed with
Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 3300 of the Welfare and Institutions Code is amended to read:

3300. There is hereby established an institution and branches, under the jurisdiction of the Department of Corrections, to be known as the California Rehabilitation Center. Branches may be established in existing institutions of the Department of Corrections or of the Department of the Youth Authority, in halfway houses as described in Section 3153, in such other facilities as may be made available on the grounds of other state institutions, and in city and county correctional facilities where treatment facilities are available.

Branches shall not be established on the grounds of such other institutions in any manner which will result in the placement of patients of such institutions into inferior facilities. Branches placed in a facility of the Department of Mental Hygiene shall have prior approval of the Director of Mental Hygiene. The branches in the Department of the Youth Authority shall be established on order of the Secretary of the Human Relations Agency and shall be subject to the administrative direction of the Director of the Youth Authority. Branches placed in city or county facilities shall have prior approval of the legislative body of the city or county.

Persons confined pursuant to this section in branches established in city and county correctional facilities shall be housed separately from the prisoners therein, and shall be entitled to receive treatment substantially equal to that which would be afforded such persons if confined in the main institution of the California Rehabilitation Center.

SEC. 2. Section 3300 of the Welfare and Institutions Code is amended to read:

3300. There is hereby established an institution and branches, under the jurisdiction of the Department of Corrections, to be known as the California Rehabilitation Center. Branches may be established in existing institutions of the Department of Corrections or of the Department of the Youth Authority, in halfway houses as described in Section 3153, in such other facilities as may be made available on the grounds of other state institutions, and in city and county correctional facilities where treatment facilities are available. Branches shall not be established on the grounds of such other institutions in any manner which will result in the placement of patients of such institutions into inferior facilities. Branches placed in a facility of the State Department of Health shall have prior approval of the Director of Health. The branches in the Department of the Youth Authority shall be established on order of the Secretary of the Human Relations Agency and shall be subject to the administrative direction of the Director of the Youth Authority. Branches placed in city or county facilities shall have prior approval of the legislative body of the city or county.

Persons confined pursuant to this section in branches established in city and county correctional facilities shall be housed separately from the prisoners therein, and shall be entitled to receive treatment substantially equal to that which would be afforded such persons if confined in the main institution of the California Rehabilitation Center.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 698 are both chaptered and amend Section 3300 of the Welfare and Institutions Code, that Section 3300 of the Welfare and Institutions Code, as amended by Section 1 of this act shall remain operative only until the operative date of Assembly Bill No. 698, and that on the operative date of Assembly Bill No. 698 Section 3300 of the Welfare and In-

stitutions Code as amended by Section 1 of this act be further amended in the form set forth in Section 2 of this act to incorporate the changes in Section 3300 proposed by Assembly Bill No. 698. Therefore, Section 2 of this act shall become operative only if Assembly Bill No. 698 is chaptered and amends Section 3300, and in such case Section 2 of this act shall become operative on the operative date of Assembly Bill No. 698.

CHAPTER 940

An act to amend Sections 9300 and 9400 of, and to add Chapter 5 (commencing with Section 9700) to Part 1 of Division 2 of Title 1, the Corporations Code, relating to corporations.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 9300 of the Corporations Code is amended to read:

9300. The articles of incorporation shall set forth:

- (a) The name of the corporation.
- (b) The specific and primary purposes for which it is formed. This requirement shall not be deemed to preclude a statement of general purposes or powers or to restrict the right of the corporation to engage in any other lawful activity.
- (c) That the corporation is organized pursuant to the General Nonprofit Corporation Law or pursuant to Part 1 of Division 2 of Title 1 of the Corporations Code.
- (d) The county in this state where the principal office for the transaction of the business of the corporation is located.
- (e) The names and addresses of three or more persons who are to act in the capacity of directors until the selection of their successors. These persons may be given such titles as are deemed appropriate, but they shall be subject to all laws of this state relating to directors except as otherwise provided in this part. The number of persons so named constitutes the number of directors of the corporation, until changed by an amendment to the articles or, unless the articles otherwise provide, by a bylaw adopted by the members. However, the articles or, unless the articles provide otherwise, a bylaw duly adopted by the members, may state that the number of directors shall be not less than a stated minimum (which in no case shall be less than five) nor more than a stated maximum (which in no case shall exceed such stated minimum by more than three); and in the event that the articles or bylaws permit such an indefinite number of directors, the exact number of directors shall be fixed, within the limits specified in the articles or bylaws, by a bylaw or amendment thereof duly adopted by the members or

by the board of directors. In the event the articles provide for an indefinite number of directors, unless the articles provide otherwise, such indefinite number may be changed, or a definite number fixed without provision for an indefinite number, by a bylaw duly adopted by the members.

(f) If an existing unincorporated association is being incorporated, the name of the existing unincorporated association.

SEC. 2. Section 9400 of the Corporations Code is amended to read:

9400. Bylaws may be adopted, amended or repealed by any of the following:

(a) By the written consent of members entitled to exercise a majority of the voting power, or by the vote of a majority of a quorum at a meeting of members duly called for the purpose according to the articles or bylaws.

(b) Except as provided in subdivision (c), by the board of directors, subject to the power of the members to change or repeal the bylaws.

(c) A bylaw or bylaw amendment fixing or changing the authorized number of directors may be adopted only by the members and may not be adopted by the board of directors except where the articles or bylaws provide for an indefinite number of directors pursuant to subdivision (e) of Section 9300.

However, the articles or bylaws may require the vote or written consent of members entitled to exercise a greater fraction or percentage of the voting power for the amendment or repeal of bylaws generally, or of particular bylaws, or for the adoption of new bylaws than would otherwise be required under this section. The articles or a bylaw adopted by the members may limit or restrict the power of the directors to adopt, amend, or repeal bylaws, or may deprive them of the power.

SEC. 3. Chapter 5 (commencing with Section 9700) is added to Part 1 of Division 2 of Title 1 of the Corporations Code, to read:

CHAPTER 5. MERGER AND CONSOLIDATION

9700. The provisions of the General Corporation Law contained in Article 1 (commencing with Section 4100) of Chapter 3 of Part 8 of Division 1 of this title, apply to mergers and consolidations of corporations formed under this part, except as to matters specifically otherwise provided for in this chapter.

9701. An agreement to merge or consolidate shall be approved by the members of each corporation. Where the members have equal voting rights, the agreement shall be approved by a resolution adopted by the vote of a majority of the members or be approved by the written consent of two-thirds of the members; or where the members have unequal voting rights,

the agreement shall be approved by a resolution adopted by the vote of members entitled to exercise a majority of the voting power or be approved by the written consent of members entitled to exercise two-thirds of the voting power. This section shall be applicable regardless of any limitations or restrictions on the voting power of any class or classes of membership.

9702. Where the members act by vote, such votes shall be cast at a meeting duly called upon notice of the time, place, and purpose thereof, duly given to each member at least 20 days prior to the date of the meeting, except that such notice may be waived as provided in Section 2209. Unless the notice is waived, there shall be mailed with such notice a statement of the general terms of the proposed agreement.

9703. The articles of incorporation may require the vote or written consent of a greater percentage or fraction of the members than would otherwise be required under this chapter, in cases where the members have equal voting rights, or may require the vote or written consent of members entitled to exercise a greater percentage or fraction of the voting power than would otherwise be required under this chapter, in cases where the members have unequal voting rights. In no case may the articles prohibit any merger or consolidation authorized by this chapter or by Chapter 3 (commencing with Section 4100) of Part 8 of Division 1 of this title.

CHAPTER 941

An act to amend Section 813 of, and to add Section 1009 to, the Civil Code, relating to dedication of lands.

[Approved by Governor October 8, 1971. Filed with
Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 813 of the Civil Code is amended to read:

813. The holder of record title to land may record in the office of the recorder of any county in which any part of the land is situated, a description of said land and a notice reading substantially as follows: "The right of the public or any person to make any use whatsoever of the above described land or any portion thereof (other than any use expressly allowed by a written or recorded map, agreement, deed or dedication) is by permission, and subject to control, of owner: Section 813, Civil Code."

The recorded notice is conclusive evidence that subsequent use of the land during the time such notice is in effect by the public or any user for any purpose (other than any use expressly allowed by a written or recorded map, agreement, deed

or dedication) is permissive and with consent in any judicial proceeding involving the issue as to whether all or any portion of such land has been dedicated to public use or whether any user has a prescriptive right in such land or any portion thereof. The notice may be revoked by the holder of record title by recording a notice of revocation in the office of the recorder wherein the notice is recorded. After recording a notice pursuant to this section, and prior to any revocation thereof, the owner shall not prevent any public use appropriate thereto by physical obstruction, notice or otherwise.

In the event of use by other than the general public, any such notices, to be effective, shall also be served by registered mail on the user.

The recording of a notice pursuant to this section shall not be deemed to affect rights vested at the time of recording.

The permission for public use of real property provided for in such a recorded notice may be conditioned upon reasonable restrictions on the time, place, and manner of such public use, and no use in violation of such restrictions shall be considered public use for purposes of a finding of implied dedication.

SEC. 2. Section 1009 is added to the Civil Code, to read:

1009. (a) The Legislature finds that:

(1) It is in the best interests of the state to encourage owners of private real property to continue to make their lands available for public recreational use to supplement opportunities available on tax-supported publicly owned facilities.

(2) Owners of private real property are confronted with the threat of loss of rights in their property if they allow or continue to allow members of the public to use, enjoy or pass over their property for recreational purposes.

(3) The stability and marketability of record titles is clouded by such public use, thereby compelling the owner to exclude the public from his property.

(b) Regardless of whether or not a private owner of real property has recorded a notice of consent to use of any particular property pursuant to Section 813 of the Civil Code or has posted signs on such property pursuant to Section 1008 of the Civil Code, except as otherwise provided in subdivision (d), no use of such property by the public after the effective date of this section shall ever ripen to confer upon the public or any governmental body or unit a vested right to continue to make such use permanently, in the absence of an express written irrevocable offer of dedication of such property to such use, made by the owner thereof in the manner prescribed in subdivision (c) of this section, which has been accepted by the county, city, or other public body to which the offer of dedication was made, in the manner set forth in subdivision (c).

(c) In addition to any procedure authorized by law and not prohibited by this section, an irrevocable offer of dedication may be made in the manner prescribed in Section 7050 of the Government Code to any county, city, or other public

body, and may be accepted or terminated, in the manner prescribed in that section, by the county board of supervisors in the case of an offer of dedication to a county, by the city council in the case of an offer of dedication to a city, or by the governing board of any other public body in the case of an offer of dedication to such body.

(d) Where a governmental entity is using private lands by an expenditure of public funds on visible improvements on or across such lands or on the cleaning or maintenance related to the public use of such lands in such a manner so that the owner knows or should know that the public is making such use of his land, such use, including any public use reasonably related to the purposes of such improvement, in the absence of either express permission by the owner to continue such use or the taking by the owner of reasonable steps to enjoin, remove or prohibit such use, shall after five years ripen to confer upon the governmental entity a vested right to continue such use.

(e) Subdivision (b) shall not apply to any coastal property which lies within 1,000 yards inland of the mean high tide line of the Pacific Ocean, and harbors, estuaries, bays and inlets thereof, but not including any property lying inland of the Carquinez Straits bridge, or between the mean high tide line and the nearest public road or highway, whichever distance is less.

(f) No use, subsequent to the effective date of this section, by the public of property described in subdivision (e) shall constitute evidence or be admissible as evidence that the public or any governmental body or unit has any right in such property by implied dedication if the owner does any of the following actions:

(1) Posts signs, as provided in Section 1008, and renews the same, if they are removed, at least once a year, or publishes annually, pursuant to Section 6066 of the Government Code, in a newspaper of general circulation in the county or counties in which the land is located, a statement describing the property and reading substantially as follows: "Right to pass by permission and subject to control of owner: Section 1008, Civil Code."

(2) Records a notice as provided in Section 813.

(3) Enters into a written agreement with any federal, state, or local agency providing for the public use of such land.

After taking any of the actions set forth in paragraph (1), (2), or (3), and during the time such action is effective, the owner shall not prevent any public use which is appropriate under the permission granted pursuant to such paragraphs by physical obstruction, notice, or otherwise.

(g) The permission for public use of real property referred to in subdivision (f) may be conditioned upon reasonable restrictions on the time, place, and manner of such public use, and no use in violation of such restrictions shall be considered public use for purposes of a finding of implied dedication.

SEC. 3. This act shall not be construed to amend or affect the provisions of Sections 11610.5 and 11610.7 of the Business and Professions Code or Section 5943 of the Fish and Game Code nor shall it diminish any public rights of access to navigable waters conferred by Section 2 of Article XV of the California Constitution nor shall it diminish any public rights to fish from or upon the public lands of the state or in the waters thereof conferred by Section 25 of Article I of the California Constitution, nor shall this act be construed to affect, diminish or extinguish any right or rights vested as of the effective date hereof by reason of express or implied dedication, or otherwise.

SEC. 4. In the event any provision of this act is held invalid by a final judgment or decree of an appellate court of this state or of the United States, this entire act, with the exception of this section shall be invalid and inoperative for any purpose. In such event any use or continued use by the public of privately owned real property that would otherwise be affected by this act, after its effective date and prior to the date of such judicial determination, shall be conclusively presumed to be with the permission of the owner of such property, and such use shall not constitute evidence nor be admissible as evidence in any action brought to establish a vested right on behalf of the public or any governmental body or unit to continue to make such use permanently. This section shall not apply to real property described in subdivision (e) of Section 1039 of the Civil Code during such time that the owner has not complied with the provisions of subdivision (f) of that section.

CHAPTER 942

An act to amend Section 39180 of, and to add Sections 39107.5 and 39175.5 to, the Health and Safety Code, relating to air pollution.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 39107.5 is added to the Health and Safety Code, to read:

39107.5. Upon a finding that a device is or can be made available for the control of hydrocarbons, carbon monoxide, or oxides of nitrogen, which device does not meet the standards of Section 39107, the board may, upon a further finding that the device will cause substantial reduction in emission of any one of the three pollutants without significantly increasing the emission of the remaining two, establish appropriate standards with regard to such substantial reduction of emission and certify such device pursuant to Section 39175.5.

SEC. 2. Section 39175.5 is added to the Health and Safety Code, to read:

39175.5. Before certifying a device which meets the emission standards set pursuant to Section 39107.5, the board shall consider all relevant factors, including all of the following:

(a) Likelihood of a device being certified which meets the standards of Section 39107.

(b) Expected cost in relationship to each of the following:

(1) The amount of reduction of the emission to be gained.

(2) The market value of the vehicles on which a device might be certified under Section 39107.

SEC. 3. Section 39180 of the Health and Safety Code is amended to read:

39180. In establishing tests and procedures the board shall adopt standards including, but not limited to, the following:

(a) An accredited exhaust emission control device shall not cost more than sixty-five dollars (\$65), including the cost of installation. If the board certifies and requires more than one device for a single type of vehicle pursuant to Section 39107.5, the total cost, including installation, of all such devices for such vehicle shall not exceed sixty-five dollars (\$65).

(b) An accredited exhaust emission control device shall not require maintenance more than once each 12,000 miles, and such maintenance shall not cost more than fifteen dollars (\$15), including the cost of parts and labor.

(c) An accredited exhaust control device shall equal or exceed the performance criteria established by the board for devices for new motor vehicles or, in the alternative, have an expected useful life of at least 30,000 miles of operation.

(d) Standards for an accredited fuel system evaporative loss control device shall take into consideration the cost of the device and its installation, its durability, the ease and facility of determining whether the device, when installed on a motor vehicle is properly functioning, and any other factors which, in the opinion of the board, render such a device suitable or unsuitable for the control of motor vehicle air pollution or for the health, safety, and welfare of the public.

(e) An accredited fuel system evaporative loss control device shall equal or exceed the performance criteria established by the board for such new devices required on new motor vehicles, or in the alternative, must have an expected useful life of at least 50,000 miles of operation.

SEC. 4. Section 39180 of the Health and Safety Code is amended to read:

39180. In establishing tests and procedures the board shall adopt standards including, but not limited to, the following:

(a) An accredited exhaust emission control device shall not cost more than eighty-five dollars (\$85), including the cost of installation. If the board certifies and requires more than one device for a single type of vehicle pursuant to Section

39107.5, the total cost, including installation, of all such devices for such vehicle shall not exceed eighty-five dollars (\$85).

(b) An accredited exhaust emission control device shall not require maintenance more than once each 12,000 miles, and such maintenance shall not cost more than fifteen dollars (\$15), including the cost of parts and labor.

(c) An accredited exhaust control device shall equal or exceed the performance criteria established by the board for devices for new motor vehicles or, in the alternative, have an expected useful life of at least 30,000 miles of operation.

(d) Standards for an accredited fuel system evaporative loss control device shall take into consideration the cost of the device and its installation, its durability, the ease and facility of determining whether the device, when installed on a motor vehicle is properly functioning, and any other factors which, in the opinion of the board, render such a device suitable or unsuitable for the control of motor vehicle air pollution or for the health, safety, and welfare of the public.

(e) An accredited fuel system evaporative loss control device shall equal or exceed the performance criteria established by the board for such new devices required on new motor vehicles, or in the alternative, must have an expected useful life of at least 50,000 miles of operation.

SEC. 5. It is the intent of the Legislature, if this bill and Assembly Bill No. 1189 are both chaptered and amend Section 39180 of the Health and Safety Code, and this bill is chaptered after Assembly Bill No. 1189, that the amendments to Section 39180 proposed by both bills be given effect and incorporated in Section 39180 in the form set forth in Section 4 of this act. Therefore, Section 4 of this act shall become operative only if this bill and Assembly Bill No. 1189 are both chaptered, both amend Section 39180, and Assembly Bill No. 1189 is chaptered before this bill, in which case Section 3 of this act shall not become operative.

CHAPTER 943

An act to amend Section 3343 of the Civil Code, relating to damages.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 3343 of the Civil Code is amended to read:

3343. (a) One defrauded in the purchase, sale or exchange of property is entitled to recover the difference between the actual value of that with which the defrauded person

parted and the actual value of that which he received, together with any additional damage arising from the particular transaction, including any of the following:

(1) Amounts actually and reasonably expended in reliance upon the fraud.

(2) An amount which would compensate the defrauded party for loss of use and enjoyment of the property to the extent that any such loss was proximately caused by the fraud.

(3) Where the defrauded party has been induced by reason of the fraud to sell or otherwise part with the property in question, an amount which will compensate him for profits or other gains which might reasonably have been earned by use of the property had he retained it.

(4) Where the defrauded party has been induced by reason of the fraud to purchase or otherwise acquire the property in question, an amount which will compensate him for any loss of profits or other gains which were reasonably anticipated and would have been earned by him from the use or sale of the property had it possessed the characteristics fraudulently attributed to it by the party committing the fraud, provided that lost profits from the use or sale of the property shall be recoverable only if and only to the extent that all of the following apply:

(i) The defrauded party acquired the property for the purpose of using or reselling it for a profit.

(ii) The defrauded party reasonably relied on the fraud in entering into the transaction and in anticipating profits from the subsequent use or sale of the property.

(iii) Any loss of profits for which damages are sought under this paragraph have been proximately caused by the fraud and the defrauded party's reliance on it.

(b) Nothing in this section shall do either of the following:

(1) Permit the defrauded person to recover any amount measured by the difference between the value of property as represented and the actual value thereof.

(2) Deny to any person having a cause of action for fraud or deceit any legal or equitable remedies to which such person may be entitled.

CHAPTER 944

An act to add Chapter 2 (commencing with Section 1510) to Title 12 of Part 2 of the Penal Code, relating to criminal procedure.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2 (commencing with Section 1510) is added to Title 12 of Part 2 of the Penal Code, to read:

CHAPTER 2. PRETRIAL REVIEW

1510. The denial of a motion made pursuant to Section 995 or 1538.5 may be reviewed prior to trial only if the motion was made by the defendant in the trial court not later than 45 days following defendant's arraignment on the complaint if a misdemeanor, or 60 days following defendant's arraignment on the information or indictment if a felony, unless within these time limits the defendant was unaware of the issue or had no opportunity to raise the issue.

CHAPTER 945

An act to amend Section 73101.5 of, and to add Section 73121 to, the Government Code, relating to courts.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 73101.5 of the Government Code is amended to read:

73101.5. There shall be the following number of judges in the divisions of the San Bernardino County Municipal Court District: in the East Division, one; in the Central Division, four; in the Valley Division, one; in the West Valley Division, three; and in the Victorville Division, one.

SEC. 2. Section 73121 is added to the Government Code, to read:

73121. By majority vote, the council of presiding judges may appoint a court commissioner who shall meet the qualifications and have the powers and duties specified in Sections 72190 and 72190.1 of this code, and Sections 259 and 259a of the Code of Civil Procedure. Any commissioner so appointed shall also serve as, and have the power and duties of, a traffic referee as provided in Article 9 (commencing with Section 72400) of Chapter 8 of Title 8 of this code. The salary of the commissioner for all duties performed pursuant to this section shall be equal to 65 percent of the salary of a judge of the municipal court.

SEC. 3. Section 1 of this act shall become operative only if Senate Bill No. 775 of the 1971 Regular Session is enacted and amends Section 73101 of the Government Code, in which event, Section 1 shall become operative at the same time as Senate Bill No. 775 becomes operative.

CHAPTER 946

*An act to amend Section 103 of the Insurance Code,
relating to marine insurance.*

[Approved by Governor October 8, 1971. Filed with
Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 103 of the Insurance Code is amended to read:

103. Marine insurance includes insurance against any and all kinds of loss of or damage to:

(a) Vessels, craft, aircraft, cars, automobiles and vehicles of every kind (excluding aircraft and automobiles operating under their own power or while in storage not incidental to transportation), as well as all goods, freights, cargoes, merchandise, effects, disbursements, profits, money, bullion, securities, choses in action, evidences of debt, valuable papers, bottomry and respondentia interests and all other kinds of property, and interests therein, in respect to, appertaining to or in connection with any and all risks or perils of navigation, transit, or transportation, including war risks, on or under any seas or other waters, on land or in the air, or while being assembled, packed, crated, baled, compressed or similarly prepared for shipment or while awaiting the same, or during any delays, storage, transshipment, or reshipment incident thereto including marine builder's risks, and all personal property floater risks.

(b) Person or to property in connection with or appertaining to a marine, inland marine, transit or transportation insurance including liability for loss of or damage arising out of or in connection with the construction, repair, maintenance or use of the subject matter of such insurance (but not including life insurance or surety bonds); but except as herein specified, shall not mean insurances against loss by reason of bodily injury to the person. Inland marine insurance shall be deemed to include hull insurance on water pleasure craft not used for commercial purposes of a size and type to be determined by the commissioner.

(c) Precious stones, jewels, jewelry, gold, silver and other precious metals, whether used in business or trade or otherwise and whether the same be in course of transportation or otherwise.

CHAPTER 947

An act to add Sections 10611 and 25125.5 to, and to repeal Sections 9012 and 9013 of, the Education Code, relating to schools.

[Approved by Governor October 8, 1971. Filed with
Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 9012 of the Education Code is repealed.

SEC. 2. Section 9013 of the Education Code is repealed.

SEC. 3. Section 10611 is added to the Education Code, to read:

10611. Students of the public schools have the right to exercise free expression including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, and the wearing of buttons, badges, and other insignia, except that expression which is obscene, libelous, or slanderous according to current legal standards, or which so incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school, shall be prohibited.

Each governing board of a school district and each county superintendent of schools shall adopt rules and regulations relating to the exercise of free expression by students upon the premises of each school within their respective jurisdictions, which shall include reasonable provisions for the time, place, and manner of conducting such activities.

SEC. 4. Section 25425.5 is added to the Education Code, to read:

25425.5. The governing board of any school district maintaining a community college shall adopt rules and regulations relating to the exercise of free expression by students upon the premises of each community college maintained by the district, which shall include reasonable provisions for the time, place, and manner of conducting such activities.

Such rules and regulations shall not prohibit the right of students to exercise free expression including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, and the wearing of buttons, badges, or other insignia, except that expression which is obscene, libelous or slanderous according to current legal standards, or which so incites students as to create a clear and present danger of the commission of unlawful acts on community college premises, or the violation of lawful community college regulations, or the substantial disruption of the orderly operation of the community college, shall be prohibited.

CHAPTER 948

An act to amend Section 785 of, and to add Section 785.1 to, the Probate Code, relating to sales of real property.

[Approved by Governor October 8, 1971. Filed with
Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 785 of the Probate Code is amended to read:

785. Upon the hearing the court must examine into the necessity for the sale, or the advantage, benefit and interest of the estate in having the sale made, and must examine the return and witnesses in relation to the sale; and if it appears to the court that good reason existed for the sale, that the sale was legally made and fairly conducted, and complied with the requirements of the previous section, that the sum bid is not disproportionate to the value, and it does not appear that a sum exceeding such bid at least 10 percent on the first ten thousand dollars (\$10,000) bid and 5 percent on the amount of the bid in excess of ten thousand dollars (\$10,000), exclusive of the expenses of a new sale, may be obtained, the court shall make an order confirming the sale and directing conveyances to be executed; otherwise it shall vacate the sale and direct another to be had, of which notice must be given and the sale in all respects conducted as if no previous sale had taken place. But if a written offer in an amount at least 10 percent more on the first ten thousand dollars (\$10,000) bid and 5 percent more on the amount of the bid in excess of ten thousand dollars (\$10,000) is made to the court by a responsible person, and the offer complies with all provisions of the law, the court shall accept such higher offer, confirm the sale to such person and fix a reasonable compensation for the services to the estate of the agent, if any, producing the successful bidder, or, in its discretion, order a new sale. If more than one written offer in an amount at least 10 percent more on the first ten thousand dollars (\$10,000) bid and 5 percent more on the amount of the bid in excess of ten thousand dollars (\$10,000) is made to the court by responsible persons, and if any such increased bid complies with all the provisions of the law, the court shall accept such highest increased bid, confirm the sale to the person making such increased bid, and fix a reasonable compensation for the services to the estate of the agent, if any, producing the successful bidder or, in its discretion, order a new sale. The compensation of the agent producing the successful bidder shall not exceed one-half of the difference between the amount of the bid in the original return and the amount of the successful bid, but such limitation shall not apply to any compensation of the agent holding the contract with the executor or administrator.

For the purposes of this section the amount of a bid shall be determined by the court without regard to any commission on the amount of such bid to which an agent may be entitled by virtue of a contract with the executor or administrator. It shall be determined without regard to any condition of the bid that a certain amount thereof be paid to an agent by the executor or administrator, but notwithstanding that a bid contains such a condition, only such compensation to an agent as is proper under the preceding provisions of this section shall be allowed, and acceptance of the bid by the court binds the

bidder though the compensation so allowed is less than the compensation to which the agent would be entitled had the condition been observed.

Higher offers and bids are subject to the provisions of Section 785.1.

SEC. 2. Section 785.1 is added to the Probate Code, to read:

785.1. (a) If the sale returned for confirmation is upon a credit, a higher offer made to the court pursuant to Section 785, either for cash or upon a credit, whether on the same or different credit terms, shall be considered only if the personal representative informs the court in person or by counsel that the offer is acceptable prior to confirmation of the sale.

(b) If the sale returned for confirmation is for cash and a higher offer made to the court pursuant to Section 785 is upon a credit, the offer shall be considered only if the personal representative informs the court in person or by counsel that the offer is acceptable prior to confirmation of the sale.

CHAPTER 949

An act to amend Section 72400 of the Government Code, relating to municipal courts.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 72400 of the Government Code is amended to read:

72400. The judges of a municipal court having three or more judges may appoint one traffic referee who shall hold office at the pleasure of the judges. A traffic referee shall serve his court full time or, if appointed to serve two or more courts, sufficient time with each to total full time. A person is ineligible to be a traffic referee unless he is a member of the State Bar of California or has had five years' experience as a justice court judge in this state within the eight years immediately preceding his appointment as a traffic referee.

CHAPTER 950

An act to amend Section 379 of the Code of Civil Procedure, relating to civil actions.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 379 of the Code of Civil Procedure is amended to read:

379. (a) All persons may be joined in one action as defendants if there is asserted against them:

(1) Any right to relief jointly, severally, or in the alternative, in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all these persons will arise in the action; or

(2) A claim, right, or interest adverse to them in the property or controversy which is the subject of the action.

(b) It is not necessary that each defendant be interested as to every cause of action or as to all relief prayed for. Judgment may be given against one or more defendants according to their respective liabilities.

(c) Where the plaintiff is in doubt as to the person from whom he is entitled to redress, he may join two or more defendants, with the intent that the question as to which, if any, of the defendants is liable, and to what extent, may be determined between the parties.

SEC. 2. This act shall become operative on July 1, 1972.

CHAPTER 951

An act to amend Section 14402 of the Government Code, relating to state contracts.

[Approved by Governor October 8 1971 Filed with
Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 14402 of the Government Code is amended to read:

14402. Payments upon contracts shall be made as the department prescribes upon estimates made and approved by the department, but progress payments shall not be made in excess of 90 percent of the percentage of actual work completed plus a like percentage of the value of material delivered on the ground or stored subject to or under the control of the state, and unused, except as otherwise provided in this section. The department shall withhold not less than 10 percent of the contract price until final completion and acceptance of the project. However, at any time after 50 percent of the work has been completed, if the department finds that satisfactory progress is being made, the department may make any of the remaining progress payments in full for actual work completed, or may withhold any amount up to 10 percent

thereof as the department may find appropriate based on the contractor's progress. In addition, at any time after 95 percent of the work has been completed, the department may reduce the funds withheld to an amount not less than 125 percent of the estimated value of the work yet to be completed, as determined by the department, provided that such reduction has been approved in writing by the surety on the performance bond and by the surety on the payment bond. The Controller shall draw his warrants upon estimates so made and approved by the department and the Treasurer shall pay them.

CHAPTER 952

An act to amend Section 27150 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor October 8, 1971. Filed with
Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 27150 of the Vehicle Code is amended to read:

27150. Every motor vehicle subject to registration shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise, and no muffler or exhaust system shall be equipped with a cutout, bypass, or similar device. The provisions of this section shall also apply to motorcycles operated off the highways except motorcycles being operated in an organized racing or competitive event conducted on a closed course.

For the purposes of this section, "closed course" means a permanent motor racing facility which has one or more of the following:

- (1) Safety crash walls.
- (2) Grandstands which seat 500 persons or more.
- (3) Sanitation facilities for persons attending events
- (4) A business license or permit from a local authority to conduct motor racing or competition events

SEC. 2. Section 27150 of the Vehicle Code is amended to read:

27150. (a) Every motor vehicle subject to registration shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise, and no muffler or exhaust system shall be equipped with a cutout, bypass, or similar device.

(b) Subdivision (a) shall also apply to motorcycles operated off the highways, except motorcycles being operated in an organized racing or competitive event conducted on a closed course. For the purposes of this subdivision, "closed course"

means a permanent motor racing facility which has one or more of the following:

(1) Safety crash walls.

(2) Grandstands which seat 500 persons or more.

(3) Sanitation facilities for persons attending events.

(4) A business license or permit from a local authority to conduct motor racing or competition events.

(c) Every passenger vehicle operated off the highways shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise, and no muffler or exhaust system shall be equipped with a cutout, bypass, or similar device. This subdivision shall not be applicable to passenger vehicles being operated off the highways in an organized racing or competitive event conducted under the auspices of a recognized sanctioning body or by permit issued by the local governmental authority having jurisdiction.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 2365 are both chaptered and amend Section 27150 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 2365, that the amendments to Section 27150 proposed by both bills be given effect and incorporated in Section 27150 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 2365 are both chaptered, both amend Section 27150, and Assembly Bill No. 2365 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 953

An act to repeal and add Section 1070 of the Education Code, relating to school districts.

[Approved by Governor October 8, 1971 Filed with
Secretary of State October 8, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 1070 of the Education Code is repealed.

SEC. 2. Section 1070 is added to the Education Code, to read:

1070. The governing board of any school district may provide in each school within the district an organized and functioning counseling program. Counseling shall include, but not be limited to, the following:

(a) Educational counseling, in which the pupil is assisted in planning and implementing his immediate and long-range educational program.

(b) Career counseling, in which the pupil is assisted in assessing his aptitudes, abilities, and interests in order to make realistic career decisions.

(c) Personal counseling, in which the pupil is helped to develop his ability to function with social and personal responsibility.

(d) Evaluating and interpreting test data.

(e) Counseling and consultation with parents and staff members on learning problems and guidance programs for pupils.

For purposes of this section, a person performing counseling services to pupils shall be a school counselor possessing a valid credential with a specialization in pupil personnel services and assigned specific times to directly counsel pupils regarding their educational, vocational, and social adjustment.

A governing board of a school district which offers such counseling services, may contract with the governing boards of any other school districts, or private schools, or other public and private agencies or organizations, to render such counseling services. In so contracting, the governing board of a school district shall not contract at less than cost to a private school, or private agency or organization.

Nothing in this section shall be construed as prohibiting persons participating in an organized advisory program approved by the governing board of a school district, and supervised by a school district counselor, from advising pupils pursuant to the organized advisory program.

Notwithstanding any provisions of this section to the contrary, any person who is performing such counseling services pursuant to law authorizing the performance thereof in effect before the effective date of this section shall be authorized to continue to perform such services on and after the effective date of this section without compliance with the additional requirements imposed by this section.

CHAPTER 954

An act to amend Section 800 of the Penal Code, relating to crimes.

[Approved by Governor October 8, 1971 Filed with
Secretary of State October 8, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 800 of the Penal Code is amended to read:

800. An indictment for any felony, except murder, voluntary manslaughter, involuntary manslaughter, the embezzlement of public money, the acceptance of a bribe by a public official or a public employee, grand theft, a violation of Section 209, forgery, or the falsification of public records, shall be found, an information filed, or case certified to the superior court within three years after its commission. An indictment

for the acceptance of a bribe by a public official or a public employee, a felony, shall be found, an information filed, or case certified to the superior court within six years after its commission. An indictment for grand theft, forgery, voluntary manslaughter, or involuntary manslaughter shall be found, an information filed, or case certified to the superior court within three years after its discovery.

CHAPTER 955

An act to amend Section 5355 of the Welfare and Institutions Code, relating to conservatorship for disabled persons.

[Approved by Governor October 8, 1971. Filed with
Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5355 of the Welfare and Institutions Code is amended to read:

5355. If the conservatorship investigation results in a recommendation for conservatorship, the recommendation shall designate the most suitable person or state or local agency or county officer or employee designated by the county to serve as conservator. No person, nor agency, shall be designated as conservator whose interests, activities, obligations or responsibilities are such as to compromise his or their ability to represent and safeguard the interests of the conservatee. Nothing in this section shall be construed to prevent the Department of Mental Hygiene from serving as guardian pursuant to Section 7284, or the function of the conservatorship investigator and conservator being exercised by the same public officer or employee.

When a public guardian is appointed conservator, his official bond and oath as public guardian are in lieu of the conservator's bond and oath on the grant of letters of conservatorship. No bond shall be required of any other public officer or employee appointed to serve as conservator.

CHAPTER 956

An act to amend Sections 939 and 20607 of, to add Sections 17311 and 21107.5 to, and to add Article 1.5 (commencing with Section 17325) to Chapter 2 of Division 14 of, the Education Code, relating to public schools.

[Approved by Governor October 8, 1971. Filed with
Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 939 of the Education Code is amended to read:

939. The superintendent of each school district shall, in addition to any other powers and duties granted to or imposed upon him:

(a) Be the chief executive officer of the governing board of the district.

(b) Excepting in districts where the governing board has appointed or designated an employee other than the superintendent, or a deputy, or assistant superintendent, to prepare and submit a budget, prepare and submit to the governing board of the district, at such time as it may direct, the budget of the district for the next ensuing school year, and revise and take such other action in connection with the budget as the board may desire.

(c) Subject to the approval of the governing board, assign all employees of the district employed in positions requiring certification qualifications, to the positions in which they are to serve. Such power to assign includes the power to transfer a teacher from one school to another school at which the teacher is certificated to serve within the district when the superintendent concludes that such a transfer is in the best interest of the district.

(d) Upon adoption, by the district board, of a district policy concerning transfers of teachers from one school to another school within the district, have authority to transfer teachers consistent with such policy.

(e) Determine that each employee of the district in a position requiring certification qualifications has a valid certificated document registered as required by law authorizing him to serve in the position to which he is assigned.

(f) Enter into contracts for and on behalf of the district pursuant to Section 15961.

(g) Submit reports showing the financial and budgetary conditions of the district, including outstanding obligations, to the governing board at least once every three months during the school year.

SEC. 2. Section 17311 is added to the Education Code, to read:

17311. A governing board of a school district which determines during a fiscal year that its revenues are less than the amount necessary to meet its current year expenditure obligations may request an emergency apportionment through the Superintendent of Public Instruction subject to the requirements and repayment provisions of Article 1.5 (commencing with Section 17325) of this chapter.

It is not the intent of the Legislature that this section authorize emergency loans to school districts for the purpose of meeting cash flow requirements pending the receipt of local taxes and other funds.

It is further the intent of the Legislature that no such emergency apportionments occur unless funds have been specifically appropriated therefor by the Legislature.

SEC. 3. Article 1.5 (commencing with Section 17325) is added to Chapter 2 of Division 14 of the Education Code, to read:

Article 1.5. Emergency Apportionments—
Requirements and Repayments

17325. Before any apportionment is made pursuant to the provisions of Section 17311, the following requirements shall be met:

(a) The district requesting the apportionment shall submit to the county superintendent of schools having jurisdiction over the district a report prepared by an independent auditor approved by the county superintendent of schools on the financial and budgetary conditions of the district, a written management review conducted by a qualified management consultant approved by the county superintendent of schools, and a plan adopted by the governing board to resolve the financial problems of the district.

(b) The county superintendent of schools shall review the independent auditor's report, the management review, and the district plan.

(c) The county superintendent of schools shall submit to the Superintendent of Public Instruction, the Joint Legislative Audit Committee, the Joint Legislative Budget Committee, and the Director of Finance a copy of the reports and plan specified in subdivision (a).

(d) The Superintendent of Public Instruction shall review the reports submitted to him by the county superintendent of schools and shall certify to the Director of Finance that the action taken to correct the financial problems of the district is realistic and will result in placing the district on a sound financial basis.

(e) The Legislature shall have specifically appropriated sufficient funds to make the apportionment. The act making such appropriation shall contain a schedule of repayments made pursuant to this article.

17326. The governing board of a district requesting apportionment shall, in its annual budget for the year succeeding the year in which it requests apportionment, expressly indicate the utilization of the plan to resolve its financial problems. If such plan extends beyond the next succeeding year, then subsequent budgets for years to which the plan is applicable shall similarly indicate such utilization.

17327. No more than 18 months after the disbursement of funds to the district, the county superintendent of schools shall make a followup review on the action taken and shall submit a report to the Superintendent of Public Instruction and the Director of Finance of the results of the action taken to correct the financial problems of the district.

17328. The emergency apportionment shall be repaid to the state over a three-year period, or less, together with interest at a rate equal to the rate established for the most recent sale of state bonds as of the date of the disbursement of funds to the district.

17329. The Superintendent of Public Instruction shall withhold from the apportionments to be made to the district from the State School Fund in each year an amount equal to the amount which becomes due in the year.

SEC. 4. Section 20607 of the Education Code is amended to read:

20607. (a) On or before the first day in July in each year, each school district shall file a tentative budget with the county superintendent of schools.

(b) On or before July 15, in each year, the county superintendent of schools:

(1) Shall examine and may make technical corrections to the tentative budget, and indicate changes he deems desirable or necessary to determine the tax requirement; and

(2) Shall make any recommendations he deems necessary to insure that the proposed expenditures do not exceed the anticipated revenues and that the anticipated revenues are realistic, and shall transmit to the governing board a written explanation of the reasons for such changes.

(c) On or before July 20 in each year, the governing board shall make such changes in the tentative budget as it deems necessary or desirable and shall return the budget to the county superintendent of schools. Such budget shall constitute the publication budget for the period to which it is intended to apply. A copy of this publication school budget shall be sent to the county auditor in such form.

(d) On or before the eighth day of August, or on or before the 10th day of August in the case of a school district in which there is an average daily attendance of more than 10,000, the governing board of each school district in which a public hearing is required in Section 20504 of this code shall adopt a final budget and shall file such budget with the county superintendent of schools, the county auditor, the county board of supervisors, and the Superintendent of Public Instruction. In the case of districts which are not required to hold a public hearing, the publication budget as approved by the governing board shall be filed with the county superintendent of schools, the county auditor, the county board of supervisors, and the Superintendent of Public Instruction immediately after its approval.

(e) On or before the 15th day of August, the county superintendent shall approve the adopted budget for each school district as officially adopted and submitted by its governing board, and shall file one copy of the adopted budget of each school district with the board of supervisors, one copy with the auditor of his county, and one copy with the Superintendent of Public Instruction, together with a statement show-

ing the amount of school district taxes required by each school district of the county.

SEC. 5. Section 21107 5 is added to the Education Code, to read:

21107.5. If at any time during a fiscal year the county superintendent of schools concludes that the expenditures of any school district within his jurisdiction are likely to exceed the anticipated income of the district for that fiscal year, he shall notify such district in writing of such conclusion and he may conduct a comprehensive review of the financial and budgetary conditions of the district. The superintendent shall report his findings and recommendation to the governing board of the district and may include recommendations of methods by which the budgeted expenditures for the balance of the fiscal year may be brought into balance with the revenue of the district. Such report shall be made to the governing board at a public meeting of the governing board. The governing board shall, no later than 15 days after receipt of such report, notify the county superintendent of schools of its proposed actions on his recommendations.

CHAPTER 957

An act to amend Section 394 of the Code of Civil Procedure, relating to venue.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 394 of the Code of Civil Procedure is amended to read:

394. (1) An action or proceeding against a county, or city and county, a city, or local agency, may be tried in such county, or city and county, or the county in which such city or local agency is situated, unless such action or proceeding is brought by a county, or city and county, a city, or local agency, in which case it may be tried in any county, or city and county, not a party thereto and in which the city or local agency is not situated. Whenever an action or proceeding is brought by a county, city and county, city, or local agency within a certain county, or city and county, against a resident of another county, city and county, or city, or a corporation doing business in the latter, the action or proceeding must be, on motion of either party, transferred for trial to a county, or city and county, other than the plaintiff, if the plaintiff is a county, or city and county, and other than that in which the plaintiff is situated, if the plaintiff is a city, or a local agency, and other than that in which the defendant resides, or is doing business, or is situated. Whenever an action or proceeding is

brought against a county, city and county, city, or local agency, in any county, or city and county, other than the defendant, if the defendant is a county, or city and county, or, if the defendant is a city, or local agency, other than that in which the defendant is situated, the action or proceeding must be, on motion of the said defendant, transferred for trial to a county, or city and county, other than that in which the plaintiff, or any of the plaintiffs, resides, or is doing business, or is situated, and other than the plaintiff county, or city and county, or county in which such plaintiff city or local agency is situated, and other than the defendant county, or city and county, or county in which such defendant city or local agency is situated; provided, however, that any action or proceeding against the city, county, city and county, or local agency for injury occurring within the city, county, or city and county, or within the county in which such local agency is situated, to person or property or person and property caused by the negligence or alleged negligence of such city, county, city and county, local agency, or its agents or employees, shall be tried in such county, or city and county, or if a city is a defendant, in such city or in the county in which such city is situated, or if a local agency is a defendant, in such county in which such local agency is situated. In any such action or proceeding, the parties thereto may, by stipulation in writing, or made in open court, and entered in the minutes, agree upon any county, or city and county, for the place of trial thereof. When the action or proceeding is one in which a jury is not of right, or in case a jury be waived, then in lieu of transferring the cause the court in the original county may request the chairman of the Judicial Council to assign a disinterested judge from a neutral county to hear said cause and all proceedings in connection therewith. When such action or proceeding is transferred to another county for trial, a witness required to respond to a subpoena for a hearing within the original county shall be compelled to attend hearings in the county to which the cause is transferred. If the demand for transfer be made by one party and the opposing party does not consent thereto the additional costs of the nonconsenting party occasioned by the transfer of the cause, including living and traveling expenses of said nonconsenting party and material witnesses, found by the court to be material, and called by such nonconsenting party, not to exceed five dollars (\$5) per day each in excess of witness fees and mileage otherwise allowed by law, shall be assessed by the court hearing the cause against the party requesting the transfer. To the extent of such excess, such costs shall be awarded to the nonconsenting party regardless of the outcome of the trial. This section shall apply to actions or proceedings now pending or hereafter brought.

(2) Any court in a county hereinabove designated as a proper county, which has jurisdiction of the subject matter of the action or proceeding, is a proper court for the trial thereof.

(3) For the purposes of this section, "local agency" shall mean any governmental district, board, or agency, or any other local governmental body or corporation, but shall not include the State of California or any of its agencies, departments, commissions, or boards.

CHAPTER 958

An act to amend Sections 179 and 1138.1 of, to add Section 1132, to add Article 3 (commencing with Section 1139) to Chapter 19 of Division 3 of, and to repeal Sections 1132, 1133, 1134, 1135, and 1136 of, the Probate Code, relating to transfer of trusts to other jurisdictions.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 179 of the Probate Code is amended to read:

179. The court in which proceedings are pending for administration of the estate of the decedent shall have jurisdiction, before or after payment or transfer of benefits and rights or their proceeds to the trustee, to:

- (a) Determine the validity of the trust.
- (b) Determine the terms of such trust.
- (c) Fill vacancies in the office of trustee.
- (d) Require an undertaking of a trustee or successor trustee in its discretion and in such amount as it may determine for the faithful performance of duties as trustee, subject to the provisions of Article 3 (commencing with Section 1540) of Chapter 12, Division 1 of the Financial Code and Section 1127.5.
- (e) Grant additional powers to the trustee, as provided in Section 1120.2.
- (f) Instruct the trustee.
- (g) Determine, fix or allow payment of compensation of a trustee as provided in Section 1122.
- (h) Hear and determine adverse claims to the subject of the trust by the personal representative, surviving spouse, or other third person.
- (i) Determine the identity of the trustee and his acceptance or rejection of the office, and upon request, furnish evidence of trusteeship to a trustee.
- (j) Order postponement of the payment or transfer of the benefits and rights or their proceeds.
- (k) Make any order incident to the foregoing or to the accomplishment of the purposes of this chapter.
- (l) Authorize or direct removal of the trust or assets of the trust to another jurisdiction pursuant to the procedure pro-

vided in Article 3 (commencing with Section 1139), Chapter 19, Division 3.

The personal representative of the designator's estate, any trustee named in the will or designation, or successor to such trustee, or any person interested in such estate or trust may petition the court to exercise the jurisdiction provided in this section. Notice of hearing of the petition shall be given in the manner provided in Section 1120, except as the court may otherwise order.

SEC. 2. Section 1132 of the Probate Code is repealed.

SEC. 3. Section 1132 is added to the Probate Code, to read:

1132. Where, under Section 1120, jurisdiction is retained of any trust created by the will of a decedent, the court may order that the place of administration or assets of the trust be transferred to another jurisdiction, pursuant to the procedure provided by Article 3 (commencing with Section 1139) of this chapter.

SEC. 4. Section 1133 of the Probate Code is repealed.

SEC. 5. Section 1134 of the Probate Code is repealed.

SEC. 6. Section 1135 of the Probate Code is repealed.

SEC. 7. Section 1136 of the Probate Code is repealed.

SEC. 8. Section 1138.1 of the Probate Code is amended to read:

1138.1. (a) A trustee, beneficiary, or remainderman may petition the superior court for any of the following purposes:

(1) Determining to whom the property shall pass or be delivered upon final or partial termination of the trust, to the extent such determination is not concluded by the trust instrument.

(2) Settling the accounts and passing upon the acts of the trustee.

(3) Authorizing the trustee to accept additions to the trust when the trust instrument does not prohibit such additions.

(4) Instructing the trustee.

(5) Compelling the trustee to submit his accounts and report his acts as trustee to a beneficiary or remainderman when it appears that the trustee has failed to submit an accounting and report within 60 days after written request of a beneficiary or remainderman and no accounting and report has been made within six months preceding such request.

(6) Granting to the trustee powers not expressly contained in the trust instrument to the extent provided in Section 1120.2.

(7) Fixing, directing, or allowing payment of compensation to the trustee in accordance with Section 2274 of the Civil Code.

(8) Appointing a trustee.

(9) Accepting the resignation of a trustee.

(10) Removing a trustee.

(11) Authorizing or directing removal of the trusts or assets of the trust to another jurisdiction pursuant to the proce-

ture provided in Article 3 (commencing with Section 1139), Chapter 19, Division 3.

(b) The terms of a trust subject to this article may expressly or by necessary implication limit or eliminate the authority of any trustee, beneficiary, remainderman or other person to petition the court under this article for any one or more of the purposes enumerated in subdivision (a).

SEC. 9. Article 3 (commencing with Section 1139) is added to Chapter 19, Division 3 of the Probate Code to read:

Article 3. Transfer to Another Jurisdiction

1139. (a) This article applies to (1) a trust over which jurisdiction continues after distribution, as provided by Section 1120; (2) a trust subject to Chapter 10 (commencing with Section 175) of Division 1; (3) a trust subject to Article 2.5 (commencing with Section 1138) of this chapter; and (4) any other trust to which the provisions of this article are made applicable by statute or trust instrument.

(b) This chapter shall not be construed to prevent the transfer of the place of administration of a trust or of trust assets to another jurisdiction in any case where judicial approval of a transfer was not required under law in effect immediately prior to the effective date of this article.

(c) This article shall not apply to any proceeding or action pending on the effective date of this article.

1139.1. An order may be made by the superior court for the transfer of the place of administration of a trust or the transfer of some or all of the assets of a trust to another jurisdiction outside of California: (a) where, under Section 1120 of this code, jurisdiction is retained over any trust created by the will of a nonresident decedent, which will has been probated in the state of his residence and a duly appointed, qualified and acting domiciliary trustee has entered upon and is engaged in the administration of the same trust with respect to the assets situated in that state; or (b) where the trustee or beneficiary of a trust to which this article applies desires to transfer the place of administration of a trust to another jurisdiction outside of California, unless the trust instrument precludes the transfer of the place of administration to another jurisdiction outside of California.

1139.2. A petition for an order authorizing a transfer may be filed by the trustee or by a beneficiary of a trust. The petition shall be verified and shall set forth:

(1) The names, ages and places of residence of the trustee administering the trust in this state, the trustee, including any domiciliary trustee, in the other jurisdiction to whom administration of the trust or such trust assets will be transferred, and all persons who are interested in the trust as beneficiaries, so far as known to petitioner.

(2) Whether the trustee in the other jurisdiction has agreed to accept the trust. If he has, the acceptance or a true copy shall be attached as an exhibit to the petition, or otherwise filed with the court.

(3) A statement of the character, condition, location and value of the property comprising the assets sought to be transferred.

(4) A general statement of the qualifications of the trustee who will administer the trust in the other jurisdiction; the amount of his bond, if any; the nature and value of the assets of any trust of the decedent or trustor under his administration in the other jurisdiction; and the name of the court, if any, having jurisdiction of such trustee or of his accounts or in which a proceeding may be had, with respect to administration of the trust or the trustee's accounts.

(5) Whether there is any pending civil action in this state against the trustee.

(6) A statement of the reasons for the transfer.

1139.3. Upon the filing of such petition the clerk shall set the same for hearing and shall give notice of such hearing as provided in Section 1200 of this code at least 30 days before the time set for the hearing of the petition. Petitioner, at least 30 days prior to the time so set for hearing, shall cause to be mailed to each of the persons named in the petition, at their respective places of residence therein stated, a copy of such notice. If the trust involves or may involve a charitable trust, bequest or devise of the character specified in Section 328, a copy of the notice shall be mailed to or served upon the attorney general at least 20 days before the hearing. Any person interested in the trust, either as trustee, beneficiary or otherwise, may appear and file written grounds in opposition thereto.

1139.4. The court may, in its discretion, grant the petition and order the trustee to transfer the trust assets or to change the place of administration to the other jurisdiction, if, after hearing, it appears to the court:

(1) That the transfer of the trust assets to a trustee in another jurisdiction, or that the transfer of the place of administration of the trust to another jurisdiction, would facilitate the economical and convenient administration of the trust and promote the best interests of the trust and those interested therein.

(2) That the substantial rights of residents of this state will not be materially affected thereby.

(3) That transfer will not violate the terms of the trust.

(4) That any new trustee, to whom the trust assets are to be transferred, is qualified and able to administer the trust or such assets upon the same trusts.

1139.5. If a transfer is ordered, the court may direct the manner of transfer and impose such terms and conditions as

may be just, including but not by limitation, a requirement for the substitution of a successor trustee in any pending litigation in this state. The delivery in accordance with the order of the court is a full discharge of the trustee in relation to all property embraced in the order.

1139.6. In the case of trusts not subject to Chapter 10 (commencing with Section 175) of Division 1, or Article 1 (commencing with Section 1120) or Article 2.5 (commencing with Section 1138) of this chapter, a proceeding pursuant to this article shall be commenced in the superior court of the county in which is located the principal place of administration of the trust, as defined in Section 1138.3, unless the statute providing for the proceeding otherwise provides.

1139.7. For the purposes of this article, beneficiary means all persons in being who shall or may participate in the corpus or income of the trust.

CHAPTER 959

An act to authorize parking facilities.

[Approved by Governor October 8, 1971. Filed with
Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Construction of a parking structure on state-owned land on the block bounded by State, A, Ash and Union Streets in the City of San Diego pursuant to Government Code Section 14671.5 is hereby authorized by the Legislature.

CHAPTER 960

An act to add Section 17533.8 to the Business and Professions Code, relating to sales.

[Approved by Governor October 8, 1971. Filed with
Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 17533.8 is added to the Business and Professions Code, to read:

17533.8. It is unlawful for any person to offer, by mail or by telephone, a prize or gift, with the intent to offer a potential customer a sales presentation at the time the prize or gift is delivered or given in the customer's home, without disclosing at the time of the offer of the prize or gift, in a clear and unequivocal manner, the intent to offer such sales presentation.

CHAPTER 961

An act to amend Section 17676 of the Education Code, relating to financial support of public schools.

[Approved by Governor October 8, 1971 Filed with
Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 17676 of the Education Code is amended to read:

17676. The foundation program computed under Article 2 (commencing with Section 17651) of this chapter for any school district which is not otherwise eligible for the increase in foundation program prescribed by Section 17671 shall, nevertheless, be increased in the fiscal year by twenty dollars (\$20) for each unit of average daily attendance of the district, exclusive of the average daily attendance of adults, as adults are defined in Section 5756, and the average daily attendance in classes for inmates of any state institution for adults or of any city, county, or city and county jail, road camp, or farm for adults, for the fiscal year if (1) the Superintendent of Public Instruction determines that

(a) The district was included within territory proposed for reorganization by a master plan or plans and recommendations developed under Chapter 9 or Chapter 10 of Division 5, which master plan or plans and recommendations complied with the standards prescribed by Section 17672 or Section 17673;

(b) The master plan or plans and recommendations were defeated at an election held within the territory involved after the effective date of this section and;

(c) A majority of the votes cast in the district at the most recent such election were cast in favor of the reorganization proposed; or (2) the Superintendent of Public Instruction finds that

(a) The district is an elementary district lying within two or more high school districts;

(b) The total territory of the district, including each separate portion lying within two or more high school districts, was included within territory proposed for reorganization by one or more master plans or plans and recommendations developed under Chapter 9 or Chapter 10 of Division 5, for which each such master plan or plans and recommendations complied with the standards prescribed by Section 17672 or Section 17673;

(c) All of such master plans or plans and recommendations were voted upon at an election held within the territory involved during the preceding fiscal year;

(d) Regardless of the outcome of such election, the unified districts would have been effective for all purposes on the same date if all of such elections had been successful; and

(e) A majority of the votes cast in the district in all separate proposals were cast in favor of the reorganization proposed; and (3) the election involved was held prior to July 1, 1972.

CHAPTER 962

An act to amend Section 5135 of, and to add Section 5135.5 to, the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5135 of the Streets and Highways Code is amended to read:

5135. The legislative body may elect to agree to purchase, and purchase, out of the general funds of the city or any other funds eligible for such purpose, an assignment of the warrant, assessment and diagram upon delivery thereof to the contractor, pursuant to Section 5375, at the option of the contractor. Any such purchase shall be at the total amount of the several assessments upon the assessment and diagram attached to the warrant. Any such election to purchase an assignment of the warrant, assessment and diagram by the city shall be stated in the resolution of intention and in the invitation for bids. Upon the purchase of such an assignment of the warrant, assessment and diagram by the city, the city shall succeed to all rights and liens of the contractor to collect and to enforce the payment of the assessments and all bonds issued to represent said assessments.

SEC. 2. Section 5135.5 is added to the Streets and Highways Code, to read:

5135.5. When the contractor, at the time of execution of the contract, exercises his option to assign the warrant, assessment, and diagram to the legislative body, payments of installments may be made in the manner provided under the provisions of Section 5374.1 for installment payment of contributions.

This section shall not apply where the contract is for a sum in excess of fifty thousand dollars (\$50,000).

CHAPTER 963

An act to amend Section 253.2 of the Streets and Highways Code, relating to state highways.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 253.2 of the Streets and Highways Code is amended to read:

253.2. The California freeway and expressway system shall also include:

Route 1 from:

- (a) Route 5 south of San Juan Capistrano to Route 107.
- (b) Route 105 to the south boundary of the Los Angeles International Airport.
- (c) Dewey Street in Santa Monica to Route 101 near El Rio.
- (d) Route 101 near Las Cruces to Route 227 south of Oceano.
- (e) Route 101 near San Luis Obispo to San Simeon.
- (f) Carmel to Route 28C south of San Francisco.
- (g) Route 280 to the San Francisco county line.
- (h) Route 101 near the southerly end of Marin Peninsula to the vicinity of Valley Ford.
- (i) Route 128 near the mouth of the Navarro River to Route 208 near Rockport.

Route 2 from:

- (a) Route 405 near Santa Monica to Route 210.
- (b) Harter Lane near Gould Canyon north of La Canada to Route 138.

Route 3 from Route 299 near Weaverville to Route 5 near Yreka.

Route 4 from:

- (a) Route 80 near Hercules to Route 99 near Stockton.
- (b) Route 99 near Stockton to Route 65.

Route 11 from San Pedro to Route 248 in Pasadena.

Route 12 from:

- (a) Route 1 near Valley Ford to Route 101 at Santa Rosa.
- (b) Route 101 near Santa Rosa to Melita Road near Santa Rosa.
- (c) Route 29 in the vicinity of Napa to Route 80 near Cordelia.
- (d) Route 80 near Fairfield to Route 84 at Rio Vista.
- (e) Route 84 near Rio Vista to Route 99 near Lodi.
- (f) Route 99 near Lodi to Route 88 near Lockeford.
- (g) Route 88 near Clements to Route 49 near San Andreas.

Route 16 from:

- (a) Route 305 to Route 5 near Woodland.
- (b) Route 50 near Perkins to Route 49 near Drytown.

Route 20 from Route 101 to Route 80 near Emigrant Gap.

SEC. 2. Section 253.2 of the Streets and Highways Code is amended to read:

253.2. The California freeway and expressway system shall also include:

Route 1 from:

- (a) Route 5 south of San Juan Capistrano to Route 107.

(b) Route 105 to the south boundary of the Los Angeles International Airport.

(c) Los Angeles-Ventura county line to Route 101 near El Rio.

(d) Route 101 near Las Cruces to Route 227 south of Oceano.

(e) Route 101 near San Luis Obispo to San Simeon.

(f) Carmel to Route 280 south of San Francisco.

(g) Route 280 to the San Francisco county line.

(h) Route 101 near the southerly end of Marin Peninsula to the vicinity of Valley Ford.

(i) Route 128 near the mouth of the Navarro River to Route 208 near Rockport.

Route 2 from :

(a) Route 405 near Santa Monica to Route 210.

(b) Harter Lane near Gould Canyon north of La Canada to Route 138.

Route 3 from Route 299 near Weaverville to Route 5 near Yreka.

Route 4 from :

(a) Route 80 near Hercules to Route 99 near Stockton.

(b) Route 99 near Stockton to Route 65.

Route 11 from San Pedro to Route 248 in Pasadena.

Route 12 from :

(a) Route 1 near Valley Ford to Route 101 at Santa Rosa.

(b) Route 101 near Santa Rosa to Melita Road near Santa Rosa.

(c) Route 29 in the vicinity of Napa to Route 80 near Cordelia.

(d) Route 80 near Fairfield to Route 84 at Rio Vista.

(e) Route 84 near Rio Vista to Route 99 near Lodi.

(f) Route 99 near Lodi to Route 88 near Lockeford.

(g) Route 88 near Clements to Route 49 near San Andreas.

Route 16 from :

(a) Route 505 to Route 5 near Woodland.

(b) Route 50 near Perkins to Route 49 near Drytown.

Route 20 from Route 101 to Route 80 near Emigrant Gap.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 496 are both chaptered and amend Section 253.2 of the Streets and Highways Code, and this bill is chaptered after Assembly Bill No. 496, that the amendments to Section 253.2 proposed by both bills be given effect and incorporated in Section 253.2 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 496 are both chaptered, both amend Section 253.2, and Assembly Bill No. 496 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 964

An act to amend Sections 13271, as amended by Chapter 1042 of the Statutes of 1965, and 13271, as amended by Chapter 557 of the Statutes of 1970, of, the Education Code, relating to teacher preparation and licensing.

[Approved by Governor October 8, 1971. Filed with
Secretary of State October 8, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 13271 of the Education Code, as amended by Chapter 1042 of the Statutes of 1965, is amended to read:

13271. The governing board of any school district, subject to the rules and regulations prescribed by the State Board of Education, and notwithstanding anything to the contrary in Article 2 of Chapter 2 of Part 7 of Division 2 of the Labor Code may enter into an agreement with the proper authorities of any foreign country, or of any state, territory, or possession of the United States, or other district within the state, for the exchange and employment of regularly credentialed employees and employees of public schools of any foreign country, state, territory, or possession, or other district within this state. Any certificated person so employed as provided in this section shall be known as an "exchange certificated employee." No exchange shall be made without the consent of the employee to be exchanged.

Due consideration shall be given to the general qualifications and professional status of the exchange employee as compared to the general qualifications and professional status of the employee for whom exchanged. However, it shall not be a requirement that an exchange certificated employee be a teacher of the same subject or grade, or both, as the employee for whom exchanged. If the service authorized is other than teaching, it shall not be a requirement that the service be at the same grade level or that the service be exactly the same as the employee for whom exchanged.

No person may be employed as an exchange employee by a school district in the state unless he holds the necessary valid credential or credentials issued by the State Board of Education authorizing him to serve in a position requiring certification qualifications in the school district proposing to employ him for a period not to exceed one year, except that, by unanimous consent of the governing board, and of the certificated employees concerned this period may be extended to two years. The State Board of Education may establish minimum standards for the credentials for exchange certificated employees, provided however, that no exchange certificated employee shall be required to pay any fee or other charge for the issuance to him of any necessary valid credential or cre-

dentials authorizing him to serve in a position requiring certification qualifications in any school district in this state.

SEC. 2. Section 13271 of the Education Code, as amended by Chapter 557 of the Statutes of 1970, is amended to read:

13271. The governing board of any school district, subject to the rules and regulations prescribed by the State Board of Education, and notwithstanding anything to the contrary in Article 2 of Chapter 2 of Part 7 of Division 2 of the Labor Code may enter into an agreement with the proper authorities of any foreign country, or of any state, territory, or possession of the United States, or other district within the state, for the exchange and employment of regularly credentialed employees and employees of public schools of any foreign country, state, territory, or possession, or other district within this state. Any certificated person so employed as provided in this section shall be known as an "exchange certificated employee." No exchange shall be made without the consent of the employee to be exchanged.

Due consideration shall be given to the general qualifications and professional status of the exchange employee as compared to the general qualifications and professional status of the employee for whom exchanged. However, it shall not be a requirement that an exchange certificated employee be a teacher of the same subject or grade, or both, as the employee for whom exchanged. If the service authorized is other than teaching, it shall not be a requirement that the service be at the same grade level or that the service be exactly the same as the employee for whom exchanged.

No person may be employed as an exchange employee by a school district in the state unless he holds the necessary valid credential or credentials issued by the Commission for Teacher Preparation and Licensing authorizing him to serve in a position requiring certification qualifications in the school district proposing to employ him for a period not to exceed one year, except that, by unanimous consent of the governing board, and of the certificated employees concerned, this period may be extended to two years. The commission may establish minimum standards for the credentials for exchange certificated employees, provided however, that no exchange certificated employee shall be required to pay any fee or other charge for the issuance to him of any necessary valid credential or credentials authorizing him to serve in a position requiring certification qualifications in any school district in this state.

SEC. 3. Section 1 of this act shall remain operative until January 1, 1973, or until such earlier date as the Commission for Teacher Preparation and Licensing may determine pursuant to Section 93 of Chapter 557 of the Statutes of 1970.

SEC. 4. Section 2 of this act shall become operative on January 1, 1973, or at such earlier date as the Commission for Teacher Preparation and Licensing may determine pursuant to Section 93 of Chapter 557 of the Statutes of 1970.

CHAPTER 965

An act to add Section 6546.6 to the Business and Professions Code, relating to barbering.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 6546.6 is added to the Business and Professions Code, to read:

6546.6. (a) Notwithstanding any other provision of this chapter, a person, after submitting a duly verified application to the board, is qualified to receive a certificate of registration as a registered apprentice if he complies with each of the following:

(1) He meets the requirements of subdivisions (a), (b), (c), and (e) of Section 6546.

(2) He has satisfactorily completed a course of training in barbering established by the Department of Corrections which complies with the requirements of this chapter pertaining to instructors and complies in all other respects with the requirements established for such courses by the board.

(3) He has satisfactorily completed any supplementary training the board prescribes as necessary to assure that his total training will be substantially equivalent to the training required in a barber college licensed by the board.

(b) The provisions of Section 6536 relating to notice and hearing shall be applicable to a person who applies under this section.

SEC. 2. The State Board of Barber Examiners shall, within two years of the effective date of this act, submit a report to the Senate of the State of California regarding the effectiveness of the program established thereby. The report shall include a comparison of the training received in courses established by the Department of Corrections and the training received in private barber colleges.

CHAPTER 966

An act to add Section 13192.3 to the Education Code, relating to certificated school employees.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 13192.3 is added to the Education Code, to read:

13192.3. The standard teaching credential with a specialization in secondary education shall authorize the holder to

teach any course, except in special education, in which the holder has completed a subject matter major or subject matter minor in grade six in a school maintained by a unified school district and composed solely of the sixth, seventh, and eighth grades.

SEC. 2. The Superintendent of Public Instruction shall designate three school districts in the state to which the provisions of this act shall apply. The Superintendent of Public Instruction shall provide for a study and an evaluation of these three districts to determine the effect of the credential revision proposed by this act, which shall include:

- (a) All relevant statistical data.
- (b) The numbers of teachers and pupils involved.
- (c) The impact on the school district, the students involved, and the educational program.
- (d) A recommendation regarding the continuance of the provisions of this act.

The Superintendent of Public Instruction shall report his findings and evaluation thereon to the Legislature on the fifth calendar day of the 1974 Regular Session of the Legislature.

SEC. 3. Except as required for purposes of Section 2, this act shall remain in effect until June 30, 1973.

SEC. 4. Section 1 of this act shall become inoperative January 1, 1973, or, upon adequate public notice, at such earlier date as the Commission for Teacher Preparation and Licensing may determine pursuant to Section 93 of Chapter 557 of the Statutes of 1970.

CHAPTER 967

An act to amend Section 11101 of the Vehicle Code, relating to driving school operators.

[Approved by Governor October 8, 1971. Filed with
Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 11101 of the Vehicle Code is amended to read:

11101. The provisions of this chapter shall not apply in any event to public schools or to educational institutions in which driving instruction is part of the curriculum, to commercial schools giving off-highway instruction only in the operation of special construction equipment as defined in this code, to vehicle dealers or their salesmen giving instruction without charge to purchasers of motor vehicles, to employers giving instruction to their employees, or to commercial schools engaged exclusively in giving off-highway instruction

in the operation of racing vehicles. For purposes of this section, "racing vehicle" means a motor vehicle of a type used exclusively in a contest of speed which is not intended for use on the highways.

CHAPTER 968

An act to amend Section 14883 of the Government Code, relating to publications and documents.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 14883 of the Government Code is amended to read:

14883. There shall be deducted from all money received from the sale of such documents or publications, a pro rata share of the cost of administration and the balance shall be paid into the Treasury, by March 31, for sales occurring during the first half of the fiscal year, by September 30, for sales occurring during the second half of the fiscal year, and credited to the fund from which the cost of printing was paid. The amounts deducted for administrative costs shall be deposited in the State Treasury and credited to the Service Revolving Fund.

CHAPTER 969

An act to repeal Section 94.5 of, and to add Section 94.5 to, the Streets and Highways Code, and to repeal Section 2 of Chapter 926 of the Statutes of 1969, relating to highway construction contracts.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 94.5 of the Streets and Highways Code is repealed.

SEC. 2. Section 94.5 is added to the Streets and Highways Code, to read:

94.5. The department may provide in any construction contract awarded to the lowest bidder for the payment of extra compensation to the contractor for the cost reduction changes in the plans and specifications for the project made pursuant to a proposal submitted by the contractor. The extra compensation to the contractor shall be 50 percent of the net savings in construction costs as determined by the department.

The department shall submit an annual report to the Legislature, no later than March 15 of each year, describing its experience under this section during the previous year.

SEC. 3. Section 2 of Chapter 926 of the Statutes of 1969 is repealed.

CHAPTER 970

An act to amend Section 6505.5 of, and to repeal Section 6546.5 of, the Government Code, relating to joint powers agreements.

[Approved by Governor October 8, 1971 Filed with
Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 6505.5 of the Government Code is amended to read:

6505.5. If a separate agency or entity is created by the agreement, the agreement shall designate the treasurer of one of the contracting parties, or in lieu thereof, the county treasurer of a county in which one of the contracting parties is situated to be the depository and have custody of all the money of the agency or entity, from whatever source.

The treasurer so designated shall:

(a) Receive and receipt for all money of the agency or entity and place it in the treasury of the treasurer so designated to the credit of the agency or entity;

(b) Be responsible upon his official bond for the safekeeping and disbursement of all agency or entity money so held by him;

(c) Pay, when due, out of money of the agency or entity so held by him, all sums payable on outstanding bonds and coupons of the agency or entity;

(d) Pay any other sums due from the agency or entity from agency or entity money, or any portion thereof, only upon warrants of the public officer performing the functions of auditor or controller who has been designated by the agreement; and

(e) Verify and report in writing on the first day of July, October, January, and April of each year to the agency or entity and to the contracting parties to the agreement the amount of money he holds for the agency or entity, the amount of receipts since his last report, and the amount paid out since his last report.

The officer performing the functions of auditor or controller shall be of the same public agency as the treasurer designated depository pursuant to this section. He shall draw warrants to pay demands against the agency or entity when the demands have been approved by any person authorized to so approve in the agreement creating the agency or entity.

The governing body of the same public entity as the treasurer and auditor specified pursuant to this section shall determine charges to be made against the agency or entity for the services of the treasurer and auditor.

SEC. 2. Section 6546 5 of the Government Code is repealed.

CHAPTER 971

An act to amend Section 4577 of, and to add Sections 4577.1 and 4577.2 to, the Public Resources Code, relating to forest practices.

[Approved by Governor October 3, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 4577 of the Public Resources Code is amended to read:

4577. Forest practice rules, forest management plans, and alternate plans, approved by the board, have the force of law within the district in which the rules originated. Except as otherwise provided in this section, timber operators in the district shall comply with the rules. Where a forest management plan is in effect, the timber operator is subject only to compliance with the forest practices which are a part of the forest management plan. Where an alternate plan is in effect, the timber operator is subject to compliance with the rules as modified by the alternate plan.

If the board finds that the forest management plan or the alternate plan as approved is not being complied with, it may revoke the plan and require immediate corrective action in accordance with the provisions of Sections 4615 to 4618, inclusive.

SEC. 2. Section 4577.1 is added to the Public Resources Code, to read:

4577.1. Upon application to the State Forester and where satisfactory proof is given that the intended use conforms to local zoning and the timberlands to be cut are to be devoted, in a bona fide manner, to other than a timber growing use, owners and persons operating thereon upon written permit, which shall be nontransferable, issued by the State Forester, may cut and remove any and all trees but shall otherwise comply with the forest practice rules. Cutting under this section shall not commence until the timberland conversion permit of the State Forester is recorded in the county recorder's office in each county wherein the said timberland so converted is situated. Upon failure to conform to the intent to convert, as set forth in the application and proof, the State Forester may revoke the permit and require compliance with the forest practice rules. Any permit revocation that may be issued by

the State Forester shall be recorded in the same manner as the original permit.

SEC. 3. Section 4577.2 is added to the Public Resources Code, to read:

4577.2. No person shall cut trees on any private timberland in violation of the forest practice rules for the purpose of converting that land to a use other than the growing of timber unless the timberland owner of record currently holds a valid timberland conversion permit issued by the State Forester.

Violation of this section constitutes an infraction punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

CHAPTER 972

An act to amend Section 56470 of the Government Code, relating to districts.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 56470 of the Government Code is amended to read:

56470. Any change of organization or reorganization may provide for or be made subject to one or more of the following terms and conditions:

(a) The payment of a fixed or determinable amount of money, either as a lump sum or in installments, for the acquisition, transfer, use or right of use of all or any part of the existing property, real or personal, of any city, county or district.

(b) The levying or fixing and the collection of (i) special, extraordinary or additional taxes or assessments, or (ii) special, extraordinary or additional service charges, rentals or rates, or (iii) both, for the purpose of providing for any payment required pursuant to subdivision (a) of this section.

(c) The imposition, exemption, transfer, division or apportionment, as among any affected cities, counties and districts of liability for payment of all or any part of principal, interest and any other amounts which shall become due on account of all or any part of any outstanding or then authorized but thereafter issued bonds, including revenue bonds, or other contracts or obligations of any city, county, district or any improvement district therein and the levying or fixing and the collection of any (i) taxes or assessments, or (ii) service charges, rentals or rates or, (iii) both, as may be necessary to provide for such payment.

(d) If, as a result of any term or condition made pursuant to subdivision (c), the liability of any affected city, county or

district for payment of the principal of any bonded indebtedness shall be increased or decreased, said term and condition may specify the amount, if any, of such increase or decrease which shall be included in or excluded from the outstanding bonded indebtedness of any such agency for the purpose of the application of any statute or charter provision imposing a limitation upon the principal amount of outstanding bonded indebtedness of such agency.

(e) The formation of a new improvement district or districts or the annexation or detachment of territory to or from any existing improvement district or districts.

(f) The incurring of new indebtedness or liability by or on behalf of all or any part of any district, including territory being annexed to any district, or of any existing or proposed new improvement district therein. The new indebtedness may be the obligation solely of territory to be annexed provided the district has the authority to establish zones for incurring indebtedness. The indebtedness or liability shall be incurred substantially in accordance with the laws otherwise applicable to the district.

(g) The issuance and sale of any bonds, including authorized but unissued bonds.

(h) The acquisition, improvement, disposition, sale, transfer or division of any property, real or personal.

(i) The disposition, transfer or division of any moneys or funds (including cash on hand and moneys due but uncollected) and any other obligations.

(j) The fixing and establishment of priorities of use or right of use of water, or capacity rights in any public improvements or facilities or of any other property, real or personal.

(k) The establishment, continuation or termination of any office, department or board, or the transfer, combining, consolidation, or separation of any offices, departments or boards, or any of the functions thereof, if, and to the extent that, any such matters shall be authorized by the principal act.

(l) The employment, transfer or discharge of employees, the continuation, modification or termination of existing employment contracts, civil service rights, seniority rights, retirement rights and other employee benefits and rights.

(m) The designation of a city, county or district, as the successor to any district which shall be extinguished as a result of any change of organization or reorganization, for the purpose of succeeding to all of the rights, duties and obligations of the extinguished district with respect to enforcement, performance or payment of any outstanding bonds, including revenue bonds, or other contracts and obligations of said extinguished district.

(n) The designation (i) of the method for the selection of members of the legislative body of a district or (ii) the number of such members, (iii) or both, where the proceedings are for a consolidation, or a reorganization providing for a consolidation or formation of a new district and the principal act pro-

vides for alternative methods of such selection or for varying numbers of such members, or both.

(o) The fixing of the effective date of any change of organization, subject to the limitations of Section 56456.

(p) Any terms and conditions authorized or required by the principal act with respect to any change of organization.

(q) Any other matters necessary or incidental to any of the foregoing.

CHAPTER 973

An act to amend Sections 3910, 3911, and 3912 of the Public Utilities Code, relating to interstate highway carriers.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 3910 of the Public Utilities Code is amended to read:

3910. (a) No highway carrier shall engage in any interstate transportation of property for compensation by motor vehicle on any public highway in this state without first having registered such operation with the commission as follows:

(1) When the operation requires authority from the Interstate Commerce Commission under the Interstate Commerce Act, a copy of such authority pertaining to this state shall be filed with the application for registration. A copy of any additions or amendments to such authority shall be filed with the commission.

(2) If the operation does not require authority from the Interstate Commerce Commission under the Interstate Commerce Act, an affidavit of such exempt status shall be filed with the application for registration.

(b) Registration shall be granted upon the filing of such application and the payment of the fee as required by this article, conditioned upon compliance with the other provisions of this chapter.

SEC. 2. Section 3911 of the Public Utilities Code is amended to read:

3911. A fee of twenty-five dollars (\$25) shall be paid to the commission for the filing of the initial registration and a fee of ten dollars (\$10) shall be paid to the commission for filing any additions or amendments to an authority from the Interstate Commerce Commission. These fees may be waived pursuant to any agreement or arrangement of the Reciprocity Commission made pursuant to Section 8000 of the Vehicle Code.

SEC. 3. Section 3912 of the Public Utilities Code is amended to read:

3912. Highway carriers engaged in interstate transportation of property for compensation by motor vehicle upon any

public highway in this state who had registered their authority from the Interstate Commerce Commission with the commission pursuant to former Section 3810 shall not be required to file another initial application as prescribed in subsection (1) of subdivision (a) of Section 3910.

CHAPTER 974

An act to amend Sections 655 and 656 of the Harbors and Navigation Code, relating to navigation.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 655 of the Harbors and Navigation Code is amended to read:

655. (a) No person shall operate any motorboat or vessel or manipulate any water skis, aquaplane or similar device in a reckless or negligent manner so as to endanger the life, limb, or property of any person. The department shall adopt regulations for the operation of motorboats or vessels, water skis, aquaplanes or similar devices in a manner which will minimize the danger to life, limb, or property consistent with reasonable use of the equipment for the purpose for which it was designed.

(b) No person shall operate any motorboat or vessel or manipulate any water skis, aquaplane or similar device while under the influence of intoxicating liquor or under the influence of any narcotic as defined in Section 11001 of the Health and Safety Code or any restricted dangerous drug as defined in Section 11901 of the Health and Safety Code.

SEC. 2. Section 656 of the Harbors and Navigation Code is amended to read:

656. (a) It shall be the duty of the operator of a vessel involved in a collision, accident or other casualty, so far as he can do so without serious danger to his own vessel, crew, and passengers, to render to other persons affected by the collision, accident or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident or other casualty, and also to give his name, address, and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident or other casualty.

(b) In the case of collision, accident or other casualty involving an undocumented vessel, the operator thereof, if the collision, accident or other casualty results in death or injury to a person or damage to property in excess of one hundred dollars (\$100) shall file with the department a full descrip-

tion of the collision, accident or other casualty on such forms and including such information as the department may, by regulation, require. The department shall furnish approved forms for the filing of such reports. In case the operator is unable to report by reason of circumstances beyond his control, the owner of the vessel shall file the report, if he has knowledge of the accident.

(c) Neither the report required by this section nor any action taken by the department with regard to such report shall be referred to in any way, or be any evidence of negligence or due care of any party, at the trial of any action at law to recover damages.

(d) All required accident reports, and supplemental reports, shall be without prejudice to the individual so reporting and shall be for the confidential use of the department and any peace officer actually engaged in the enforcement of this chapter, except that the department shall disclose the names and addresses of persons involved in, or witnesses to, an accident, the registration numbers and descriptions of vessels involved, and the date, time, and location of an accident to any person who may have a proper interest therein, including the operator or operators involved, or the legal guardian thereof, the parent of a minor operator, the authorized representative of an operator or to any person injured therein and the owners of vessels or property damaged thereby.

CHAPTER 975

An act to add Section 790.10 to the Insurance Code, relating to insurance.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 790.10 is added to the Insurance Code, to read:

790.10. The commissioner shall, from time to time as conditions warrant, after notice and public hearing, promulgate reasonable rules and regulations, and amendments and additions thereto, as are necessary to administer this article.

CHAPTER 976

An act to amend Section 11480 of the Education Code, relating to community colleges.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 11480 of the Education Code is amended to read:

11480. For purposes of this article, the class hour unit is defined as not less than 50 minutes exclusive of passing time, or, in block scheduling of two class periods or more, each 50 minutes of such attendance shall be counted as a clock hour.

The sum of the class hours for a block schedule course shall be no greater than the sum of class hours for a similar course offered on a single-period basis.

The Board of Governors of the California Community Colleges may, by rule and regulation, make any and all other provisions necessary to carry out the provisions of this article.

CHAPTER 977

An act to amend Section 58844 of the Agricultural Code, relating to marketing.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 58844 of the Agricultural Code is amended to read:

58844. A member of an advisory board is entitled to his actual expenses which are incurred while engaged in performing his duties that are authorized by this chapter and, with the approval of the advisory board concerned, may receive compensation not to exceed twenty-five dollars (\$25) per day for each day spent in actual attendance at, or traveling to and from, meetings of the board or on special assignment for the board.

CHAPTER 978

An act to amend Sections 3568, 3569, 3715, 3783, 4017, 5012, and 5157 of, and to add Chapter 6 (commencing with Section 5350) to Division 4 of, the Elections Code, relating to ballot arguments.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 3568 of the Elections Code is amended to read:

3568. The ballot pamphlets shall contain :

(a) A complete copy of all measures submitted to the voters by:

(1) The Legislature.

(2) Initiative or referendum petition.

(b) A copy of the specific constitutional or statutory provision, if any, proposed to be affected.

(c) A copy of the arguments provided for by law.

(d) The following statement on the front cover of the ballot pamphlet:

“Arguments in support or opposition of the proposed laws are the opinions of the authors”.

(e) A copy of the analyses provided for in this chapter.

(f) The Legislative Counsel’s Digest of all statutes which become effective upon approval by the voters of a proposed constitutional amendment, and in addition, a notification to voters that the complete text of each bill is on record in the office of the Secretary of State in Sacramento and is also contained in the published statutes.

SEC. 2. Section 3569 of the Elections Code is amended to read:

3569. The ballot pamphlets shall be printed in two parts, separately paged and may be separately bound. The first part, which shall consist of the analyses of, and arguments for and against the measures in the same order in which they are to appear upon the ballot, shall be printed in not less than eight-point type, indicated in boldface with respect to the analyses of the measures, shall be preceded by the numbers and ballot titles provided for in this chapter, and shall in each case be preceded by a reference, printed in blackface type, to the page on which begins the text of the measure as printed in the second part of the pamphlet.

The following statement shall be printed on the front cover of the first part of the ballot pamphlet:

“Arguments in support or opposition of the proposed laws are the opinions of the authors”.

The Legislative Counsel’s Digests of all statutes which are to become operative upon approval of a constitutional amendment submitted by the Legislature shall also be a part of the first part of the ballot pamphlet. They shall be printed in the same manner as the analyses and arguments concerning measures on the ballot.

SEC. 3. Section 3715 of the Elections Code is amended to read:

3715. The persons filing an initiative petition pursuant to this article may file with the petition a written argument in favor of the ordinance. The board of supervisors may submit an argument against the ordinance. Neither argument shall exceed 300 words in length.

The county clerk shall cause an argument for the measure, if submitted, and an argument against the measure, if sub-

mitted, to be printed and shall enclose a copy of both arguments, printed on the same sheet of paper, in an envelope with each sample ballot. Such printed arguments are "official matter" within the meaning of those words used in Section 10012.

The following statement shall be printed on the front cover, or if none, on the heading of the first page, of the printed arguments:

"Arguments in support or opposition of the proposed laws are the opinions of the authors".

SEC. 4. Section 3783 of the Elections Code is amended to read:

3783. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens, or any combination of such voters and associations may file a written argument for or against any county measure. No argument shall exceed 300 words in length. The county clerk shall cause an argument for and an argument against the measure, and the analysis of the measure, to be printed, and shall enclose a copy of both arguments preceded by the analysis in an envelope with each sample ballot. The printed arguments and the analysis are "official matter" within the meaning of those words used in Section 10012.

The following statement shall be printed on the front cover, or if none, on the heading of the first page, of the printed arguments:

"Arguments in support or opposition of the proposed laws are the opinions of the authors".

SEC. 5. Section 4017 of the Elections Code is amended to read:

4017. The persons filing an initiative petition pursuant to this article may file with the petition a written argument in favor of the ordinance, and the legislative body may submit an argument against the ordinance. Neither argument shall exceed 300 words in length, and both arguments shall be printed upon the same sheet of paper and mailed to each voter with the sample ballot for the election.

The following statement shall be printed on the front cover, or if none, on the heading of the first page, of the printed arguments:

"Arguments in support or opposition of the proposed laws are the opinions of the authors".

SEC. 6. Section 5012 of the Elections Code is amended to read:

5012. The legislative body, or any member or members of the legislative body authorized by that body, or any individual voter or bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against any city measure. No argument shall exceed 300 words

in length. The city clerk shall cause an argument for and an argument against the measure to be printed along with the following statement on the front cover, or if none, on the heading of the first page, of the printed arguments:

“Arguments in support or opposition of the proposed laws are the opinions of the authors”.

The city clerk shall enclose a copy of both arguments, printed on the same sheet of paper, in an envelope with each sample ballot; provided, that only those arguments filed pursuant to this section shall be printed and enclosed with the sample ballot. The printed arguments are “official matter” within the meaning of those words used in Section 10012.

SEC. 7. Section 5157 of the Elections Code is amended to read:

5157. The persons filing an initiative petition pursuant to this article may file with the petition a written argument in favor of the ordinance. The district board may submit an argument against the ordinance. Neither argument shall exceed 300 words in length, and both arguments shall be printed upon the same sheet of paper and mailed to each voter with the sample ballot for the election.

The following statement shall be printed on the front cover, or if none, on the heading of the first page, of the printed arguments:

“Arguments in support or opposition of the proposed laws are the opinions of the authors”.

SEC. 8. Chapter 6 (commencing with Section 5350) is added to Division 4 of the Elections Code, to read:

CHAPTER 6. GENERAL PROVISIONS

5350. All arguments concerning measures filed pursuant to this division shall be accompanied by the following form statement, to be signed by each author of the argument:

The undersigned author(s) of the _____ argument _____
(primary/rebuttal) (in favor of/against)
ballot proposition _____ at the _____
(name or number)
_____ election for the _____
(title of election) (jurisdiction)
to be held on _____ hereby state that such argument is true
(date)
and correct to the best of _____ knowledge
(his/their)
and belief.

Signed _____ Date _____

CHAPTER 979

An act making an appropriation for a loan to the Burney County Water District for planning and development of sewage treatment facilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the State Water Quality Control Fund the sum of seventy-five thousand dollars (\$75,000) to the State Water Resources Control Board for a loan by the board to the Burney County Water District of so much of such amount as the board determines is necessary to permit necessary planning and development of adequate sewage treatment facilities. Such loan shall be made by the board to the Burney County Water District subject to such conditions as the board determines are usual and necessary to insure proper and efficient use of such funds. The amount of the loan, with interest, shall be repaid by the Burney County Water District at such time as the actual construction of sewage treatment facilities is commenced, but in no event later than five years from the effective date of this act. Interest on such loan shall be payable at an annual rate equal to the average, as determined by the board, of the net interest costs to the state on the sales of general obligation bonds of the state that occurred during the calendar year immediately preceding the calendar year in which the interest falls due, during each calendar year in which the loan remains outstanding; provided, that when the applicable average of the net interest costs to the state is not a multiple of one-tenth of 1 percent, the interest rate shall be at the multiple of one-tenth of 1 percent next above the applicable average of the net interest costs.

SEC. 2. This special act is declared to be necessary because sewage treatment facilities are urgently needed for the protection of the public health in the Burney County Water District. It is hereby declared to be essential to the public health and welfare that an adequate sewage treatment facility be constructed in the Burney County Water District at the earliest possible time, and that in order to accomplish this it is necessary that the loan authorized pursuant to this act be made available to the Burney County Water District.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Burney County Water District is vitally in need of modern sewage treatment facilities in order to correct grave problems of water quality control and public health. In order that such sewage treatment facilities are made available at the earliest possible time it is essential that this act shall go into immediate effect.

CHAPTER 980

An act to add Section 35 to the Code of Civil Procedure, relating to courts of justice.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 35 is added to the Code of Civil Procedure, to read:

35. Proceedings in cases involving the registration or denial of registration of voters, the certification or denial of certification of candidates, the certification or denial of certification of ballot measures, and election contests shall be placed on the calendar in the order of their date of filing and shall be given precedence.

CHAPTER 981

An act to repeal Section 13128 of the Education Code, as amended by Chapter 1391 of the Statutes of 1970, and to amend Section 13169.2 of the Education Code, relating to teaching credentials.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 13128 of the Education Code, as amended by Chapter 1391 of the Statutes of 1970, is repealed.

SEC. 2. Section 13169.2 of the Education Code is amended to read:

13169.2. The commission, or the Board of Governors of the California Community Colleges, as the case may be, is authorized to secure information, records, reports, and other data relative to the identification or fitness of any applicant for a credential or for the renewal of a credential from any agency or department of the state and for that purpose, any provision of law to the contrary notwithstanding:

(a) The State Bureau of Criminal Identification and Investigation shall furnish, upon application of the commission or by the Board of Governors of the California Community

Colleges, all information pertaining to any applicant of whom there is a record in its office.

(b) Each institution under the jurisdiction of the Department of Mental Hygiene shall furnish upon application of the commission or the Board of Governors of the California Community Colleges and with the consent of the holder or applicant, all information and records pertaining to that holder or applicant of whom there is a record in its office.

The commission or the Board of Governors of the California Community Colleges, as the case may be, upon written request of any private school authority, shall release to that private school authority information and other data relative to the identification or fitness of any applicant for a teaching position in the private school so long as not otherwise prohibited by any other privileged communication statute.

SEC. 3. Sections 1 and 2 of this act shall become operative on January 1, 1973, or at such earlier date as the Commission for Teacher Preparation and Licensing may determine pursuant to Section 93 of Chapter 557 of the Statutes of 1970.

CHAPTER 982

An act to amend Section 11715 of the Insurance Code, relating to workmen's compensation insurer's bond.

[Approved by Governor October 8, 1971. Filed with
Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 11715 of the Insurance Code is amended to read:

11715. Any workmen's compensation insurer may, in lieu of and subject to the same conditions as the bond required by Section 11690 and upon payment of the fee prescribed in this article, deposit with the commissioner cash or approved interest-bearing securities or approved preferred stocks readily convertible into cash. Such deposit shall be made from time to time as demanded by the commissioner and may be made with the commissioner, State Treasurer or a bank or trust company pursuant to the approval of the commissioner under such rules and regulations as he may deem necessary. Such deposit shall be maintained at an amount not less than twenty-five thousand dollars (\$25,000) nor less than the reserves required of such insurer to be maintained under any of the provisions of Article 1 (commencing with Section 11550), Chapter 1, Part 3, Division 2 of this code, relating to loss reserves on workmen's compensation business of the insurer in this state nor less than the sum of the amounts specified in subdivision (a) of Section 11699.

CHAPTER 983

An act to amend Section 1451 of the Health and Safety Code, relating to county hospitals.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1451 of the Health and Safety Code is amended to read:

1451. (a) The board shall not let the care, maintenance or attendance of the indigent sick or dependent poor by contract to any person. However, in cases:

(1) Of unusual difficulty, or

(2) Which require treatment, or hospital services, or the use of facilities not immediately available in the county hospital, or

(3) Of emergency and for continued treatment after the emergency has ceased to exist,

the board may secure for the indigent sick, and other persons admissible to the county hospital, at an agreed rate, hospital service or any portion thereof from any public or private hospital, clinic, rest home, sanitarium, or other suitable facility or from any corporation formed under Section 9201 of the Corporations Code or under Chapter 11A of Part 2, Division 2, of the Insurance Code, and operating in the state.

(b) As used in this section, "hospital service" includes medical, surgical, radiological, laboratory, nursing service, convalescent care, and the furnishing of the necessary professional personnel, equipment, and facilities to manage the needs of patients on a continuing basis in accordance with accepted medical standards, with a staff of professional nursing personnel who are assigned and available under a clear and definite responsibility to the institution rendering the service for the provision of services to the patients, and such other care, service or supplies as may be necessary for the treatment of the sick or injured.

(c) The county may also contract with licensed boarding homes for 24-hour care for dependent children under the age of 21 years, when suitable facilities are not otherwise available in any institution or establishment maintained and operated by the county.

(d) The county may also contract for medical treatment of persons admissible to the county hospital with any licensed physician and surgeon, or a corporation operating under Section 9201 of the Corporations Code.

(e) The county may also contract for health care services when the board determines that the hospital services or any portion thereof rendered by the county hospital should be coordinated with those provided by any other source.

CHAPTER 984

An act to amend Section 11523 of the Government Code, relating to courts.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 11523 of the Government Code is amended to read:

11523. Judicial review may be had by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure, subject, however, to the statutes relating to the particular agency. Except as otherwise provided in this section any such petition shall be filed within 30 days after the last day on which reconsideration can be ordered. The right to petition shall not be affected by the failure to seek reconsideration before the agency. The complete record of the proceedings, or such parts thereof as are designated by the petitioner, shall be prepared by the agency and shall be delivered to petitioner, within 30 days after a request therefor by him, upon the payment of the fee specified in Section 69950 of the Government Code as now or hereinafter amended for the transcript, the cost of preparation of other portions of the record and for certification thereof. The complete record includes the pleadings, all notices and orders issued by the agency, any proposed decision by a hearing officer, the final decision, a transcript of all proceedings, the exhibits admitted or rejected, the written evidence and any other papers in the case. Where petitioner, within 10 days after the last day on which reconsideration can be ordered, requests the agency to prepare all or any part of the record the time within which a petition may be filed shall be extended until 30 days after its delivery to him. The agency may file with the court the original of any document in the record in lieu of a copy thereof.

CHAPTER 985

An act to amend Sections 5756 and 17601.1 of the Education Code, relating to attendance.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5756 of the Education Code is amended to read:

5756. For the purpose of crediting attendance for apportionments from the State School Fund during the fiscal year,

“adult” means any person who has attained his 21st birthday on or before (a) September 1st, January 1st, or March 1st of the quarter for which he is enrolled or (b) September 1st or February 1st of the semester for which he has enrolled, and who has enrolled in less than 10 class hours as defined in Section 11480 for community college districts or 10 periods of not less than 40 minutes each per week for high school districts.

SEC. 2. Section 17601.1 of the Education Code is amended to read:

17601.1. For the purposes of this chapter, the governing board of each school district shall report to the Superintendent of Public Instruction during each fiscal year the average daily attendance of the district for all full school months during (1) the period between July 1st and December 31st, inclusive, to be known as the “first period” report for the first principal apportionment, and (2) the period between July 1st and April 15th, inclusive, to be known as the “second period” report for the second principal apportionment. The county superintendent of schools shall report the average daily attendance for the schools and classes maintained by him and the average daily attendance for the county school tuition fund. If the average daily attendance in the regular day schools of a district for the period of time between July 1 and June 30 is greater or lesser than the average daily attendance in the regular day schools reported for the second period report, the appropriate increases and decreases in the several categories of attendance for which separate foundation programs are required to be computed shall be recomputed on the basis of the foundation program and assessed valuation of the district of the fiscal year in which such increases and decreases in average daily attendance were applicable and the appropriate increases and decreases in apportionments shall be added or withheld in the next succeeding fiscal year pursuant to Section 17414.

Each report shall be prepared in accordance with instructions on forms prescribed and furnished by the Superintendent of Public Instruction and average daily attendance shall be computed in the following manner:

(a) The average daily attendance in the regular elementary, junior high, and high schools maintained by the school districts shall be determined by dividing the total number of days of attendance in all full school months in each period, by the number of days such schools are actually taught in all full school months in each period.

If the average daily attendance in schools and classes maintained by school districts other than regular day schools and classes for the period of time between July 1 and June 30 is greater or lesser than the average daily attendance in such schools and classes reported for the second period report, the separate state support which is provided for attendance in such schools and classes shall be recomputed on the basis of the fiscal year average daily attendance, and increases and

decreases in apportionments shall be added or withheld in the next succeeding fiscal year pursuant to Section 17414.

(b) The average daily attendance in grades 13 and 14 of the regular day schools of each community college shall be determined pursuant to the provisions of Article 5.5 (commencing with Section 11475). For community colleges under the provisions of this paragraph, the "first period" shall be the first semester and the "second period" shall be the "academic year" (first and second semester). The average daily attendance in each period shall not exceed 1.2 times the number of different pupils actively enrolled in the district during the period in which the census is taken.

(c) The average daily attendance in summer school and outdoor science and conservation education classes maintained during the period between the last day the regular day schools are in session during the preceding year and the first day the regular day schools are in session during the current year shall be reported on both the first period and second period reports. Such average daily attendance shall be computed by dividing the days of attendance by 175. For community colleges, the hours of attendance shall be divided by 525, and the average daily attendance shall not exceed 1.2 times the total number of different pupils enrolled in the district in the summer school.

(d) The attendance for schools and classes maintained by the county superintendent of schools and for the county school tuition fund credited after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance of the school, class, or fund shall be determined for the first period by dividing the days of attendance by 100 and for the second period, the days of attendance shall be divided by 175.

(e) The days of attendance in classes for adults continuation schools and classes, regional occupation centers and opportunity schools and classes maintained after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance in such schools and classes shall be determined for the first period by dividing the days of attendance by 100; for the second period, the days of attendance shall be divided by 175.

CHAPTER 983

An act to amend Section 18300 of the Health and Safety Code, relating to mobilhome parks.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 18300 of the Health and Safety Code is amended to read:

18300. The provisions of this part apply to all parts of the state and supersede any ordinance enacted by any city, county, or city and county, whether general law or chartered, applicable to the provisions of this part. The commission may adopt regulations to interpret and make specific the provisions of this part and when adopted such regulations shall apply to all parts of the state. Upon 30 days' written notice from the governing body to the department, any city, county, or city and county, may assume the responsibility for the enforcement of this part and the regulations adopted pursuant thereto.

Except as provided herein, assumption of responsibility for enforcement of this part by a city, county, or city and county does not authorize such city, county, or city and county to impose more restrictive requirements than those imposed by this part and the regulations adopted pursuant thereto or to prescribe fees for permits.

In the event of nonenforcement of this part or the regulations adopted pursuant thereto, the provisions of this part and the regulations adopted pursuant thereto shall be enforced by the department in any such city, county, or city and county after the department has given 30 days' written notice to the governing body of such city, county, or city and county setting forth in what respects the city, county, or city and county has failed to discharge its responsibility, and has failed to initiate corrective measures to carry out its responsibility.

Any city, city and county, or county, upon written notice from the governing body to the department, may cancel its assumption of responsibility for the enforcement of this part. The department, upon receipt of such notice, shall assume such responsibility within 30 days.

The provisions of this part shall not prevent local authorities of any city, county, or city and county, within the reasonable exercise of their police powers:

(a) From prohibiting mobilehomes or mobilehome parks, travel trailers, travel trailer parks, recreational trailer parks, temporary trailer parks, or tent camps within all or certain zones within such city, county, or city and county, or from adopting rules and regulations by ordinance or resolution prescribing standards of lot, yards, or park area, landscaping, walls or enclosures, signs, access, and vehicle parking or from prescribing the prohibition of certain uses for mobilehome parks, travel trailer parks, recreational trailer parks, temporary trailer parks, or tent camps; or

(b) From regulating the construction and use of equipment and facilities located outside of a mobilehome or camp car used to supply gas, water, or electricity thereto, except facilities owned, operated, and maintained by a public utility,

or to dispose of sewage or other waste therefrom when such facilities are located outside a mobilehome park, travel trailer park, recreational trailer park, or temporary trailer park for which a permit is required by this part, or the regulations adopted pursuant thereto. or

(c) From requiring a permit to use a mobilehome or camp car outside a mobilehome park, travel trailer park, recreational trailer park, or temporary trailer park for which a permit is required by this part or by regulations adopted pursuant thereto, and require a permit therefor commensurate with the cost of enforcing this part and local ordinance with reference to the use of mobilehomes and camp cars, which permit may be refused or revoked if such use violates any provisions of this part or Part 2 (commencing with Section 18000) of this division, any regulations adopted pursuant thereto, or any local ordinance applicable to such use; or

(d) From requiring a local building permit to construct an accessory structure for a mobilehome when such mobilehome is located outside a mobilehome park, travel trailer park, recreational trailer park or temporary trailer park, under circumstances which the provisions of this part or Part 2 (commencing with Section 18000) of this division and the regulation adopted pursuant thereto do not require the issuance of a permit therefor by the department.

CHAPTER 987

An act to add Section 14675.6 to the Education Code, to add Section 31595.6 to, to amend Sections 31595, 31603, and 31601 of, the Government Code, relating to retirement systems.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 14675.6 is added to the Education Code, to read:

14675.6. In addition to such other investments as are authorized by this article, the board may invest in real estate and leases thereof and improvements thereon for business or residential purposes as an investment for the production of income. The phrase "business or residential purposes" shall not include real estate or leases primarily intended for use or valued as agricultural, horticultural, farm, ranch, or mineral property. Real estate and leases acquired and improvements made thereon under this section shall not in the aggregate exceed an amount equal to 10 percent of the assets of the system.

SEC. 2. Section 31595 of the Government Code is amended to read:

31595. All funds received by the county treasurer not required for current disbursements shall be invested only in:

(a) Securities which are legal for savings bank investments in the state or which have been certified as legal investments for savings banks pursuant to Division 10 of the Water Code, or any bonds which, pursuant to the statutes or laws providing for the issuance of such bonds are entitled to the same force or value or use as bonds issued by any municipality, or any bonds issued pursuant to those acts, statutes or laws of this state wherein such law specifically states by reference or otherwise that such bonds shall be legal investments for either savings banks, insurance companies, all trust funds, state school funds and any funds which may be invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the state, or any bonds which have been investigated and approved by a commission or board now or hereafter authorized by law to conduct such investigation and give such approval and by authority of which said bonds are declared to be legal investments for insurers.

(b) Deposits at interest in any state or national bank in accordance with law authorizing and controlling the deposit of public funds in banks.

(c) Certificates and shares of a building and loan association or a federal savings and loan association if the certificates or shares are insured as defined in Title IV of the National Housing Act.

(d) Registered warrants of any political subdivision of this state.

(e) Real property or improvements constructed or to be constructed on real property when such real property or such improvements are acquired for sale or lease to a county of this state and subject to the limitations of this article, except as provided by Section 31595.6.

(f) Deeds of Trust and Mortgages. Not to exceed 25 percent of all funds invested may be invested pursuant to this subdivision. Such investment may be made by the board with the approval of the board of supervisors of said county.

SEC. 3. Section 31595.6 is added to the Government Code, to read:

31595.6. In addition to such other investments as are authorized by this article, the board may invest in real estate and leases thereof and improvements thereon for business or residential purposes as an investment for the production of income. The phrase "business or residential purposes" shall not include real estate or leases primarily intended for use or valued as agricultural, horticultural, farm, ranch, or mineral property. Real estate and leases acquired and improvements made thereon under this section shall not in the aggregate exceed an amount equal to 10 percent of the assets of the system.

SEC. 4. Section 31603 of the Government Code is amended to read:

31603. Except for investments in real estate and leases thereof, and improvements thereon as authorized by Section 31595.6, before an investment is made in real property the board and the board of supervisors of the county in which the system is established shall each appoint an appraiser who shall examine the property or the plans and specifications of any building proposed to be erected and who shall determine whether the project in his opinion will have a fair rental value sufficient to return the investment together with interest at a rate $\frac{1}{4}$ percent higher than the rate fixed by Section 31591 of this code (or in the event a different rate has been determined by the board then $\frac{1}{4}$ percent higher than the rate so determined at the time the appraisal is made) over a period not to exceed 50 years, which appraisal shall specify the shortest period of lease in which in the opinion of the appraiser such investment and interest will be returned.

SEC. 5. Section 31604 of the Government Code is amended to read:

31604. Except for investments in real estate and leases thereof, and improvements thereon as authorized by Section 31595.6, before an investment is made in real property the board shall enter into a lease or lease option agreement with the county in which the retirement system is established under which the county agrees to rent the property at a monthly rental and for a period, not to exceed 50 years, sufficient to return not less than the investment together with interest at the rate prescribed in Section 31603. The agreement may contain an option or options to purchase provided such option together with the rentals will return not less than the investment together with interest at a rate at least equal to the lesser of the following: (1) $\frac{3}{4}$ percent higher than the rate fixed by Section 31591 of this code or in the event a different rate has been determined by the board then $\frac{3}{4}$ percent higher than the rate so determined at the time the agreement is made or (2) $\frac{3}{4}$ percent higher than the current yield on long-term United States government bonds as such yield is defined in Section 31604.1. In the event a building is built on county-owned land the agreement may contain an option to purchase the land at any time or at the termination of the lease at its then fair market value.

CHAPTER 988

An act to amend Sections 21400 and 21460 of the Vehicle Code, relating to traffic control.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 21400 of the Vehicle Code is amended to read:

21400. The Department of Public Works shall, after consultation with local agencies, adopt rules and regulations prescribing uniform standards and specifications for all official traffic control devices placed pursuant to the provisions of this code, including, but not limited to, stop signs, yield right-of-way signs, speed restriction signs, railroad warning approach signs, street name signs, lines and markings on the roadway, and stock crossing signs placed pursuant to Section 21364.

The Department of Public Works shall determine and publicize the specifications for uniform types of warning signs, lights, and devices to be placed upon a highway by any person engaged in performing work which interferes with or endangers the safe movement of traffic upon such highway.

Only those signs, lights, and devices as are provided for in this section shall be placed upon a highway to warn traffic of work which is being performed on such highway.

SEC. 2. Section 21460 of the Vehicle Code is amended to read:

21460. (a) When double parallel solid lines are in place, no person driving a vehicle shall drive to the left thereof, except as permitted in this section.

(b) When the double parallel lines, one of which is broken, are in place, no person driving a vehicle shall drive to the left thereof, except that the driver on that side of the roadway in which the broken line is in place may cross over the double line or drive to the left thereof when overtaking or passing other vehicles.

(c) Either of the markings as specified in subdivision (a) or (b) shall not prevent a driver from turning to the left across any such marking at any intersection or into or out of a driveway, or making a U-turn under the rules governing such movement, and either of the markings shall be disregarded when authorized signs have been erected designating offcenter traffic lanes as permitted under Section 21657.

(d) Raised pavement markers may be used to simulate painted lines described in this section when such markers are placed in accordance with standards established by the Department of Public Works.

CHAPTER 989

An act to amend Section 675 of, and to add Section 679.6 to, the Insurance Code, relating to insurance.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 675 of the Insurance Code is amended to read:

675. Except as provided in Section 679.6, this chapter shall apply to policies of insurance, other than automobile insurance and workmen's compensation insurance, on risks located or resident in this state which are issued and take effect or which are renewed after the effective date of this chapter and insuring any of the following contingencies:

(a) Loss of or damage to real property which is used predominantly for residential purposes and which consists of not more than four dwelling units.

(b) Loss of or damage to personal property in which natural persons resident in specifically described real property of the kind described in subdivision (a) have an insurable interest, except personal property used in the conduct of a commercial or industrial enterprise.

(c) Legal liability of a natural person or persons for loss of, damage to, or injury to, persons or property, but not including policies primarily insuring risks arising from the conduct of a commercial or industrial enterprise.

This chapter shall not be construed so as to modify or negate any of the provisions of Chapter 3 (commencing with Section 330) of Part 1 of Division 1, nor to destroy any rights or remedies therein provided.

SEC. 2. Section 679.6 is added to the Insurance Code, to read:

679.6. The commissioner may, after hearing, exempt from the provisions of this chapter insurance in respect to any risk or class of risk that is eligible under Section 1763 for placement with nonadmitted insurers by and through licensed surplus line brokers upon a finding by him that application of this chapter would diminish or tend to diminish the availability, or substantially increase the cost, of such insurance.

CHAPTER 990

An act to amend Sections 74804, 74806, 74807, and 74808 of, to add Section 74808.5 to, and to repeal Section 74807.5 of, the Government Code, relating to the Stockton Municipal Court.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 74804 of the Government Code is amended to read:

74804. There shall be one marshal who shall receive the biweekly salary specified in range 40, step C, as set forth in the biweekly salary schedule contained in Section 74806.

Whenever the salary of the class of lieutenant in the service of San Joaquin County is adjusted, the salary of the marshal shall be adjusted by an amount equivalent to that of the such class of lieutenant.

SEC. 2. Section 74806 of the Government Code is amended to read:

74806. The following biweekly salary schedule shall apply to persons employed in the clerk's office and in the marshal's office:

Salary Schedule

Salary range number	Steps				
	A	B	C	D	E
23 -----	\$201.60	\$212.00	\$222.40	\$233.60	\$245.60
24 -----	212.00	222.40	223.60	245.60	257.60
25 -----	222.40	233.60	245.60	257.60	270.40
26 -----	233.60	245.60	257.60	270.40	284.00
27 -----	245.60	257.60	270.40	284.00	298.40
28 -----	257.60	270.40	284.00	298.40	313.60
29 -----	270.40	284.00	298.40	313.60	329.60
30 -----	284.00	298.40	313.60	329.60	346.40
31 -----	298.40	313.60	329.60	346.40	364.00
32 -----	313.60	329.60	346.40	364.00	382.40
33 -----	329.60	346.40	364.00	382.40	401.60
34 -----	346.40	364.00	382.40	401.60	421.60
35 -----	364.00	382.40	401.60	421.60	442.40
36 -----	382.40	401.60	421.60	442.40	464.80
37 -----	401.60	421.60	442.40	464.80	488.00
38 -----	421.60	442.40	464.80	488.00	512.80
39 -----	442.40	464.80	488.00	512.80	538.40
40 -----	464.80	488.00	512.80	538.40	565.60
41 -----	488.00	512.80	538.40	565.60	593.60
42 -----	512.80	538.40	565.60	593.60	623.20
43 -----	538.40	565.60	593.60	623.20	654.40
44 -----	565.60	593.60	623.20	654.40	687.20
45 -----	593.60	623.20	654.40	687.20	721.60
46 -----	623.20	654.40	687.20	721.60	757.60
47 -----	654.40	687.20	721.60	757.60	795.20

SEC. 3. Section 74807 of the Government Code is amended to read:

74807. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the biweekly salary schedule contained in Section 74806, except that if the range shown opposite the title of the position includes a fraction then the person employed in such position shall be paid a salary equal to that shown opposite said fractional range in the Salary Ordinance of the County of San Joaquin, as amended by Ordinance No. 1686, passed and adopted May 28, 1970:

(a) Deputy clerk I	Range 23.25
(b) Deputy clerk II	Range 25.25
(c) Deputy clerk III	Range 27.25
(d) Deputy clerk III (stenographer)	Range 27.75
(e) Deputy clerk IV	Range 30.5
(f) Chief deputy clerk	Range 35.5
(g) Clerk	Range 42.5
(h) Clerk-typist II	Range 23.25
(i) Clerk IV	Range 27.75
(j) Deputy marshal	Range 32
(k) Assistant marshal	Range 34

Subject to the provisions of the San Joaquin County Salary Ordinance, each person employed in the clerk's office or marshal's office, including the clerk but not including the marshal, may receive an annual increase in salary of one step on his assigned range until the employee reaches the maximum step on the range assigned for his position. Thereafter no additional step increase shall be granted.

SEC. 4. Section 74807.5 of the Government Code is repealed.

SEC. 5. Section 74808 of the Government Code is amended to read:

74808. Certain classifications in the clerk's office and marshal's office are deemed to be equivalent in job and salary level to certain classifications in the service of San Joaquin County and whenever the salary of a classification in the service of San Joaquin County is adjusted by the board of supervisors, the salary of the comparable classification in the clerk's office or marshal's office, as well as the related classifications hereinafter listed, shall be adjusted by an amount which is equivalent to the increase or decrease in the salary of the comparable classification in the classified service of the County of San Joaquin. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications, but such adjustments shall be effective only until 90 days after the final adjournment of the 1973 Regular Session of the Legislature.

(a) The classes of deputy clerk I in the clerk's office and clerk-typist II in the marshal's office are equivalent in job and salary level to the class of clerk-typist II in the service of San Joaquin County. Whenever the class of clerk-typist II is adjusted, the classes of deputy clerk I, deputy clerk II, deputy clerk III, and clerk-typist II shall be adjusted an equal number of ranges on the salary schedule.

(b) The class of deputy clerk III (stenographer) is equivalent in job and salary to the class of clerk-stenographer III in the service of San Joaquin County. Whenever the class of clerk-stenographer III is adjusted, the class of deputy clerk III (stenographer) shall be adjusted an equal number of ranges on the salary schedule.

(c) The class of deputy clerk IV is equivalent in job and salary level to the class of superior court clerk in the service of San Joaquin County. Whenever the class of superior court clerk is adjusted, the classes of deputy clerk IV, chief deputy clerk and clerk shall be adjusted an equal number of ranges on the salary schedule.

(d) The class of clerk IV is equivalent in job and salary level to the class of clerk IV in the service of San Joaquin County. Whenever the class of clerk IV is adjusted, the class of clerk IV in the office of marshal shall be adjusted an equal number of ranges on the salary schedule.

(e) Whenever the salary of the class of deputy sheriff I in the service of San Joaquin County is adjusted, the class of deputy marshal and assistant marshal shall be adjusted an equal number of ranges on the salary schedule.

SEC. 6. Section 74808.5 is added to the Government Code, to read:

74808.5. Notwithstanding any other provision of this article, an adjustment of the salary of the superior court clerk in the service of San Joaquin County by the board of supervisors shall not cause an adjustment in the salary of the chief deputy clerk.

This section shall be operative only until the 61st day after final adjournment of the 1973 Regular Session of the Legislature.

CHAPTER 991

An act to amend Section 12 of the Mendocino County Flood Control and Water Conservation District Act (Chapter 995 of the Statutes of 1949), relating to the Mendocino County Flood Control and Water Conservation District.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 12 of the Mendocino County Flood Control and Water Conservation District Act (Chapter 995 of the Statutes of 1949) is amended to read:

Sec. 12. The board in any year shall have the power to levy a tax, which shall be in addition to taxes for the payment of and interest on any bonded indebtedness, upon the taxable property in said district. Said tax shall be levied and collected at the same time and in the same manner, together with and not separately from taxes for county purposes, and not to exceed, however, the sum of six cents (\$0.06) on each one hundred dollars (\$100) of the assessed valuation of all property within the district, measured by the county assessment roll last equalized prior to the levying of said tax, to pay the costs and expenses of surveys, of zoning, compensation for

clerical, engineering, legal, printing and advertising of all resolutions, notices, and other matter required to be printed, posted or published, all costs and expenses of legal actions or proceedings, and also the rental or purchase of real or personal property used in connection with such work and surveys, or any other of its purposes and to repay the county any and all moneys loaned to the district for the purposes herein stated and prior to the receipt of taxes.

CHAPTER 992

An act to amend Sections 11293, 16421, and 16422 of the Government Code, relating to the Service Revolving Fund, and making an appropriation therefor.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 11293 of the Government Code is amended to read:

11293. All money received by the Department of General Services pursuant to paragraph (b) of Section 11290 shall be deposited in the Service Revolving Fund.

SEC. 2. Section 16421 of the Government Code is amended to read:

16421. The fund consists of the following:

(a) All money appropriated by the Legislature for such fund or payable into such fund in accordance with law.

(b) All money received into the Treasury from any source whatever in payment of printing, ruling, and binding done in the Office of State Printing or, unless otherwise provided by law, in payment for other services rendered by the Department of General Services.

(c) Reimbursement of rentals paid from such fund.

(d) All money received as payment of rent for the use or occupancy of space in any building owned, managed, or controlled by the state.

SEC. 3. Section 16422 of the Government Code is amended to read:

16422. The fund is under the control of the Department of General Services and is available for expenditure for the payment of rent; the cost of maintaining, operating, and insuring building space; the purchase and sale of materials, supplies, and equipment; the rendering of services to state and other public agencies and, in connection therewith, for the employment and compensation of necessary personnel and expenses; all expenses for the support of the Office of State Printing; and the purchase of machinery or equipment, including motor

vehicles, needed in the operation or administration of the Office of State Printing.

The balance of any rental receipts paid into the fund remaining after the payment of rental and of the cost of maintaining, operating, and insuring building space shall periodically be accounted for to the Controller and, on order of the Controller, be paid into the Treasury and credited as General Fund revenue.

SEC. 4. This act shall take effect on July 1, 1972.

CHAPTER 993

An act to amend Section 25505.1 of the Education Code, relating to community colleges.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 25505.1 of the Education Code is amended to read:

25505.1. Residence for community college attendance purposes shall be determined in accordance with Government Code Sections 243 and 244 except that:

(a) If an unmarried minor resides with a parent, the residence of the minor shall be that of the parent with whom he is residing.

(b) The residence of an unmarried minor who for at least two years has been in the continuous direct care and control of and has lived with an adult resident of the state other than his parent, shall be that of such adult resident.

(c) A married woman may establish her own residence.

(d) An apprentice as defined in Section 3077 of the Labor Code may establish his own residence.

(e) Any minor child who has lived continuously in the state for more than 10 years immediately preceding the residence determination date as provided in Section 25505.2 shall be deemed to be a resident of California with respect to the non-resident tuition provisions of Section 25505.8 notwithstanding the place of abode or residence of either living parent or guardian of the minor child.

CHAPTER 994

An act to amend Sections 3567 and 3573 of the Elections Code, relating to ballot pamphlets.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 3567 of the Elections Code is amended to read:

3567. The Secretary of State shall cause to be printed as many ballot pamphlets as needed to comply with the provisions of this code.

The ballot pamphlets shall be printed in the Office of State Printing unless the Director of General Services determines that the printing of the pamphlets in the Office of State Printing cannot be done adequately, competently, or satisfactorily, in which case the Secretary of State, subject to the approval of the Director of General Services, shall contract with a private printing concern for the printing of the pamphlets.

Copy for preparation of the ballot pamphlets shall be furnished to the Office of State Printing at least 40 days prior to the date for required delivery to the county clerks as provided in Section 3573.

SEC. 2. Section 3573 of the Elections Code is amended to read:

3573. The Secretary of State shall furnish each county clerk with as many copies of the ballot pamphlets as needed to comply with the provisions of this code. The ballot pamphlets shall be furnished not less than 45 days before the election at which the measures contained in the ballot pamphlets are to be voted on. The county clerk shall commence to mail one copy of the ballot pamphlet to each voter not more than 40 nor less than 15 days before the day fixed by law for the election, and no other official publication of such measures shall be made. The mailing of the ballot pamphlets shall be completed at least 10 whole days before the election. Three copies, to be supplied by the Secretary of State, shall be kept at every polling place, while an election is in progress, so that they may be freely consulted by the voters.

CHAPTER 995

An act to add Section 5099.12 to the Public Resources Code, relating to recreation.

[Approved by Governor October 8, 1971. Filed with Secretary of State October 8, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5099.12 is added to the Public Resources Code, to read:

5099.12. Of the annual apportionment of funds received by the director pursuant to this chapter, 50 percent shall be allocated for local governmental agency projects and 50 percent for state agency projects. The state agency share shall be

disbursed to the following state agencies in the following percentages: 60 percent to the Department of Parks and Recreation; 30 percent to the Wildlife Conservation Board or the Department of Fish and Game; 5 percent to the Department of Water Resources; and 5 percent to the Department of Navigation and Ocean Development.

In the event that either the state or local governmental agencies are unable to utilize their allocation of such funds, the director shall allocate the uncommitted funds to those state or local governmental agencies that are in position to take advantage of the funds during the year in which they are allocated. The 50-percent allocation for local governmental agency projects and the 50-percent allocation to state agency projects shall not be computed until the costs of maintaining and keeping up to date the plan required pursuant to Section 5099.2 and an additional 10 percent for deposit to a contingency fund have been deducted.

CHAPTER 996

An act to amend Sections 9977, and 9984 of, and to add Sections 9974.1, 9974.3, 9974.4, 9974.5, 9974.7, 9974.9, and 9982.5 to, the Business and Professions Code, relating to employment agencies.

[Approved by Governor October 12, 1971 Filed with
Secretary of State October 12, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 9974.1 is added to the Business and Professions Code, to read:

9974.1. An applicant for employment from whom a fee or deposit is to be received, prior to being interviewed by a counselor, shall receive a copy of the agency's applicant fee schedule and payment terms. The applicant fee schedule shall indicate the percentage of both the projected annual and first month's total gross earnings represented by such fees.

SEC. 2. Section 9974.3 is added to the Business and Professions Code, to read:

9974.3. (a) If an applicant leaves employment for just cause or is discharged for reasons other than misconduct connected with the applicant's work within 90 days from the starting date of employment, the agency shall reduce the fee payable by the applicant to that payable for temporary employment under the provisions of Section 9974.5 and shall refund any fee paid in excess of such amount.

(b) No charge may be made to any applicant by any agency beyond that authorized by Section 9974.5 for employment lasting 90 days or less, unless the agency's fee schedules, contracts and agreements specifically provide for a further charge if

the applicant leaves employment without just cause or is discharged for misconduct in connection with his work. Otherwise, the agency shall retain or charge only the fee for temporary employment for any employment lasting 90 days or less from the starting date of employment.

(c) Notwithstanding the provisions of subdivisions (a) and (b), in no instance in which the employment secured is subsequently terminated shall the fee charged an applicant by an employment agency be greater than the total gross earnings of the applicant in such employment. This provision shall be stated in all agency contracts issued pursuant to Section 9984.

SEC. 3. Section 9974.5 is added to the Business and Professions Code, to read:

9974.5. The fee payable by the applicant for temporary employment shall not exceed one-ninetieth (1/90th) of the fee for permanent employment for each consecutive calendar day during the period that the applicant is employed or compensated as though employed.

SEC. 4. Section 9974.7 is added to the Business and Professions Code, to read:

9974.7. (a) Except as otherwise provided in Section 9977, a refund when due shall be made within 10 working days after request therefor by the applicant. The agency may provide in its contract that such a request shall be in writing.

(b) Alternatively, if the decision of the agency is not to make such refund, the agency shall notify the applicant and the bureau in writing, within such 10-day working period, as to the specific reasons or circumstances for which the refund is not made.

(c) If the agency fails to properly notify the applicant and the bureau pursuant to subdivision (b) or fails to tender a refund within the same period, the agency shall be liable to the applicant in the amount of an additional sum equal to the amount of the refund.

SEC. 5. Section 9974.9 is added to the Business and Professions Code, to read:

9974.9. If an applicant secures employment in which the applicant is to be paid on the basis of straight commissions, or a drawing account against commissions, or either a drawing account or salary plus commissions, the fee payable by the applicant may be predicated upon the projected total gross earnings during the first year of employment as estimated by the employer.

Upon the conclusion of such an applicant's first 12 months of employment, a computation of his actual total gross earnings may be provided by the applicant to the agency, and, predicated upon appropriate proof of such earnings, an adjustment in the fee shall be made in which either the agency shall refund to the applicant any excess fee paid by him or the applicant shall pay to the agency any deficiency thereon.

If the applicant's employment is terminated prior to the conclusion of the first 12 months of employment, the actual

total gross earnings of the applicant for the period of employment shall be projected to 12 months on a pro rata basis as though the applicant had been employed for the entire period of 12 months, and a computation shall be made thereon. The fee paid or payable by the applicant shall be predicated upon such computation as though the applicant had been so employed.

SEC. 6. Section 9977 of the Business and Professions Code is amended to read:

9977. If the applicant making a deposit on a fee for placement fails to obtain employment, the employment agency shall, upon demand therefor, repay the amount of the deposit to the applicant. Unless the deposit is returned within 48 hours after demand, the employment agency shall pay to the applicant an additional sum equal to the amount of the deposit. A notice to this effect shall be inserted in all contracts between the agency and the applicant, and in all receipts given to the applicant for cash payment in advance of employment, and in the schedule of fees posted in the office of the agency, except in the fee schedules of those agencies which are exclusively employer retained and which charge no fees to applicants. The agency shall give a receipt as prescribed by Section 9984 to every applicant from whom a deposit is received. No other deposit or prepayment of any kind may be required by an agency. If the applicant secures employment, the deposit shall be applied to the fee to be paid by the applicant.

SEC. 7. Section 9982.5 is added to the Business and Professions Code, to read:

9982.5. No employment agency shall require persons in its employment to use any names other than their legal names in the course of, and in respect to, their employment with the agency.

SEC. 8. Section 9984 of the Business and Professions Code is amended to read:

9984. (a) Every employment agency shall give to every applicant for employment from whom a fee or deposit is to be received a contract or receipt, in which is stated all of the following:

(1) The name, address and telephone number of the employment agency.

(2) The name and address of the person giving the order for help, the date and consecutive number of the receipt of such order by the agency, and its manner of transmission.

(3) The date and consecutive number of issuing the contract.

(4) The name of the applicant, the name and address of the person to whom the applicant is sent for employment, and the address where the applicant is to report for employment.

(5) The amount of fee to be charged and to be collected from the applicant and the amount of fee paid or advanced by the prospective employer and by whom paid or advanced.

(6) The kind of work or employment.

(7) The daily hours of work ; the wages or salary including any consideration of privilege.

(8) If any labor trouble exists at the placement of employment, that fact shall be stated in the contract.

(9) Any other term, condition, or understanding agreed upon between the agency and the applicant.

(b) There shall be printed on the face of the contract in type no smaller than 10-point bold the following: "This agency is licensed by the Bureau of Employment Agencies of the State of California, 1021 O Street, Sacramento, California. Inquiries concerning your contract may be sent to this address." At the bottom of the contract there shall appear a notice to the effect that the contract is the property of the applicant and shall not be taken from him.

(c) The employment agency shall in such contract undertake to repay the applicant the fee in the event of failure to procure employment.

(d) Every such contract or receipt shall be made and numbered consecutively in original and duplicate, both to be signed by the applicant and the person acting for the employment agency. The original shall be given to the applicant and the duplicate shall be kept on file at the agency.

CHAPTER 997

An act to add Section 100.51 to the Streets and Highways Code, relating to ferries, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 12, 1971. Filed with Secretary of State October 12, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 100.51 is added to the Streets and Highways Code, to read:

100.51. Notwithstanding any provision of Section 100.5, whenever any bridge or highway crossing over a navigable waterway in this state, including, but not limited to, toll bridges or other toll highway crossings built or acquired under the provisions of the California Toll Bridge Authority Act, is closed to traffic because of accident thereto or repair thereof or is for any reason unable fully to accommodate traffic, the department may operate a vehicular or passenger ferry as a substitute therefor. In the operation of such vehicular or passenger ferry, the department may impose a toll for passage. For the purpose of imposing such toll, the department may employ any reasonable classification of vehicles, including, but not limited to, classification by weight, length, or number of axles.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Certain bridges across navigable waterways in this state are extremely vulnerable to damage from marine traffic. As a result, highway traffic can and has been disrupted for extended periods of time, with the result that the livelihood of many citizens and the economy of their communities can be seriously damaged. The Department of Public Works at present has no statutory authority authorizing the installation of emergency vehicular ferry service and the charging of tolls to provide for an uninterrupted flow of traffic during the time any such bridge may be out of service.

CHAPTER 998

An act to amend Sections 253.1 and 253.3 of the Streets and Highways Code, relating to state highways.

[Approved by Governor October 12, 1971. Filed with
Secretary of State October 12, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 253.1 of the Streets and Highways Code is amended to read:

253.1. The California freeway and expressway system shall include:

Routes 5, 6, 7, 8, 10, 13, 14, 15, 17, 18, 21, 22, 24, 28, 30, 31, 32, 34, 37, 40, 44, 47, 48, 50, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 65, 67, 68, 70, 71, 73, 74, 78, 80, 81, 83, 85, 87, 88, 89, 90, 92, 93, 97, 100, 102, 106, 107, 108, 109, 118, 121, 122, 124, 125, 126, 133, 134, 136, 139, 140, 141, 143, 145, 148, 149, 150, 154, 156, 157, 161, 163, 164, 170, 171, 179, 181, 183, 184, 199, 205, 208, 210, 217, 221, 223, 230, 232, 234, 235, 237, 238, 239, 242, 244, 247, 249, 251, 252, 256, 257, 258, 259, 280, 380, 405, 505, 580, 605, 680, 805, and 880 in their entirety.

SEC. 2. Section 253.3 of the Streets and Highways Code is amended to read:

253.3. The California freeway and expressway system shall also include:

Route 23 from:

- (a) Route 101 near Newbury Park to Route 118.
- (b) Route 118 to Route 126 near Fillmore.

Route 26 from Route 99 near Stockton to Route 12.

Route 29 from:

- (a) Route 80 near Vallejo to Oak Knoll Avenue north of the City of Napa.
- (b) The Napa-Lake county line to Route 20.

Route 33 from:

(a) Route 101 near Ventura to Route 150.

(b) Route 150 to Route 166 near Maricopa.

Route 35 from Route 230 to Route 1 near Daly City.

Route 36 from:

(a) Route 5 at Red Bluff to Route 395.

(b) Route 139 north of Susanville to Route 395 near Termo.

Route 38 from Route 10 near Redlands to Route 18 near Baldwin Lake.

Route 39 from Route 1 near Euntington Beach to Route 210.

Route 41 from:

(a) Route 1 near Morro Bay to Route 101 near Atascadero.

(b) Route 46 to Route 99 near Fresno.

(c) Route 99 near Fresno to Route 180.

(d) Route 180 to Yosemite National Park.

Route 43 from Route 5 to Route 99 near Selma.

Route 45 from Route 20 near Colusa to Route 32 near Hamilton City.

SEC. 3. Section 253.1 of the Streets and Highways Code is amended to read:

253.1. The California freeway and expressway system shall include:

Routes 5, 6, 7, 8, 10, 13, 14, 15, 17, 18, 21, 22, 24, 28, 30, 31, 32, 34, 37, 40, 44, 47, 48, 50, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 65, 67, 68, 70, 71, 73, 74, 78, 80, 81, 83, 85, 87, 88, 89, 90, 92, 93, 97, 100, 102, 106, 107, 108, 109, 118, 121, 122, 124, 125, 126, 133, 134, 136, 139, 140, 141, 143, 145, 148, 149, 150, 154, 156, 157, 161, 163, 164, 171, 179, 181, 183, 184, 199, 205, 208, 210, 217, 221, 223, 230, 232, 234, 235, 237, 238, 239, 242, 244, 247, 249, 251, 252, 256, 257, 258, 259, 280, 380, 405, 505, 580, 605, 680, 805, and 880 in their entirety.

SEC. 4. It is the intent of the Legislature, if this bill and Senate Bill No. 244 are both chaptered and amend Section 253.1 of the Streets and Highways Code, and this bill is chaptered after Senate Bill No. 244, that the amendments to Section 253.1 proposed by both bills be given effect and incorporated in Section 253.1 in the form set forth in Section 3 of this act. Therefore, if Senate Bill No. 244 is chaptered before this bill and amends Section 253.1, Section 1 of this act shall not become operative.

CHAPTER 999

An act to amend Sections 1804.2 and 2983.5 of the Civil Code, relating to assignment of contracts.

[Approved by Governor October 12, 1971. Filed with Secretary of State October 12, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1804.2 of the Civil Code is amended to read:

1804.2. An assignee of the seller's rights is subject to all equities and defenses of the buyer against the seller arising out of the sale and existing in favor of the buyer at the time of the assignment, notwithstanding an agreement to the contrary, but the assignee's liability may not exceed the amount of the debt owing to the assignee at the time that notice of equities and defenses is given to the assignee.

SEC. 2. Section 2983.5 of the Civil Code is amended to read:

2983.5. An assignee of the seller's rights is subject to all equities and defenses of the buyer against the seller existing in favor of the buyer at the time of the assignment.

CHAPTER 1000

An act to amend Section 9995 of the Business and Professions Code, relating to business and professions, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 12, 1971. Filed with
Secretary of State October 12, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 9995 of the Business and Professions Code is amended to read:

9995. The bureau shall receive and account for all fees and revenues derived from the operation of this chapter and, at the end of each month, shall report such fees and revenues to the State Controller and shall pay it to the State Treasurer, who shall keep the fees and revenues in a separate fund known as the Bureau of Employment Agencies Fund. The fees and revenues contained in this fund are appropriated, without regard to fiscal years, for carrying out the provisions of this chapter.

SEC. 2. The money in the Bureau or Employment Agencies Fund is hereby appropriated to the Bureau of Employment Agencies as follows:

(a) The sum of fifty-three thousand five hundred thirty-two dollars (\$53,532) in augmentation of Item 209 of the Budget Act of 1969.

(b) The sum of fifty-nine thousand five hundred eighty-seven dollars (\$59,587) in augmentation of Item 173 of the Budget Act of 1970.

(c) Without regard to fiscal years, as provided for in Section 9995 of the Business and Professions Code.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The funds budgeted for the Bureau of Employment Agencies for the fiscal years 1969-1970 and 1970-1971 were insufficient to meet the costs of the regulatory program mandated to it by the Legislature. In order to enable the Bureau of Employment Agencies to meet the costs of carrying out its activities for these two fiscal years, and for the 1971-1972 fiscal year, it is essential that this act take effect as soon as possible.

CHAPTER 1001

An act to amend Section 16 of Chapter 1086 of the Statutes of 1970, relating to tidelands and submerged lands.

[Approved by Governor October 12, 1971. Filed with Secretary of State October 12, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 16 of Chapter 1086 of the Statutes of 1970 is amended to read:

Sec. 16. The grant and conveyance in trust of tidelands and submerged lands to the city provided for by this act shall become effective only upon the written acceptance of such grant and conveyance by the city prior to September 1, 1973.

SEC. 2. Except as amended by this act, the grant and conveyance contained in Chapter 1086 of the Statutes of 1970 is hereby confirmed and shall remain in full force and effect subject to the terms and conditions set forth in Chapter 1086 of the Statutes of 1970, as amended by this act.

CHAPTER 1002

An act to amend Sections 4848 and 4905 of the Business and Professions Code, relating to veterinary medicine.

[Approved by Governor October 12, 1971. Filed with Secretary of State October 12, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 4848 of the Business and Professions Code is amended to read:

4848. The board shall by means of examination, ascertain the professional qualifications of all applicants for licenses to practice veterinary medicine in this state and shall issue a license to every person which it finds to be qualified.

The examination shall consist of a written examination and a practical examination which may be given at the same time or at different times as determined by the board. The written examination may be waived by the board in any case in which it determines that the applicant has taken an examination for license in another state substantially equivalent in scope and subject matter to the written examination last given in California before such determination is made, and has achieved a score on the out-of-state examination at least equal to the score required to pass such California written examination.

No license shall be issued to anyone who has not demonstrated his competency by examination.

SEC. 2. Section 4905 of the Business and Professions Code is amended to read:

4905. The following fees shall be collected by the board and the same shall be credited to the Board of Examiners in Veterinary Medicine Contingent Fund:

(a) The fee for filing an application for examination shall be fixed by the board in such amount as it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, but not to exceed fifty dollars (\$50) for the practical examination, and at not more than thirty dollars (\$30) for the written examination.

(b) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that, if the license is issued less than one year before the date on which it will expire, then the fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

(c) The renewal fee shall be fixed by the board for each biennial renewal period in such amount as it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, but not to exceed sixty-five dollars (\$65).

(d) The delinquency fee is eight dollars (\$8).

(e) The fee for issuance of a duplicate license is five dollars (\$5).

(f) The board may make a charge for records, transcripts, and other official documents pertaining to the affairs of the board.

(g) The fee for failure to report a change in the place of practice is ten dollars (\$10).

(h) The fee for registration of veterinary premises is ten dollars (\$10), but the board may reduce the fee to such amount as it determines is reasonably necessary to provide sufficient funds to carry out the purposes of this chapter.

CHAPTER 1003

*An act to amend Section 987.2 of the Penal Code,
relating to assigned counsel.*

[Approved by Governor October 12, 1971. Filed with
Secretary of State October 12, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 987.2 of the Penal Code is amended to read:

987.2. (a) In any case in which a person, including a person who is a minor, desires but is unable to employ counsel and in which counsel is assigned in the superior court, municipal court, or justice court to represent such a person in a criminal trial, proceeding or appeal, such counsel, in a county or city and county in which there is no public defender, or in a case in which the court finds that because of conflict of interest or other reasons the public defender has properly refused to represent the person accused, shall receive a reasonable sum for compensation and for necessary expenses, the amount of which shall be determined by the court, to be paid out of the general fund of the county.

(b) The sum provided for in subdivision (a) may be determined by contract between the court and one or more responsible attorneys after consultation with the board of supervisors as to the total amount of compensation and expenses to be paid, which shall be within the amount of funds allocated by the board of supervisors for the cost of assigned counsel in such cases.

(c) The board of supervisors may by contract provide that any public defender duly appointed or elected may charge reasonable fees to the Department of Corrections for representing inmates of prisons under its control, and the Department of Corrections may upon approval by the court pay such fees into the county treasury to be placed in the general fund of the county.

(d) Counsel shall be appointed to represent, in the municipal or justice court, a person who desires but is unable to employ counsel, when it appears that such appointment is necessary to provide an adequate and effective defense for defendant.

CHAPTER 1004

An act to amend Sections 13811, 13828, 13847, 13849, 13959, 13997, 14070.1, 14153, 14155, 14156, 14180, 14193, 14213, 14214, 14214.5, 14230, 14226, 14280, 14393, 14397, and 14445 of, to add Sections 13901, 14038, 14061, 14071, and 14286 to, and to repeal Sections 14001, 14071, 14183, 14215,

and 14395 of, the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor October 12, 1971. Filed with Secretary of State October 12, 1971.]

The people of the State of California do enact as follows:

SEC. 2. Section 13811 of the Education Code is amended to read:

13811. For the purposes of payments into or out of the retirement fund for adjustments of errors or omissions, the period of limitation of actions otherwise applicable shall not commence to run until the error or omission is discovered, as evidenced by the filing with this system of a claim or demand against this system or by the making of a claim or order for payment by this system against the former member, retirant, or his beneficiary, except that with respect to actions against a retirant, or beneficiary based upon erroneous payment from or to this system the period of limitation shall commence from the date of such payment.

SEC. 3. Section 13828 of the Education Code is amended to read:

13828. Except as hereinafter provided, "beneficiary" means any person receiving a survivor's allowance, death benefit, benefit under option, or any other benefit. "Beneficiary" does not include a member, former member or retirant unless specifically named as a beneficiary or by operation of law. A corporation may only be designated as a beneficiary to receive death benefits under Sections 14070, 14180 and 14185.

SEC. 4. Section 13847 of the Education Code is amended to read:

13847. "Public school" means any day or evening elementary school, and such day and evening secondary schools, technical schools, kindergarten schools, and prekindergarten schools as may be established by the Legislature, or by municipal or district authority.

SEC. 5. Section 13849 of the Education Code is amended to read:

13849. "Retirement" means withdrawal from active service with a retirement allowance. A member of this system is retired with the mailing of the first warrant from this system exclusive of any warrants drawn for those persons receiving an estimated payment in accordance with Section 14374.

SEC. 6. Section 13901 is added to the Education Code, to read:

13901. The board shall issue to each member, after the close of the school year, a statement of his individual account.

SEC. 7. Section 13959 of the Education Code is amended to read:

13959. If a member is retired, or if his contributions are refunded to him upon termination of service, he shall cease to be a member.

For the purposes of this section, deposit in the United States mail of a warrant drawn in favor of a member, as refund of his contribution, and addressed to the latest address of the member on file in the office of this system, constitutes payment to the member of the amount for which the warrant is drawn.

Should a person to whom such warrant is mailed return the warrant to the system's office for cancellation within 30 days from date of mailing of warrant, the board shall cancel the warrant and reinstate the person to membership restoring to him all the rights and privileges of membership which he had at the time of the cessation of membership.

SEC. 8. Section 13997 of the Education Code is amended to read:

13997. Time during which a member is excused from performance of his duties, such as but not limited to, sick leave, holidays, or vacation, whether or not he is required to perform any portion of such duties during such time, and for which he receives compensation, including disability from any insurance carrier of his employer, under the Labor Code on account of industrial injury or disease, in an amount less than the full compensation earnable by him while performing his duties when not so excused, shall be credited as service in the proportion that the compensation paid to the member bears to the full compensation which would be earnable by him while performing his duties on a full-time basis. For purposes of this article, any certificated employee on a sabbatical leave as provided under Section 13457 receives full-time service credit for time spent on such leave, providing the member pays contributions as required by Section 14038.

SEC. 9. Section 14001 of the Education Code is repealed.

SEC. 10. Section 14038 is added to the Education Code, to read:

14038. A member receives full-time service credit for a period of sabbatical leave as provided under Section 13997 providing the member pays to the system within two years from the termination of such leave additional contributions based on the compensation, which is the difference between compensation earned and the compensation earnable during the period of sabbatical leave, in the amount of:

(a) Eight percent of such compensation as employer and state cost of granting service credit, and

(b) Member's regular contribution rate as applied to such compensation.

Regular interest is due on all contributions required under this section from the end of the school year during which the sabbatical leave was taken until date of payment of such contributions.

SEC. 19. Section 14061 is added to the Education Code, to read:

14061. Any overpayments made to or for the decedent either in the form of benefits, contributions or payments made

to the Federal Internal Revenue Service or insurance companies and not recovered prior to the, or following the, demise of the decedent shall be recovered from any death benefit that may be paid by the system.

SEC. 20. Section 14070.1 of the Education Code is amended to read:

14070.1. When a member's contributions are returned to him, as provided in Section 14070, all rights to benefits pertaining to the service credits represented by those contributions and the benefits payable under Section 14180, subparagraph (b)(5), are forfeited. Such rights and benefits, based upon service performed prior to refund, shall not be restored until the member has redeposited the total of the refunded contributions, and paid the regular interest thereon as provided in Article 13 (commencing with Section 14080) of this chapter.

SEC. 21. Section 14071 of the Education Code is repealed.

SEC. 22. Section 14071 is added to the Education Code, to read:

14071. Without terminating his membership a member may withdraw tax-sheltered contributions in his individual account. If the member withdraws such contributions within five years after the first contribution is made no interest is refundable thereon.

SEC. 23. Section 14153 of the Education Code is amended to read:

14153. A member or retirant may at any time designate a beneficiary to receive such benefits as may be payable under this chapter. Any change of beneficiary shall be in writing on a form prescribed by the system, executed by the member, witnessed by two witnesses, neither of whom may be beneficiaries or next of kin of the member, as listed in Section 14152. To be valid the instrument must be received in the office of the system before the member's death.

Such designation of beneficiary, other than a designation under options 2 and 3, may be revoked at the pleasure of the person making the nomination, and a different beneficiary designated in the same manner herein provided.

SEC. 24. Section 14155 of the Education Code is amended to read:

14155. If after nomination of his child or children as a beneficiary, a married member, or retirant, has issue of his marriage and such child survives him, or is born after his death, such child shall receive an equal share with those children named as such beneficiaries unless he declares in a writing filed with the system that such child is intentionally excluded as a beneficiary. No other evidence to rebut the presumption of such revocation can be received.

SEC. 25. Section 14156 of the Education Code is amended to read:

14156. Children of a deceased child (such child being a designated beneficiary or such after-born beneficiary), of the member or retirant shall receive, share and share alike, the

share that such child would have received were he living at the date of the death of such member or retirant.

SEC. 26. Section 14180 of the Education Code is amended to read:

14180. (a) Except as otherwise provided in Section 14193, 14283, 14284 or 14285 payment pursuant to subdivision (b) of this section shall be made upon receipt of proof of a member's death which occurred:

(1) Before the effective date of his retirement or after that date but before the date upon which the warrant for his first retirement allowance is mailed, including a warrant for an advance payment as permitted by Section 14370, and within four months after the termination of the member's employment in a status requisite for membership in this system, or

(2) While the member was physically or mentally incapacitated for performance of his duty, if such incapacity had been continuous from such termination.

(b) There shall be paid to the designated beneficiary:

(1) The Permanent Fund contributions, without interest, standing to the credit of his individual account, as having been made after July 1, 1935.

(2) The accumulated annuity contributions standing to the credit of the member's account.

(3) The accumulated annuity deposits standing to the credit of the individual account of the member.

(4) The accumulated tax-sheltered contributions standing to the credit of his account.

(5) There shall also be paid an amount, provided from contributions by the state, and payable from the Retirement Annuity Fund, for each completed year of service as a member, not to exceed six and excluding those years of service with respect to which contributions have been refunded and the member had not elected to redeposit, equal to one-twelfth of the salary which would have been earned by the member at the rate of salary at which he was last employed preceding death, assuming engagement in duties for the number of schooldays during the school year in which such employment existed.

If the last employment preceding death was less than full time, the salary used under this section shall be the salary earned and used in the calculation of contributions in the last preceding year.

SEC. 27. Section 14183 of the Education Code is repealed.

SEC. 28. Section 14193 of the Education Code is amended to read:

14193. Upon the death before retirement of a member who is qualified for service retirement under subdivision (a) of Section 14211, and on account of whose death the benefit provided by Section 14180 is otherwise payable, or who could have qualified for service retirement under subdivision (b) of Section 14211 at the time of his death, a monthly allowance equal to one-half of the monthly retirement allowance prior to modifica-

tion under options in Section 14280, which the member would have been entitled to receive if he had retired for service on the day following his death, shall be payable:

(a) Providing the member has nominated the surviving spouse as the primary beneficiary, or in the event the member dies leaving a surviving spouse but has failed to make any nomination of beneficiary, to the member's widow, or the member's widower who was receiving at least one-half of his support from the member at the time of the member's death, and with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death provided such widow or widower does not qualify for an allowance under Section 14284; or, (b) if there is no qualifying surviving spouse, or if such spouse dies or remarries, to unmarried children, including dependent stepchildren, of the member, who are under 18 years of age.

The allowances payable under this section are in lieu of the death benefit provided by Section 14070 or by Section 14180, except for the accumulated annuity deposits and accumulated tax-sheltered contributions included therein, providing a person qualifying for the allowance or such person's guardian elects to receive the allowance in lieu of the death benefit. The member's accumulated annuity deposits and accumulated tax-sheltered contributions shall be paid to the person qualifying for the allowance, and the remainder of the accumulated contributions of the member shall be applied toward providing the allowance, and the balance not so provided shall be payable from state contributions.

If the guardian of one or more children otherwise eligible to receive the allowance elects that such death benefit be paid in lieu thereof, there shall be paid to each such child an amount equal to what the child would have received as an allowance hereunder had the election not been made (disregarding credited interest and the probability of death or marriage), and under the assumption that each monthly allowance would have been divided equally among such unmarried children then under age 18, such amounts to be reduced proportionately if their total would otherwise be in excess of the amount of such death benefit. Any balance of such death benefit remaining after such payments have been made shall be paid to the surviving spouse of the member, or if none, to the surviving children of the member, share and share alike.

The benefits under this section shall not be paid if the member's surviving spouse or children elect to receive a monthly payment in lieu of a death benefit from a local retirement system.

SEC. 29. Section 14213 of the Education Code is amended to read:

14213. A member may be retired for disability only if he:

(a) Is credited with five or more years of service, the last five of which have been served in this state, or

(b) Is credited with service performed in this state and is being retired concurrently under the Public Employees' Retirement System as a state member thereof, or under a retirement system of the University of California.

SEC. 30. Section 14214 of the Education Code is amended to read:

14214. Any member who is qualified for retirement for disability and who is physically or mentally incapacitated for further service may be retired for disability by the board upon his application, or upon the application of his guardian or conservator, if the board determines, on the basis of competent medical opinion secured by it, that the incapacity is of a permanent or of an extended and uncertain duration, and such application is made:

(a) While the member is employed in a position requiring membership in this system and is receiving compensation because of such employment, or

(b) While he is serving in the active military service of the United States, or in any other service stated in Section 13994 provided that time in such service will qualify for credit as service under this system, or

(c) While he is physically or mentally incapacitated for performance of his duty and such incapacity has been continuous from the last day for which compensation was paid to him, or

(d) While he is on a leave of absence without compensation, granted for reason other than serving in services included in subdivision (b) of this section, or mental or physical incapacity for performance of his duty, and within 18 months after the last day of employment for which compensation was paid, or

(e) When he is retired concurrently under the Public Employees' Retirement System as a state member thereof, or under a retirement system of the University of California, or

(f) Within four months after the termination of the member's employment in a position requiring membership in this system provided, first, that such application was not made under the provisions of subdivision (b) or (c), and, second, that such application was not made more than 18 months after the last day for which compensation was paid to him.

On receipt of an application for disability retirement the board may order a medical examination of a member to determine whether he is incapacitated for further service. If the applicant for disability retirement refuses to submit to the medical examination required by the board his application for disability retirement shall be canceled.

SEC. 31. Section 14214.5 of the Education Code is amended to read:

14214.5. A member who makes application for and qualifies for retirement for disability under the provisions of Sections 14213 and 14214 who is removed from classroom teaching duties because of such disability and who is not assigned other full-time duties, shall become eligible for disability retirement:

benefits commencing with the day following the last day he receives compensation from the employing school district.

SEC. 31.5. Section 14215 of the Education Code is repealed.

SEC. 32. Section 14220 of the Education Code is amended to read:

14220. The board may require any retirant retired for disability who has not attained the age of 58 years, to undergo a medical examination. If the examination, together with other available information, shows to the satisfaction of the board that he is no longer disabled, his retirement allowance shall cease, and he shall be reinstated to membership in the system. Should any such retirant refuse to submit to medical examination, as herein provided, payments to such retirant under disability retirement shall be discontinued and all rights of the retirant in the disability allowance shall be revoked.

SEC. 33. Section 14226 of the Education Code is amended to read:

14226. Any retirant who is retired for service may be employed in a position requiring certification qualifications providing he is not paid more than four thousand dollars (\$4,000), including that compensation received under Section 14225, in any one fiscal year for such employment. The employment does not operate to reinstate the retirant as a member of this system, or to terminate or suspend his retirement allowance, and no deduction shall be made from his salary as contributions to this system. The retirant may be reemployed only if able to pass a physical examination prescribed by the State Board of Education.

A certificate from a physician or surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code showing that he has submitted to and passed a physical examination within the immediately preceding 12-month period and filed with the county superintendent, or, in the case of a retirant to be employed as a substitute in a position requiring certification qualifications at the California School for the Deaf or the California School for the Blind, filed with the State Department of Education, shall be conclusive evidence of his passing the physical examination required by this section.

SEC. 34. Section 14280 of the Education Code is amended to read:

14280. Before the warrant for his first retirement allowance is mailed, any member may elect to receive the actuarial equivalent of the retirement allowance payable throughout life with the provision that:

Option 1. If he dies before he has received in payments provided by his total contributions (which for the purposes of this section, shall include only his accumulated annuity contributions, his accumulated annuity deposits, his accumulated tax-sheltered contributions and his Permanent Fund contributions based on service after June 30, 1944, and credited inter-

est), the amount of such total contributions as it was at the time of his retirement, the balance of such total contributions shall be paid to his estate or to such person as he has nominated by written designation duly executed and filed with the board; or

Option 2. Upon his death his reduced retirement allowance shall be continued throughout the life of and paid to any living human being as he has nominated by written designation duly executed and filed with the board at the time of his election; or

Option 3. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of, and paid to any living human being as he has nominated by written designation duly executed and filed with the board at the time of his election.

An election made under this section may be revoked or changed by him at any time prior to the mailing of the warrant for his first retirement allowance.

SEC. 35. Section 14286 is added to the Education Code, to read:

14286. A married member making an election of option under this article shall obtain and file with the system the spouse's written consent to such election before the election is valid.

SEC. 36. Section 14393 of the Education Code is amended to read:

14393. Payment pursuant to the board's determination in good faith of the existence, identity or other facts relating to entitlement of persons constitutes a complete discharge of and release of the system from liability for the payment so made.

Notwithstanding the provisions of Sections 161a and 172 of the Civil Code relating to community property interests, whenever payment or refund is made by this system to a member, former member, beneficiary of a member or estate of a member pursuant to any provision of this chapter, the payment shall fully discharge the system from all adverse claims there- unless, before payment is made, the system has received at its office in Sacramento written notice of adverse claim.

SEC. 37. Section 14395 of the Education Code is repealed.

SEC. 38. Section 14397 of the Education Code is amended to read:

14397. If any person entitled to a benefit from the system is a minor who has no guardian of his estate, the benefit, not to exceed two thousand dollars (\$2,000), may be paid to the person entitled to the custody of the minor to hold for the minor, upon the written statement, duly acknowledged and verified, of the person that the total estate of the minor does not exceed two thousand five hundred dollars (\$2,500) in value.

The payment shall constitute full discharge of any and all liabilities of the board and system.

The person shall account to the minor for the money when the minor reaches the age of majority.

Notwithstanding the provisions of this section, a natural parent or an adoptive parent having custody of the minor will not be required to establish a guardianship for the purpose of collecting a survivor benefit.

Sec. 39. Section 14445 of the Education Code is amended to read:

14445. If a member, who has been an employee of a district which has paid employer contributions to the federal government under the Federal Social Security Act, ceases to be entitled to benefits under another retirement system, except social security, he may deposit contributions and regular interest as provided in Section 14440, and notwithstanding the provisions of Sections 14240 and 14245, the member is entitled to credit for service as a non-local-fund member. If the member deposits such contributions and regular interest his benefit under this chapter shall be reduced by an amount equal to the pro rata portion of one-half of his individual social security benefit calculated on the service on which such employer contributions were based. For purposes of this section the pro rata portion of the social security benefit shall be calculated on the basis of federal law in effect on the date the member retires under State Teachers' Retirement System, and no further adjustments shall be made because of changes in social security benefits after such retirement.

CHAPTER 1005

An act to add Section 308b to the Penal Code, relating to tobacco.

[Approved by Governor October 12, 1971. Filed with Secretary of State October 12, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 308b is added to the Penal Code, to read:

308b. (a) Except as provided in subdivision (b), every person who knowingly delivers or causes to be delivered to any residence in this state any tobacco products unsolicited by any person residing therein is guilty of a misdemeanor.

(b) It is a defense to a violation of this section that the recipient of the tobacco products is personally known to the defendant at the time of the delivery.

(c) The distribution of unsolicited tobacco products to residences in violation of this section is a nuisance within the meaning of Section 3479 of the Civil Code.

(d) Nothing in this section shall be construed to impose any liability on any employee of the United States Postal Service

for actions performed in the scope of his employment by the United States Postal Service.

SEC. 2. It is the intention of the Legislature, in enacting this act, to prevent the furnishing in any manner of tobacco products to persons under the age of 18 years, to prevent the unsolicited distribution of tobacco products to persons who object to such distribution, to prevent interference with the comfortable enjoyment of life and property, and to protect against the invasion of the privacy of persons in their homes.

CHAPTER 1006

An act to amend Sections 18055, 18056, 18056.5, 18057, and 18058 of the Health and Safety Code, relating to vehicles.

[Approved by Governor October 12, 1971. Filed with Secretary of State October 12, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 18055 of the Health and Safety Code is amended to read:

18055. It is unlawful for any person to sell, or offer for sale within this state, any mobilehome manufactured after September 1, 1958, or recreational vehicle manufactured after November 13, 1968, or any trailer coach designed or used for industrial, professional, or commercial purposes manufactured after May 25, 1967, or commercial coach manufactured after November 23, 1970, containing plumbing, heat-producing, or electrical equipment unless such equipment meets the requirements of the commission for such equipment and installations. The commission is authorized to promulgate such rules and regulations which shall be reasonably consistent with recognized and accepted principles for plumbing, heat-producing, and electrical equipment and installations, respectively, in order to protect the health and safety of the people of this state from dangers inherent in the use of substandard and unsafe plumbing, heat-producing, and electrical equipment and installations.

SEC. 2. Section 18056 of the Health and Safety Code is amended to read:

18056. All mobilehomes, recreational vehicles, and commercial coaches which are sold or offered for sale within this state shall bear insignia of approval issued by the department to indicate compliance with the regulations of the commission, adopted pursuant to this part, which were in effect on the date of manufacture of the mobilehome, recreational vehicle, or commercial coach.

The department may issue insignia for mobilehomes, recreational vehicles, or commercial coaches manufactured prior to the effective dates of the appropriate regulations which meet the requirements of this part or the regulations adopted pur-

suant thereto in effect at the time of such issue. It is unlawful for any person to remove, or cause to be removed, an insignia of approval without prior authorization by the department.

SEC. 3. Section 18056.5 of the Health and Safety Code is amended to read:

18056.5. The commission may adopt such regulations for the construction of mobilehomes and commercial coaches as it determines are reasonably necessary in order to protect the health and safety of the occupants and the public. These regulations shall be reasonably consistent with the American National Standards Institute standards for the construction of mobilehomes.

SEC. 4. Section 18057 of the Health and Safety Code is amended to read:

18057. It is unlawful for any person to alter or convert, or cause to be altered or converted, installations or equipment of a mobilehome, recreational vehicle, or commercial coach which bears a department insignia of approval, when such mobilehome, recreational vehicle, or commercial coach is used, occupied, sold, or offered for sale within this state, unless performance is in compliance with regulations adopted by the commission. The commission may adopt regulations providing requirements for alterations and conversions.

SEC. 5. Section 18058 of the Health and Safety Code is amended to read:

18058. The commission is authorized to promulgate rules and regulations which it determines are reasonably consistent with generally recognized fire protection standards, governing conditions relating to the prevention of fire or for the protection of life and property against fire in mobilehomes, recreational vehicles, and commercial coaches.

SEC. 6. The amendments made to Sections 18055, 18056, 18056.5, 18057, and 18058 by this act at the 1971 Regular Session of the Legislature do not constitute a change in, but are declaratory of, the existing law.

CHAPTER 1007

An act to amend Section 2728 of, and to add Section 2728.5 to, the Business and Professions Code, relating to nursing.

[Approved by Governor October 12, 1971. Filed with Secretary of State October 12, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 2728 of the Business and Professions Code is amended to read:

2728. If adequate medical and nursing supervision by a professional nurse or nurses is provided, nursing service may be given by attendants or psychiatric technicians in institu-

tions under the jurisdiction of or subject to visitation by the State Department of Public Health, the State Department of Mental Hygiene or the Department of Corrections. Services so given by a psychiatric technician shall be limited to services which he is authorized to perform by his license as a psychiatric technician.

The Director of Mental Hygiene shall determine what shall constitute adequate medical and nursing supervision in any institution under the jurisdiction of the State Department of Mental Hygiene.

SEC. 2. Section 2728.5 is added to the Business and Professions Code, to read:

2728.5. Except for those provisions of law relating to directors of nursing services, nothing in this chapter or any other provision of law shall prevent the utilization of a licensed psychiatric technician in performing services used in the care, treatment, and rehabilitation of mentally ill, emotionally disturbed, or mentally retarded persons within the scope of practice for which he is licensed in facilities under the jurisdiction of or licensed by the Department of Mental Hygiene or the Department of Public Health, or their successor agency or agencies, that he is licensed to perform as a psychiatric technician, including any nursing services under Section 2728, in facilities under the jurisdiction of the Department of Mental Hygiene.

CHAPTER 1008

An act to amend Sections 25003, 25100, 25103, 25133, 25503, and 25800 of, and to add Section 25534 to, the Corporations Code, relating to corporate securities.

[Approved by Governor October 12, 1971 Filed with
Secretary of State October 12, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 25003 of the Corporations Code is amended to read:

25003. "Agent" means any individual, other than a broker-dealer or a partner of a licensed broker-dealer, who represents a broker-dealer or who for compensation represents an issuer in effecting or attempting to effect purchases or sales of securities in this state. "Agent" does not include an individual who only represents an issuer in effecting transactions in securities exempted by subdivision (a), (b), (e), (f), (g), (j), (k) or (l) of Section 25100 or in effecting transactions exempted by Section 25102, and does not include an individual who has no place of business in this state if he effects transactions in this state exclusively with broker-dealers. An officer or director of a broker-dealer or issuer, or

an individual occupying a similar status or performing similar functions, is an agent only if he otherwise comes within this definition and receives compensation specifically related to purchases or sales of securities.

SEC. 2. Section 25100 of the Corporations Code is amended to read:

25100. The following securities are exempted from the provisions of Sections 25110, 25120, and 25130:

(a) Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any city, county, city and county, public district, public authority, public corporation, public entity, or political subdivision of a state or any agency or corporate or other instrumentality of any one or more of the foregoing; or any certificate of deposit for any of the foregoing.

(b) Any security issued or guaranteed by the Dominion of Canada, any Canadian province, any political subdivision or municipality of any such province, or by any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor; or any certificate of deposit for any of the foregoing.

(c) Any security issued or guaranteed by and representing an interest in or a direct obligation of a national bank or a bank or trust company incorporated under the laws of this state, and any security issued by a bank to one or more other banks and representing an interest in an asset of the issuing bank.

(d) Any security issued or guaranteed by a federal savings and loan association or federal land bank or joint land bank or national farm loan association or by any savings and loan association which is subject to the supervision and regulation of the Savings and Loan Commissioner of this state.

(e) Any security (other than an interest in a real estate development), the issuance of which is subject to authorization by the Insurance Commissioner, the Public Utilities Commission, or the Real Estate Commissioner of this state.

(f) Any security consisting of any interest in all or portions of a parcel or parcels of real property which are subdivided lands or a subdivision or in a real estate development; provided that the exemption in this subdivision shall not be applicable to any investment contract sold or offered for sale with, or as part of, any such interest, or to any corporation engaged in the business of selling, distributing or supplying water for irrigation purposes or domestic use which is not a public utility.

(g) Any shares, investment certificates or borrower's membership certificates (as defined in the Savings and Loan Association Law) issued by a savings and loan association holding a license then in force from the Savings and Loan Commissioner of this state.

(h) Any security issued or guaranteed by any federal credit union, or by any credit union organized and supervised under the laws of this state.

(i) Any security issued or guaranteed by any railroad, other common carrier, public utility, or public utility holding company which is (1) subject to the jurisdiction of the Interstate Commerce Commission or (2) a holding company registered with the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935 or a subsidiary of such a company within the meaning of that act or (3) regulated in respect of the issuance or guarantee of the security by a governmental authority of the United States, of any state, of Canada or of any Canadian province; and the security is subject to registration with or authorization of issuance by such authority.

(j) Any security (except evidences of indebtedness, whether interest bearing or not) of an issuer (1) organized exclusively for educational, benevolent, fraternal, religious, charitable, social, or reformatory purposes and not for pecuniary profit, if no part of the net earnings of the issuer inures to the benefit of any private shareholder or individual, or (2) organized as a chamber of commerce or trade or professional association. The fact that amounts received from memberships or dues or both will or may be used to construct or otherwise acquire facilities for use by members of the nonprofit organization does not disqualify the organization for this exemption. This exemption does not apply to the securities of any nonprofit organization if any promoter thereof expects or intends to make a profit directly or indirectly from any business or activity associated with the organization or operation of such nonprofit organization or from remuneration received from such nonprofit organization.

(k) Any agreement, commonly known as a "life income contract," of an issuer (1) organized exclusively for educational, benevolent, fraternal, religious, charitable, social, or reformatory purposes and not for pecuniary profit and (2) which the commissioner designates by rule or order, with a donor in consideration of a donation of property to such issuer and providing for the payment to the donor or persons designated by him of income or specified periodic payments from the donated property or other property for the life of the donor or such other persons.

(l) Any note, draft, bill of exchange, or banker's acceptance which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal; except such promissory notes offered to the public in amounts of less than five thousand dollars (\$5,000) in the aggregate to any one purchaser.

(m) Any security issued by any corporation organized and existing under the provisions of Chapter 1 (commencing with Section 54001) of Division 20 of the Agricultural Code.

(n) Any beneficial interest in a retirement system as defined in subdivision (a) of Section 28002.

(o) Any security listed or approved for listing upon notice of issuance on a national securities exchange certified by rule or order of the commissioner and any warrant or right to purchase or subscribe to any such security.

Such certification of an exchange shall be made by the commissioner upon the written request of the exchange if he finds that the exchange, in acting on applications for listing of common stock substantially applies each of the minimum standards set forth in subparagraph (1) below, and in considering suspension or removal from listing, substantially applies each of the criteria set forth in subparagraph (2) below.

(1) Listing standards:

(i) Net tangible assets of at least two million dollars (\$2,000,000).

(ii) Net income of at least two hundred fifty thousand dollars (\$250,000) after all charges including federal income taxes in the fiscal year immediately preceding the filing of a listing application and net income before such taxes of at least five hundred thousand dollars (\$500,000).

(iii) Minimum public distribution of 250,000 shares excluding the holdings of officers, directors, controlling shareholders and other concentrated or family holdings among not less than 900 holders including not less than 600 holders of lots of 100 shares or more, with a corresponding requirement that such securities not be largely held in blocks by institutional investors.

(iv) Minimum price of four dollars (\$4) per share for reasonable period of time prior to the filing of a listing application.

(v) An aggregate market value for publicly held shares of at least one million five hundred thousand dollars (\$1,500,000).

(2) Criteria for consideration of suspension or removal from listing:

(i) If a company which (A) has net tangible assets of less than one million dollars (\$1,000,000) has sustained net losses in each of its two most recent fiscal years, or (B) has net tangible assets of less than three million dollars (\$3,000,000) and has sustained net losses in three of its four most recent fiscal years.

(ii) If the number of shares publicly held (excluding the holdings of officers, directors, controlling shareholders and other concentrated or family holdings) is less than 150,000.

(iii) If the total number of shareholders of record is less than 450 or if the number of shareholders of lots of 100 shares or more is less than 300.

(iv) If the aggregate market value of shares publicly held is less than seven hundred fifty thousand dollars (\$750,000).

(v) If shares of common stock sell at a price of less than four dollars (\$4) per share for a substantial period of time and the issuer shall fail to effectuate a reverse stock split of such shares within a reasonable period of time after being requested by the exchange to take such action.

The commissioner after appropriate notice and opportunity for hearing in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part I of Division 3 of Title 2 of the Government Code, made by rule or order, decertify any exchange previously certified which ceases substantially to apply the standards or criteria as set forth above. A rule or order of certification shall conclusively establish that any security listed or approved for listing upon notice of issuance on any exchange named in a rule or order of certification and any warrant or right to purchase or subscribe to any such security is exempt under this subdivision until the adoption of any rule or order decertifying such exchange.

(p) A promissory note secured by a lien on real property, which is not one of a series of notes secured by interests in the same real property.

SEC. 3. Section 25103 of the Corporations Code is amended to read:

25103. The following transactions are exempted from the provisions of Section 25110 and Section 25120:

(a) Any negotiations or agreements prior to general solicitation of shareholders' approval, and subject to such approval, of a change in the rights, preferences, privileges, or restrictions of or on outstanding securities or a merger, consolidation or sale of corporate assets in consideration of the issuance of securities.

(b) Any change in the rights, preferences, privileges, or restrictions of or on outstanding securities, unless the holders of at least 25 percent of the outstanding shares or units of any class of securities which will be directly or indirectly affected substantially and adversely by such change have addresses in this state according to the records of the issuer.

(c) Any exchange incident to a merger, consolidation, or sale of corporate assets in consideration of the issuance of securities of another corporation, unless at least 25 percent of the outstanding shares of any class the holders of which are to receive securities in the exchange, are held by persons who have addresses in this state according to the records of the corporation of which they are shareholders.

(d) For the purposes of subdivision (b) and subdivision (c) of this section, (1) any securities held to the knowledge of the issuer in the names of broker-dealers or nominees of broker-dealers and (2) any securities controlled by any one person who controls directly or indirectly 50 percent or more of the outstanding securities of that class shall not be considered outstanding. The determination of whether 25 percent of the outstanding securities are held by persons having ad-

dresses in this state, for the purposes of subdivision (b) and subdivision (c) of this section, shall be made as of the record date for the determination of the security holders entitled to vote on or consent to the action, if approval of such holders is required, or if not as of the date of directors' approval of such action.

(e) Any change (other than a stock split or reverse stock split) in the rights, preferences, privileges, or restrictions of or on outstanding shares, except the following if they substantially and adversely affect any class of shareholders: (1) to authorize the corporation to levy assessments thereon; (2) to change the rights to dividends thereon; (3) to change the redemption provisions; (4) to make them redeemable; (5) to change the amount payable on liquidation; (6) to change the conversion rights; (7) to change the voting rights; (8) to change preemptive rights; (9) to change sinking fund provisions; (10) to rearrange the relative priorities of outstanding shares; (11) to impose or to change restrictions upon the transfer of shares in the articles of incorporation or bylaws; (12) to change the right of shareholders with respect to the calling of special meetings of shareholders; and (13) to change any rights of the shareholders or members of a mutual water company.

(f) Any stock split or reverse stock split, except the following: (1) any stock split or reverse stock split if the corporation has more than one class of voting shares outstanding; (2) any stock split of a stock which is traded in the market and its market price as of the date of directors' approval of the stock split adjusted to give effect to the split was less than two dollars (\$2) per share; and (3) any reverse stock split if the stock is not traded in the market and the corporation has the option of paying cash for any fractional shares created by such reverse split and as a result of such action the proportionate interests of the shareholders would be substantially altered. Any shares issued upon a stock split or reverse stock split exempted by this subdivision shall be subject to any conditions previously imposed by the commissioner applicable to the shares with respect to which they are issued.

(g) Any change in the rights of outstanding debt securities, except the following if they substantially and adversely affect any class of securities: (1) to change the rights to interest thereon; (2) to change their redemption provisions; (3) to make them redeemable; (4) to extend the maturity thereof or to change the amount payable thereon at maturity; (5) to change their voting rights; (6) to change their conversion rights; (7) to change sinking fund provisions; and (8) to make them subordinate to other indebtedness.

SEC. 4. Section 25133 of the Corporations Code is amended to read:

25133. It is unlawful for any person without the written consent of the commissioner to consummate the transfer of any securities heretofore or hereafter placed in escrow pur-

suant to a condition ordered by the commissioner and which have not been released from escrow, or which are subject to a currently effective legend condition requiring such consent (except as permitted therein), or which are issued pursuant to the exemption in subdivision (h) of Section 25102 (except as permitted by rule or order of the commissioner), or concerning which the commissioner has issued a written notice to the holders thereof pursuant to Section 25534 ordering the certificates evidencing such securities to be stamped or printed with a legend as provided in such section.

SEC. 5. Section 25503 of the Corporations Code is amended to read:

25503. Any person who violates Section 25110 or 25130 shall be liable to any person acquiring from him the security sold in violation of such section, who may sue to recover the consideration he paid for such security with interest thereon at the legal rate, less the amount of any income received therefrom, upon the tender of such security, or for damages, if he no longer owns the security, or if the consideration given for the security is not capable of being returned. Damages, if the plaintiff no longer owns the security, shall be equal to the difference between (a) his purchase price plus interest at the legal rate from the date of purchase and (b) the value of the security at the time it was disposed of by the plaintiff plus the amount of any income received therefrom by the plaintiff.

Damages, if the consideration given for the security is not capable of being returned, shall be equal to the value of that consideration plus interest at the legal rate from the date of purchase, provided the security is tendered; and if the plaintiff no longer owns the security, damages in such case shall be equal to the difference between (a) the value of the consideration given for the security plus interest at the legal rate from the date of purchase and (b) the value of the security at the time it was disposed of by the plaintiff plus the amount of any income received therefrom by the plaintiff. Any person who violates Section 25120 shall be liable to any person acquiring from him the security sold in violation of such section who may sue to recover the difference between (a) the value of the consideration received by the seller and (b) the value of the security at the time it was received by the buyer, with interest thereon at the legal rate from the date of purchase. Any person on whose behalf an offering is made and any underwriter of the offering, whether on a best efforts or a firm commitment basis, shall be jointly and severally liable under this section, but in no event shall any underwriter (unless such underwriter shall have knowingly received from the issuer for acting as an underwriter some benefit, directly or indirectly, in which all other underwriters similarly situated did not share in proportion to their respective interest in the underwriting) be liable in any suit or suits authorized under this section for damages in excess of the total price at which the securities underwritten by him and distributed to the public were

offered to the public. Any tender specified in this section may be made at any time before entry of judgment. No person shall be liable under this section if the sale of the security is qualified prior to the payment or receipt of any part of the consideration for the security sold, even though an offer to sell or a contract of sale may have been made or entered into without qualification.

Sec. 6. Section 25534 is added to the Corporations Code, to read:

25534. Whenever any securities are issued which the commissioner determines were offered or sold in violation of Section 25110, 25120, or 25130, the commissioner may, by written order to the issuer and notice to the holders of such securities, require certificates evidencing such securities to have stamped or printed prominently on their face a legend, in the form prescribed by rule of the commissioner, restricting the transfer of such securities. Upon receipt of the order, the issuer shall stamp or print such legend prominently on the face of all outstanding certificates subject to the order. If, after such order or notice has been given, a request for a hearing is filed in writing by the person or persons to whom such order or notice was addressed, a hearing shall be held in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted thereunder; unless such hearing is commenced within 15 days after the request for hearing is received by the commissioner (or the person or persons affected and the issuer consent to a later date), such order and notice are rescinded.

SEC. 7. Section 25800 of the Corporations Code is amended to read:

25800. Except as to applications filed on or before January 2, 1972, this part shall remain in effect only until January 2, 1972, and on and after such date shall have no force or effect.

CHAPTER 1009

An act to add Chapter 1 (commencing with Section 27501) to Part 4 of Division 12 of, and to repeal Chapter 1 (commencing with Section 27501) and Chapter 2 (commencing with Section 27851) of Part 4 of Division 12 of, the Agricultural Code, relating to eggs.

[Approved by Governor October 12, 1971. Filed with Secretary of State October 12, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 1 (commencing with Section 27501) of Part 4 of Division 12 of the Agricultural Code is repealed.

SEC. 2. Chapter 1 (commencing with Section 27501) is added to Part 4 of Division 12 of the Agricultural Code, to read:

CHAPTER 1. EGGS

Article 1. Definitions and General Provisions

27501. Unless the context otherwise requires, the definitions set forth in this article shall govern the construction of this chapter.

27502. "Agent" includes bailee, broker, commission merchant, factor, auctioneer, solicitor, consignee, and any other person that is acting upon the express or implied authority of another.

27503. "At retail" means a sale or transaction between a retailer and a consumer.

27504. "Candling" means the examination of the interior of eggs by use of a transmitted light.

27505. "Cold storage eggs" means eggs which have been in cold storage for a period of more than 30 days.

27506. "Committee" means the Shell Egg Advisory Committee.

27507. "Consumer" means any person who purchases eggs for his or her own family use or consumption; or any restaurant, hotel, boardinghouse, bakery, or other institution or concern which purchases eggs for serving to guests or patrons thereof, or for its own use in cooking or baking and not for resale in the shell.

27508. "Container" means any box, case, basket, carton, sack, bag, or any other device which is used to facilitate the handling of eggs.

27509. "Deceptive" means any arrangement of the contents of any container, or subcontainer, or of any lot, load, or display, in which the eggs in the outer layer or in any portion exposed to view are in quality, size, condition, or in any other respect so superior to those in the interior or unexposed portion as to materially misrepresent the contents or any part thereof as to size, quality, condition, or any other respects.

27510. "Egg dealer" means a person engaged in the business of producing, candling, grading, packing, or otherwise preparing shell eggs for market or selling or distributing shell eggs to retailers or consumers.

27511. "Egg meats" means the white, yolk, or any part of eggs, in liquid, frozen, dried, or any other form, used, intended or held for use, in the preparation of, or to be a part of or mixed with, food or food products, for human consumption.

27512. "Egg products" means egg meats.

27513. "Eggs" means eggs in the shell from chickens, turkeys, ducks, geese, or any other species of fowl.

27514. "Incubated eggs" means eggs which have been in the course of incubation, whether natural or artificial.

27515. "Incubator rejects" means incubated eggs.

27516. "Marked" means plainly, legibly, and conspicuously labeled, stamped, stenciled, printed, or branded.

27517. "Mislabel" means the presence of any false, deceptive, or misleading mark, term, statement, design, device, inscription, or any other designation upon any eggs or upon any container or subcontainer of eggs, or upon the label, lining, or wrapper thereof, or upon any placard or sign used in connection therewith, or in connection with any bulk lot or display having reference to eggs.

27518. "Retailer" means any person who sells eggs to a consumer.

27519. "Shell eggs" means eggs.

27520. "Subcontainer" means any container when being used within another container.

27521. The purposes of this chapter are as follows:

(a) To assure that healthful and wholesome eggs of known quality are sold in this state.

(b) To facilitate the orderly marketing of shell eggs in a uniform manner.

(c) To prevent the marketing of deceptive or mislabeled containers of eggs.

Article 2. Regulations

27531. The director may adopt such regulations relating to the preparation for market and marketing of shell eggs as he determines are reasonably necessary to carry out the purposes of this chapter. Such regulations may include any of the following:

(a) The establishment of grade standards including minimum quality and minimum size.

(b) Pack specifications.

(c) Marking requirements.

(d) Sampling procedures for enforcement purposes.

(e) Control and disposition of substandard lots.

(f) Use of registered brands and containers, including transportation.

(g) Requirements for displays and advertising.

(h) Procedures for the registration of shell egg dealers.

(i) Procedures for the collection or registration fees and assessments.

(j) Procedures for the development and collection of data pertaining to egg production, number of chickens, and other information as recommended by the committee.

(k) Any other matter necessary for the accomplishment of the purposes of this chapter.

Article 3. Registration of Egg Dealers

27541. Any person engaged in business in this state as a shell egg dealer shall register with the director prior to June 30 of each year. Such registration shall expire on the 30th day of June following its date of issuance.

27542. The certificate of registration shall not be transferable to any person, or be applicable to any location other than the location for which originally issued, and shall be conspicuously displayed at such location.

Article 4. Assessment Fees

27551. Every person who sells or distributes any container for use in the sale or distribution of shell eggs in this state shall pay to the director a maximum fee of one mill (\$.001) for each such container designed to hold one dozen shell eggs. Each egg dealer shall pay to the director a maximum fee of one mill (\$.001) per dozen of eggs in containers designed to hold other than one dozen shell eggs and one dozen containers on which no California fee has been paid.

27552. The fees provided in Section 27551 are maximum fees and may be established at a lower rate by the director at any time the funds derived from such assessment are more than reasonably necessary to cover the cost of administration and enforcement of this chapter, including the maintenance of a reasonable reserve fund for such purposes.

27553. The director may, by regulation, prescribe the frequency of payment of such assessments, the procedures for such payment, the procedures for refunds of payment, and penalties for late payment.

27554. The moneys which are received by the director pursuant to this chapter shall be deposited in the Department of Agriculture Fund and shall be used only for the administration and enforcement of this chapter, including, but not limited to, payments to county agricultural commissioners pursuant to Article 5 (commencing with Section 27561). Such moneys are exempt from the provisions of Article 2 (commencing with Section 13320) of Chapter 3 of Part 3 of Division 3 of Title 2 of the Government Code.

Article 5. Administration and Enforcement

27561. The director shall enforce the provisions of this chapter.

The commissioners of each county, their deputies, and qualified inspectors, under the supervision and control of the director, shall enforce the provisions of this chapter and the regulations which are adopted by the director pursuant to this chapter.

27562. The director shall determine the necessary amount to be expended by each county and the department to achieve adequate administration and enforcement of this chapter, including, but not limited to, uniformity of inspection in all counties.

27563. Within 90 days after the end of each fiscal year, the commissioner of a county shall submit, in the form prescribed by the director, a statement to the director which shows

the expenditures of funds in the enforcement and administration of this chapter for that fiscal year. Such statement shall be subject to audit by the director.

27564. Each fiscal year the director shall prepare a statement which shows the receipt and expenditure for each county as well as those funds expended by the director during the fiscal year of funds provided for in this chapter. The director shall, upon written request of any person who is financially interested in the inspection work which is conducted pursuant to this chapter, forward a copy of such report to any such person.

27565. The director may enter into an agreement with any commissioner for the enforcement of this chapter or the regulations adopted pursuant to this chapter.

27566. If any commissioner does not adequately and properly enforce the provisions of this chapter, or regulations adopted pursuant to this chapter, or any agreement, as determined by the director, the director shall provide these services and expend that county's share of the assessment fees for the proper enforcement of this chapter, in lieu of the reimbursement to such counties pursuant to Sections 27554 and 27562.

Article 6. Shell Egg Advisory Committee

27571. The director shall appoint a Shell Egg Advisory Committee consisting of seven members, six of whom shall be selected by the director from egg dealers and be representative of the egg industry. The California Agricultural Commissioners Association shall annually designate one of its members who shall serve in a nonvoting capacity as the seventh member of the committee. The members of the committee shall receive no salary.

27572. The term of office for each member, other than the member designated by the California Agricultural Commissioners Association, of the committee shall be for three years. Appointment of the first voting members shall be made so that the term of office for two voting members shall expire at the end of one year, two at the end of two years, and two at the end of three years. Thereafter, appointments for the voting members shall be for full three-year terms.

27573. The committee shall be advisory to the director on all matters pertaining to standards for shell eggs. The committee may advise on:

- (a) Quality of shell eggs.
- (b) Recommendations concerning sampling.
- (c) Uniformity of inspection.
- (d) Adjustment of fees for proper administration and enforcement.
- (e) Annual budget for the administration and enforcement of this chapter and all matters pertaining to this chapter or regulations adopted pursuant thereto.

27574. The committee shall meet at the call of its chairman, the director, or at the request of any three members of the committee. The committee shall meet at least once a year. Necessary expenditures incurred by the committee members in attending committee meetings may be reimbursed in accordance with Board of Control rules for such expenses.

Article 7. Civil Penalties and Remedies

27581. The director may bring an action to enjoin any violation or any threatened violation of any provisions of this chapter or any regulations thereunder in the superior court in the county in which the violation occurred or is about to occur. Any proceeding pursuant to this section shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure. The director shall not, however, be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

Article 8. Powers of Enforcing Officers

27591. Any enforcement officer may do any of the following:

(a) Enter and inspect any place or conveyance within the county or district over which he has supervision, where any eggs are produced, candled, incubated, stored, packed, prepared, delivered for shipment, loaded, shipped, transported, or sold.

(b) Inspect the eggs and their containers and equipment which are found in any place or conveyance which he is authorized to enter and inspect.

(c) Take for inspection and hold as evidence, if necessary, representative samples of the eggs and containers, for the purpose of determining whether or not any provision of this chapter or regulation adopted by the director pursuant to this chapter has been violated.

27592. Any enforcement officer may, while enforcing this chapter or any regulations adopted by the director pursuant to this chapter, issue a hold card for all or any part of any pack, load, lot, consignment, or shipment of eggs which are packed, stored, delivered for shipment, loaded, shipped, transported, or sold in violation of any provision of this chapter or any regulation adopted pursuant to this chapter.

Article 9. Abatement

27601. The district attorney of the county in which the eggs and their containers which are a public nuisance are found, at the request of the director or of any enforcement officer, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent the public nuisance.

Upon judgment and by order of the court, the eggs and their containers which are a public nuisance shall be condemned and destroyed in the manner which is directed by the court, or reconditioned, re-marked, denatured, or otherwise processed, or released upon such conditions as the court in its discretion may impose to insure that the nuisance shall be abated.

If the owner fails to comply with the order of the court within the time which is specified in the order, the court may order disposal of the eggs and their containers or their sale, under such terms and conditions as the court may prescribe, by the enforcement officer, or by the sheriff, marshal, or constable.

If the court orders the sale of any of the eggs and their containers which can be salvaged, the costs of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner.

In actions arising pursuant to this chapter or any regulation adopted pursuant to this chapter:

(a) Municipal courts shall have original jurisdiction where the value of the property seized amounts to five thousand dollars (\$5,000) or less.

(b) Justice courts shall have original jurisdiction where the value amounts to five hundred dollars (\$500) or less.

Article 10. Samples

27611. Any sample which is taken in accordance with the prescribed sampling procedure is prima facie evidence of the true condition of the entire lot in the examination of which the sample was taken. The presumption established by this section is a presumption affecting the burden of proof.

Article 11. Shippers and Transporters

27621. Any person, forwarding company, or common carrier may decline to ship or transport any eggs if it is notified by an enforcement officer that the eggs are found to be not in conformity with any provision of this chapter or regulation adopted pursuant to this chapter.

Any person, forwarding company, or common carrier may reserve the right, in any receipt, bill of lading, or other writing given to the shipper of any eggs, to reject for shipment and to return to, or hold at the expense and risk of, such shipper, all eggs which, upon inspection, are found to be not in conformity with any provision of this chapter or regulation adopted pursuant to this chapter.

A person, forwarding company, or common carrier that transports any eggs at the request of the shipper or owner of the eggs does not violate any provisions of this chapter or regulation, unless such person, forwarding company, or common carrier willfully fails or refuses to stop the transporta-

tion of the eggs with reasonable dispatch after being notified in writing by an enforcing officer of this chapter or regulation adopted pursuant to this chapter that such eggs are found to be delivered for shipment in violation of this chapter or regulation adopted pursuant to this chapter.

Article 12. Unlawful Acts, General

27631. It is unlawful for any person to violate any provision of this chapter or any regulation adopted by the director pursuant to the provisions of this chapter.

27632. It is unlawful for any person to mark any eggs which were not produced in this state "Produced in California" or represent them in any manner to be a product of this state.

27633. It is unlawful for any person to engage in the business of an egg dealer without first registering as an egg dealer as provided for in Article 3 (commencing with Section 27541).

27634. It is unlawful for any person to sell or use any container or subcontainer of eggs which bears a name, a trademark, or a trade name unless the seller or user is entitled to use the name, trademark or trade name.

27635. It is unlawful for any person to sell or represent as chicken eggs, eggs from any other species of fowl, or mixed eggs from more than one species of fowl, or eggs from ducks, turkeys, geese, or any species of fowl other than chickens, unless the containers and subcontainers of the eggs are marked with, or a sign, placard, or other inscription otherwise indicates fully, the species of fowl from which the eggs were produced.

27636. It is unlawful for any person to sell as "fresh eggs," "ranch eggs," or "farm eggs," or to represent as being fresh, any eggs which are below the quality of grade A or which have been held in cold storage more than 30 days.

27637. It is unlawful for any person to make any statement, representation, or assertion orally, by public outcry, or proclamation, or in writing, or by any other manner or means whatever concerning the quality, size, weight, condition, source, origin, or any other matter relating to eggs which is false, deceptive, or misleading in any particular.

27638. It is unlawful for any person to fail to comply with any lawful order of an enforcement officer, or of any court, in any proceeding pursuant to this chapter or any regulation adopted pursuant to this chapter.

27639. It is unlawful for any person to do any of the following:

(a) Refuse to submit any eggs or any container, subcontainer, lot, load, or display of eggs to the inspection of any enforcement officer.

(b) Refuse to stop, at the request of any enforcement officer, any vehicle which is transporting eggs.

27640. It is unlawful for any person to move any eggs or their containers to which any warning tag, hold card, or notice has been affixed or to remove the warning tag, hold card, or notice from the place where it may be affixed, except upon written permission, or upon the specific direction of an enforcement officer.

27641. It is unlawful for any person to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport, or sell eggs in the shell unless the eggs and their containers conform to all of the requirements of this chapter or any regulation adopted pursuant to this chapter.

27642. It shall be presumed from the fact of possession by any person engaged in the sale of eggs that such eggs are for sale for human consumption unless they have been denatured and the containers are labeled in one-inch letters "Not for human consumption."

Article 13. Ungraded Eggs

27651. It is unlawful for any person to sell to any retailer, consumer, or institution consumer, any eggs which are ungraded as to quality and size, except that the director, upon the written application of any producer, may find and proclaim that an emergency exists which prevents the normal marketing of eggs by the applicant and other producers in the same area.

27652. During an emergency which is proclaimed pursuant to Section 27651, producers in the area in which the emergency has been proclaimed to exist may sell to any retailer, consumer, or institution consumer, eggs which were produced upon the premises of the producers which are ungraded as to size and quality, and any retailer may sell such eggs to any consumer or institution consumer. Each container of eggs which is so sold and all invoices which relate to the eggs shall both:

- (a) Be clearly marked "emergency, ungraded."
- (b) Bear the name and address of the producer.

Article 14. Registered Brands

27661. It is unlawful for any common carrier or private carrier for hire, except those which are engaged in transporting eggs and containers of eggs to and from farms where eggs are produced, to receive or transport any container which is marked with a brand that is registered pursuant to this chapter or regulation unless such carrier has in its possession a bill of lading or invoice which shows all of the following:

- (a) The name and address of the consigner.
- (b) The name and address of the consignee.
- (c) The number of containers.
- (d) The brand which appears on the containers.

Article 15. Criminal Punishment and Procedure

27671. Any person that violates any provision of this chapter or any regulation adopted pursuant to this chapter is guilty of a misdemeanor which is punishable as follows:

(a) In cases of willful or intentional violation, by an imprisonment in the county jail not to exceed six months, or by a fine not to exceed five hundred dollars (\$500), or by both.

(b) In cases which do not involve willful or intentional violation, by a fine not to exceed five hundred dollars (\$500).

Any prosecution for a violation of any provision of this chapter or any regulation adopted pursuant to this chapter may be instituted in any county where any part of the offense occurred. Any evidence which is taken by any enforcement officer in any county may be admitted in evidence in any prosecution in any other county.

27672. It is unlawful for any person to fail to appear in court at the time and place designated in any written promise to appear given after arrest pursuant to this chapter or any regulation adopted pursuant to this chapter, regardless of the disposition of the offense originally charged.

27673. Unless a person who is arrested for the transportation of eggs in violation of any provision of this chapter or any regulation adopted pursuant to this chapter demands the right of an immediate appearance before a magistrate, the procedures as prescribed in Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of the Penal Code shall be followed.

SEC. 3. Chapter 2 (commencing with Section 27851) of Part 4 of Division 12 of the Agricultural Code is repealed.

SEC. 4. The provisions of Article 4 (commencing with Section 27551) of Chapter 1 of Part 4 of Division 12 of the Agricultural Code, as added by this act, shall become operative July 1, 1972.

CHAPTER 1010

An act to amend Section 12463.1 of the Government Code, relating to bonds.

[Approved by Governor October 12, 1971. Filed with Secretary of State October 12, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 12463.1 of the Government Code is amended to read:

12463.1. The Controller shall appoint an advisory committee consisting of seven local governmental officers to assist him in developing complete and adequate records.

Whenever, in the opinion of the advisory committee and the Controller, the public welfare demands that the reports of the financial transactions of a district other than a school

district be published, the Controller shall notify the district that reports of its financial transactions are required to be furnished to him pursuant to Article 9 (commencing with Section 53890), Chapter 4, Part 1, Division 2 of Title 5. A public entity, agency, board, or commission provided for by a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 or a redevelopment agency as provided for by Division 24 (commencing with Section 33000) of the Health and Safety Code, if it has issued bonds the principal and interest of which are payable from taxes allocated to and paid into a special fund of the agency under authority of Section 33641 of the Health and Safety Code, and a nonprofit corporation as defined herein, shall be deemed a district within the meaning of this section. The Controller shall compile and publish such reports pursuant to Section 12463.

For purposes of this section, "nonprofit corporation" shall mean any nonprofit corporation (1) formed in accordance with the provisions of a joint powers agreement to carry out functions specified in such agreement; or, (2) that issued bonds, the interest on which is exempt from federal income taxes, for purpose of constructing a building, stadium, or other facility which is subject to a lease or agreement with a local public entity.

CHAPTER 1011

An act to add Article 1.5 (commencing with Section 1621) to Chapter 4 of Division 2 of, and to add Sections 1647 and 1749 to, the Business and Professions Code, relating to healing arts.

[Approved by Governor October 12, 1971. Filed with Secretary of State October 12, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Article 1.5 (commencing with Section 1621) is added to Chapter 4 of Division 2 of the Business and Professions Code, to read:

Article 1.5. Examining Committee

1621. There is within the jurisdiction of the Board of Dental Examiners of the State of California an examining committee.

1621.1. The examining committee shall consist of 10 members appointed by the board. The board shall appoint the examining committee members from lists submitted by the dental and dental hygienists associations, if such lists are submitted.

1621.2. Members of the examining committee shall possess all of the following qualifications:

(a) Six shall have a valid license to practice dentistry in this state and shall have engaged in the practice of dentistry in this state for at least five years next preceding his appointment.

(b) Four shall have a valid license to practice dental hygiene in this state and shall have practiced dental hygiene in this state for at least five years next preceding his appointment.

(c) Shall not be an officer or faculty member of any college, school or institution engaged in dental instruction.

1621.3. The members of the examining committee shall hold office for two years.

1621.4. (a) The examining committee shall assist the board in the examination of applicants for a dental license and a dental hygiene license at least once a year, at the time and place designated by the board.

(b) As directed by the board, the examining committee may investigate each applicant applying for a license to practice dentistry and a license to practice dental hygiene and recommend to the board whether an applicant shall be admitted to the examination, and whether a license or certificate shall be issued, pursuant to the requirements of this chapter.

(c) As directed by the board, the examining committee, or subcommittees thereof appointed by the board, may receive and investigate complaints and obtain information and evidence relating to any matter involving the conduct of dentists or dental hygienists or any violation or alleged violation of any of the provisions of this chapter by dentists or dental hygienists.

(d) The examining committee shall advise the board regarding the establishment, implementation, and operation of the continuing education requirements authorized by Sections 1647 and 1749 of this chapter.

1621.5. The board has the power to remove from office at any time any member of the examining committee for continued neglect of duty required by this chapter or for incompetency or unprofessional or dishonorable conduct.

1621.6. Each member of the committee shall receive a per diem and expenses as provided in Section 103.

SEC. 2. Section 1647 is added to the Business and Professions Code, to read:

1647. Effective with the 1974 license renewal period, if the board determines that the public health and safety would be served by requiring all holders of licenses to practice dentistry granted under the provisions of this chapter to continue their education after receiving such license, it may require, as a condition to the renewal thereof, that they submit assurances satisfactory to the board that they will, during

the succeeding two-year period, inform themselves of the developments in the practice of dentistry occurring since the original issuance of their licenses by pursuing one or more courses of study satisfactory to the board or by other means deemed equivalent by the board.

The board shall adopt regulations providing for the suspension of the licenses at the end of such two-year period until compliance with the assurances provided for in this section is accomplished.

SEC. 3. Section 1749 is added to the Business and Professions Code, to read:

1749. Effective with the 1974 license renewal period, if the board determines that the public health and safety would be served by requiring all holders of licenses granted under the provisions of this article to continue their education after receiving such license, it may require, as a condition of the renewal thereof, that they submit assurances satisfactory to the board that they will, during the succeeding two-year period, inform themselves of the developments in the field of dental hygiene since the issuance of their licenses by pursuing one or more courses of study satisfactory to the board or by other means deemed equivalent by the board.

The board shall adopt regulations providing for the suspension of the licenses at the end of such two-year period until compliance with the assurances provided for in this section is accomplished.

CHAPTER 1012

An act to add Section 190.4 to the Streets and Highways Code, relating to grade separation projects.

[Approved by Governor October 12, 1971. Filed with
Secretary of State October 12, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 190.4 is added to the Streets and Highways Code, to read:

190.4. Peralta Boulevard, which is a part of Route 84 in the City of Fremont, is hereby declared to be a city street within the meaning of Sections 189 and 190, and is eligible for allocation of funds for grade separation pursuant to Section 190.

The Legislature hereby finds and declares that, although Peralta Boulevard is presently a portion of Route 84, the commission has approved an alternate routing, the department has commenced acquisition of the property necessary for the right-of-way along the new route, and Peralta Boulevard will be returned to the City of Fremont within a few

years. Because of the heavy traffic congestion at the intersection of Peralta Boulevard and Mission Boulevard, Route 238, and westerly along Peralta Boulevard where Peralta Boulevard is presently grade separated at the intersection of Southern Pacific Transportation Company's railroad tracks, it is necessary that Peralta Boulevard be eligible for grade separation allocation as soon as possible, since the existing grade separation is inadequate for the traffic flow on Peralta Boulevard.

CHAPTER 1013

An act to add Section 21107.8 to the Vehicle Code, relating to traffic enforcement.

[Approved by Governor October 12, 1971. Filed with
Secretary of State October 2, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 21107.8 is added to the Vehicle Code, to read:

21107.8. (a) Any city or county with a population of 1,000,000 or less may, by ordinance or resolution, find and declare that there are privately owned and maintained off-street parking facilities as described in such ordinance or resolution within the city or county that are generally held open for use of the public for purposes of vehicular parking. Upon enactment by a city or county of such an ordinance or resolution, Sections 22350, 23103, and 23109 shall apply to any such privately owned and maintained off-street parking facilities, except as provided in subdivision (b).

(b) Notwithstanding the provisions of subdivision (a), no ordinance or resolution enacted thereunder shall apply to any off-street parking facility described therein unless the owner or operator has caused to be posted in a conspicuous place at each entrance to such off-street parking facility a notice not less than 17 by 22 inches in size with lettering not less than one inch in height, to the effect that such off-street parking facility is subject to public traffic regulations and control.

(c) No ordinance or resolution shall be enacted under subdivision (a) without a public hearing thereon and 10 days prior written notice to the owner and operator of the privately owned and maintained off-street parking facility involved.

(d) The department shall not be required to provide patrol or enforce any provisions of this code on any privately owned and maintained off-street parking facility subjected to the provisions of this code under this section except those provisions applicable to private property other than by action under this section.

CHAPTER 1014

An act to add Sections 25210.77e, 25210.77f, 25830, and 25831 to the Government Code, relating to counties.

[Approved by Governor October 12, 1971. Filed with Secretary of State October 12, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 25210.77e is added to the Government Code, to read:

25210.77e. On or before the first day of July of each calendar year, the board of supervisors of any county may, by resolution or ordinance, establish a schedule of fees to be imposed on land within a county service area, revenue from such fees to be used for the acquisition, operation and maintenance of county waste disposal sites. In establishing the schedule of fees, the board of supervisors shall classify the land within the county service area based upon the various uses to which the land is put, the volume of waste occurring from the different land uses and any other factors that the board determines would reasonably relate the waste disposal fee to the land upon which it would be imposed.

The board shall set a reasonable fee for each category established and divide the land within the county service areas according to categories and ownership. The board shall impose the appropriate fee upon each division of land and provide for the billing and collection of such fees. The fees may be established, billed and collected on a monthly or yearly basis.

SEC. 2. Section 25210.77f is added to the Government Code, to read:

25210.77f. Any waste disposal fees authorized pursuant to Section 25210.77e which remain unpaid for a period of 60 or more days after the close of the period for which they were billed may be collected by the county as provided herein.

(a) Once a year the board of supervisors shall cause to be prepared a report of delinquent waste disposal fees. Upon receipt of the report the board shall fix a time, date and place for hearing the reports and any objections or protests thereto.

(b) The board shall cause notice of the hearing to be mailed to the landowners listed on the report not less than 10 days prior to the date of the hearing.

(c) At the hearing the board shall hear any objections or protests of landowners liable to be assessed for delinquent waste disposal fees. The board may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

(d) The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed re-

port shall be filed with the county auditor for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment.

SEC. 3. Section 25830 is added to the Government Code, to read:

25830. On or before the first day of July of each calendar year, the board of supervisors of any county may, by resolution or ordinance, establish a schedule of fees to be imposed on land within the unincorporated area of the county, revenue from such fees to be used for the acquisition, operation and maintenance of county waste disposal sites. In establishing the schedule of fees, the board of supervisors shall classify the land within the unincorporated area of the county based upon the various uses to which the land is put, the volume of waste occurring from the different land uses and any other factors that the board determines would reasonably relate the waste disposal fee to the land upon which it would be imposed.

The board shall set a reasonable fee for each category established and divide the land within the unincorporated territory according to categories and ownership. The board shall impose the appropriate fee upon each division of land and provide for the billing and collection of such fees. The fees may be established, billed and collected on a monthly or yearly basis.

SEC. 4. Section 25831 is added to the Government Code, to read:

25831. Any waste disposal fees authorized pursuant to Section 25830 which remain unpaid for a period of 60 or more days after the close of the period for which they were billed may be collected by the county as provided herein.

(a) Once a year the board of supervisors shall cause to be prepared a report of delinquent waste disposal fees. Upon receipt of the report the board shall fix a time, date and place for hearing the reports and any objections or protests thereto.

(b) The board shall cause notice of the hearing to be mailed to the landowners listed on the report not less than 10 days prior to the date of the hearing.

(c) At the hearing the board shall hear any objections or protests of landowners liable to be assessed for delinquent waste disposal fees. The board may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

(d) The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the county auditor for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment.

CHAPTER 1015

An act to amend Section 21954 of the Vehicle Code, relating to pedestrians.

[Approved by Governor October 12, 1971. Filed with Secretary of State October 12, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 21954 of the Vehicle Code is amended to read:

21954. (a) Every pedestrian upon a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway so near as to constitute an immediate hazard.

(b) The provisions of this section shall not relieve the driver of a vehicle from the duty to exercise due care for the safety of any pedestrian upon a roadway.

CHAPTER 1016

An act to add Article 5 (commencing with Section 6100) to Chapter 3 of Part 1 of Division 6 of the Fish and Game Code, relating to fish.

[Approved by Governor October 12, 1971. Filed with Secretary of State October 12, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Article 5 (commencing with Section 6100) is added to Chapter 3 of Part 1 of Division 6 of the Fish and Game Code, to read:

Article 5. Diversion of Water From Streams

6100. Notwithstanding any provision of Article 3 (commencing with Section 5980) and Article 4 (commencing with Section 6020), on or after the effective date of this article, any new diversion of water from any stream having populations of salmon and steelhead which is determined by the department to be deleterious to salmon and steelhead shall be screened by the owner. The construction, operation, or maintenance costs of any screen required pursuant to this article shall be borne by the owner of the diversion.

The department within 30 days of receipt of a notice of such diversion, or within the time determined by mutual written agreement, shall submit to the owner its proposals as to measures necessary to protect the salmon and steelhead. The department shall notify the owner that it shall make on-site investigation and shall make any other investigation before it shall propose any measure necessary to protect fishlife.

The department, or any agency of the state, shall provide the owner of the diversion any available information which is required by such owner in order to comply with the provisions of this article.

The diversion shall not commence until the department has determined that measures necessary to protect fishlife have been incorporated into the plans and construction of such diversion.

CHAPTER 1017

An act to amend Section 21953 of the Vehicle Code, relating to pedestrian overcrossings and undercrossings.

[Approved by Governor October 12, 1971. Filed with Secretary of State October 12, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 21953 of the Vehicle Code is amended to read:

21953. Whenever any pedestrian crosses a roadway other than by means of a pedestrian tunnel or overhead pedestrian crossing, if a pedestrian tunnel or overhead crossing serves the place where the pedestrian is crossing the roadway, such pedestrian shall yield the right-of-way to all vehicles on the highway.

This section shall not be construed to mean that a marked crosswalk, with or without a signal device, cannot be installed where a pedestrian tunnel or overhead crossing exists.

CHAPTER 1018

An act to amend and supplement the Budget Bill for the 1971-72 fiscal year (enacted as the Budget Act of 1971) by adding thereto Section 2.6A, relating to an appropriation for development of State Water Project recreational facilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 12, 1971. Filed with Secretary of State October 12, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 2.6A is added to the Budget Bill for the 1971-72 fiscal year enacted as the Budget Act of 1971 (Chapter 266, Statutes of 1971), to read:

**RECREATION AND FISH AND WILDLIFE ENHANCEMENT
BOND ACT PROGRAM**

SEC. 2.6A. The following sum of money, or so much thereof as may be necessary, is hereby appropriated for expenditure during the 1971-72, 1972-73, and 1973-74 fiscal years out of the Recreation and Fish and Wildlife Enhancement Fund.

**PARKS AND RECREATION ACQUISITION AND
DEVELOPMENT PROGRAM**

Item	Amount
327A—For capital outlay, Department of Parks and Recreation, for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund -----	92,000
Schedule:	
(a) For development, Lake Oroville State Recreation Area --	92,000

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The present provisions of the Budget Act of 1971 do not make adequate provision for the existing and anticipated shortage of recreational facilities in connection with state water projects. The capital outlay appropriation in this act is in continuation of an existing program under the Recreation and Fish and Wildlife Enhancement Bond Act to remedy the aforesaid shortage of facilities. If the appropriation is not available for expenditure at the earliest possible date, the existing program will be delayed. The expeditious correction of

such condition and the efficient operation of State Water Project recreational facilities requires the immediate availability of the capital outlay appropriation contained in this measure. It is therefore necessary that this act go into immediate effect.

CHAPTER 1019

An act to amend Section 1720 of, add Title 1.3 (commencing with Section 1747) to Part 4 of Division 3 of, and to repeal Sections 1718 and 1719 of, the Civil Code, and to amend Sections 484d and 502.7 of, and to amend Section 484h of, and to add Section 484j to, the Penal Code, relating to credit cards.

[Approved by Governor October 13, 1971. Filed with Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1718 of the Civil Code is repealed.

SEC. 2. Section 1719 of the Civil Code is repealed.

SEC. 3. Section 1720 of the Civil Code is amended to read:

1720. (a) If an obligee fails to give a timely response to an inquiry of an obligor concerning any debit or credit applicable to an obligation, he shall not be entitled to interest, financing charges, service charges, or any other similar charges thereon, from the date of mailing of the inquiry to the date of mailing of the response.

(b) For the purpose of subdivision (a):

(1) An "inquiry" is a writing which is posted by certified mail to the address of the obligee to which payments are normally tendered, unless another address is specifically indicated on the statement for such purpose, then to such address.

(2) A "response" is a writing which is responsive to an inquiry and mailed to the last known address of the obligor.

(3) A response is "timely" if it is mailed within 60 days from the date on which the inquiry was mailed.

(c) This section shall only apply to an obligation created pursuant to a retail installment account as defined by Section 1802.7.

SEC. 4. Title 1.3 (commencing with Section 1747) is added to Part 4 of Division 3 of the Civil Code, to read:

TITLE 1.3. CREDIT CARDS

1747. This title may be cited as the "Song-Beverly Credit Card Act of 1971."

1747.02. As used in the title:

(a) "Credit card" means any card, plate, coupon book, or other credit device existing for the purpose of being used from time to time upon presentation to obtain money, property, labor, or services on credit. "Credit card" shall not mean any

single credit device used to obtain telephone property, labor or services in any transactions under public utility tariffs.

(b) "Accepted credit card" means any credit card which the cardholder has requested or applied for and received or has signed, or has used, or has authorized another person to use, for the purpose of obtaining money, property, labor, or services on credit. Any credit card issued in renewal of, or in substitution for, an accepted credit card becomes an accepted credit card when received by the cardholder, whether such card is issued by the same or a successor card issuer.

(c) "Card issuer" means any person who issues a credit card or the agent of such person for such purpose with respect to such card.

(d) "Cardholder" means any person to whom a credit card is issued or any person who has agreed with the card issuer to pay obligations arising from the issuance of a credit card to another person.

(e) "Retailer" means every person other than a card issuer who furnishes money, goods, services, or anything else of value upon presentation of a credit card by a cardholder.

(f) "Unauthorized use" means the use of a credit card by a person, other than the cardholder, (i) who does not have actual, implied, or apparent authority for such use and (ii) from which the cardholder receives no benefit.

(g) An "inquiry" is a writing which is posted by mail to the address of the card issuer to which payments are normally tendered, unless another address is specifically indicated on the statement for such purpose, then to such address, and which:

(1) Sets forth sufficient information to enable the card issuer to identify the cardholder and the account;

(2) Sufficiently identifies the billing error; and

(3) Sets forth information providing the basis for the cardholder's belief that such billing error exists.

(h) A "response" is a writing which is responsive to an inquiry and mailed to the cardholder's address last known to the card issuer.

(i) A "timely response" is a response which is mailed within 60 days from the date on which an inquiry was mailed.

(j) A "billing error" means an error by omission or commission in (1) posting any debit or credit, or (2) in computation or similar error of an accounting nature contained in a statement given to the cardholder by the card issuer. A "billing error" does not mean any dispute with respect to value, quality or quantity of goods, services or other benefit obtained through use of a credit card.

(k) "Adequate notice" means a printed notice to a cardholder which sets forth the pertinent facts clearly and conspicuously so that a person against whom it is to operate could reasonably be expected to have noticed it and understood its meaning.

1747.05. No credit card shall be issued except:

(a) In response to a request or application therefor; or

(b) As a renewal of, or in substitution for, an accepted credit card whether such card is issued by the same or a successor card issuer.

1747.10. A cardholder is not liable for any unauthorized use of a credit card which has not become an accepted credit card and was originally issued or renewed on or after November 10, 1969.

1747.20. If an accepted credit card is lost or stolen after the credit card has reached the cardholder, and the cardholder notifies the card issuer within a reasonable time by telephone, telegraph, letter, or any other reasonable means after discovery of loss or theft or after the time in which a reasonable man in the exercise of ordinary care would have discovered the loss or theft, the cardholder is not liable for any unauthorized use of the credit card. In no event shall the liability of a cardholder for the unauthorized use of a credit card exceed fifty dollars (\$50).

This section applies only to credit cards which are originally issued or renewed on or after November 10, 1969.

1747.30. Whenever fees, charges, or penalties are assessed against a cardholder for the use of a credit card, the card issuer shall separately state and label all such fees, charges, and penalties.

1747.40. If a card issuer fails to give a timely response to an inquiry of a cardholder concerning any debit or credit applicable to an obligation incurred through the use of a credit card, he shall not be entitled to interest, finance charges, service charges, or any other charges thereon, from the date of mailing of the inquiry to the date of mailing of the response.

1747.50. (a) Every card issuer shall correct any billing error made by the card issuer within 60 days from the date on which an inquiry concerning the billing error was mailed.

(b) Any card issuer who fails to correct a billing error made by the card issuer within the period prescribed by subdivision (a) shall not be entitled to the amount by which the outstanding balance of the cardholder's account is greater than the correct balance, nor any interest, finance charges, service charges, or other charges on the obligation giving rise to the billing error.

(c) Any cardholder who is injured by a willful violation of this section may bring an action for the recovery of damages. Judgment may be entered for three times the amount at which actual damages are assessed. The cardholder shall be entitled to recover reasonable attorney's fees and costs incurred in the action.

1747.60. (a) Every retailer shall correct any billing error made by the retailer within 60 days from the date on which an inquiry concerning a billing error was mailed.

(b) Any retailer who fails to correct a billing error made by the retailer within the period prescribed by subdivision

(a) shall be liable to the cardholder in the amount by which the outstanding balance of the cardholder's account is greater than the correct balance, and any interest, finance charges, service charges, or other charges on the obligation giving rise to the billing error.

(c) Any cardholder who is injured by a willful violation of this section may bring an action for the recovery of damages. Judgment may be entered for three times the amount at which actual damages are assessed. The cardholder shall be entitled to recover reasonable attorney's fees and costs incurred in the action.

(d) As used in this section, an "inquiry" is a writing which is posted by mail to the address of the retailer, unless another address is specifically indicated by the retailer for the purpose of mailing inquiries with respect to billing errors, then to such address.

1747.65. (a) A card issuer shall not be liable for a billing error made by the retailer.

(b) A retailer shall not be liable for a billing error made by a card issuer.

1747.70. (a) No card issuer shall knowingly give any untrue credit information to any other person concerning a cardholder.

(b) No card issuer, after receiving an inquiry from a cardholder regarding a billing error and prior to satisfying the requirements of Section 1747.50, shall communicate unfavorable credit information concerning the cardholder to any person solely because of the cardholder's failure to pay the amount by which the outstanding balance of the cardholder's account is greater than the correct balance.

(c) No card issuer shall cancel or refuse to renew a credit card for the reason that the cardholder has obtained relief under Section 1747.50.

(d) Any cardholder who is injured by a willful violation of this section may bring an action for the recovery of damages. Judgment may be entered for three times the amount at which actual damages are assessed. The cardholder shall be entitled to recover reasonable attorney's fees and costs incurred in the action.

1747.80. (a) No card issuer shall refuse to issue a credit card to any person solely because of that person's race, religious creed, color, national origin, ancestry or sex.

(b) Any card issuer who willfully violates this section is liable for each and every such offense for the actual damages, and two hundred fifty dollars (\$250) in addition thereto, suffered by any person denied a credit card solely for the reasons set forth in subdivision (a), and in addition such person may petition the court to order the card issuer to issue him a credit card upon such terms, conditions, and standards as the card issuer normally utilizes in granting credit to other individuals.

1747.90. (a) The right of a card issuer to recover any credit extended through use by the cardholder of a credit card in making purchases from a retailer shall be subject to the defenses which the cardholder has as a buyer against the retailer from whom the cardholder made the purchases if:

(1) The purchase price of the item as to which a defense is asserted exceeds fifty dollars (\$50).

(2) The purchase was made within this state.

(3) The cardholder shall have made a written demand on the retailer with respect to the purchase and attempted in good faith to obtain reasonable satisfaction from the retailer.

(4) The cardholder gives written notice to the card issuer specifying the retailer, date of purchase, amount thereof, the goods or service purchased, the nature of the cardholder's defense with respect thereto, and those acts, if any, that the cardholder has taken in attempting to obtain satisfaction from the retailer.

(b) The amount with respect to which a defense may be asserted under this section shall not exceed the amount outstanding with respect to the purchase involved, and any late charges or finance charges on such amount, determined as of the time the retailer receives the written demand required from the cardholder pursuant to paragraph (3) of subdivision (a) or the card issuer receives the written notice from the cardholder pursuant to paragraph (4) of subdivision (a), whichever is received first. For the purpose of determining the amount outstanding, the payments and credits to the cardholder's account are deemed to have been applied, in the order indicated, to the payment of:

(1) Late charges in the order of their entry to the account.

(2) Finance charges in order of their entry to the account.

(3) Debits to the account other than those set forth above, in the order in which each debit entry to the account was made.

(c) Use by the cardholder of a credit card, for purposes of this section, shall include only an authorized use and shall be deemed to exclude both:

(1) Purchases with cash obtained through use of a credit card.

(2) Payment by check, whether or not such a payment results in a credit extension to the cardholder by the card issuer and whether or not a credit card was used to induce the seller to accept the check.

(d) Rights of the cardholder under this section can be asserted only as a matter of defense to or set off against a claim by the card issuer under its agreement with the cardholder. The rights provided are exclusive with respect to card issuer responsibility for acts or omissions of a retailer; a card issuer shall not otherwise be subject to defenses or claims which the cardholder has as a buyer against a retailer.

(e) Notwithstanding any other provision of this section, where a card issuer knows or has reason to know of willful

or repeated unlawful acts of a retailer in connection with retail sales, the rights granted under this section shall not be exclusive but shall be in addition to any other remedies provided by law.

(f) Within 90 days after the effective date of this act to each cardholder whose account was active on the effective date of this act, and prior to the first use of the credit card to each new cardholder who is issued a credit card after the effective date of this act, the card issuer shall send a written notice which cites this act and describes the procedure to be followed under subdivision (a) of this section.

(g) This section shall not apply to card issuers who operate retail outlets where use of the credit card is limited exclusively to such retail outlets.

SEC. 5. Section 484d of the Penal Code is amended to read: 484d. As used in this section and Sections 484e to 484j, inclusive:

(1) "Cardholder" means any person to whom a credit card is issued or any person who has agreed with the card issuer to pay obligations arising from the issuance of a credit card to another person.

(2) "Credit card" means any card, plate, coupon book, or other credit device existing for the purpose of being used from time to time upon presentation to obtain money, property, labor, or services on credit.

(3) "Expired credit card" means a credit card which shows on its face it has elapsed.

(4) "Card issuer" means any person who issues a credit card or the agent of such person with respect to such card.

(5) "Retailer" means every person who is authorized by an issuer to furnish money, goods, services or anything else of value upon presentation of a credit card by a cardholder.

(6) A credit card is "incomplete" if part of the matter other than the signature of the cardholder which an issuer requires to appear on the credit card before it can be used by a cardholder has not been stamped, embossed, imprinted, or written on it.

(7) "Revoked credit card" means a credit card which is no longer authorized for use by the issuer, such authorization having been suspended or terminated and written notice thereof having been given to the cardholder.

SEC. 5.5. Section 484h of the Penal Code is amended to read:

484h. Every retailer who, with intent to defraud:

(a) Furnishes money, goods, services or anything else of value upon presentation of a credit card obtained or retained in violation of Section 484e hereof or a credit card which he knows is forged, expired or revoked, and who receives any payment therefor, is guilty of theft. If the payment received by the retailer for all money, goods, services and other things of value furnished in violation of this section exceeds two,

hundred dollars (\$200) in any consecutive six-month period, then the same shall constitute grand theft.

(b) Fails to furnish money, goods, services or anything else of value which he represents in writing to the issuer that he has furnished, and who receives any payment therefor, is guilty of theft. If the difference between the value of all money, goods, services and anything else of value actually furnished and the payment or payments received by the retailer therefor upon such representation exceeds two hundred dollars (\$200) in any consecutive six-month period, then the same shall constitute grand theft.

SEC. 6. Section 484j is added to the Penal Code, to read:

484j. Any person who publishes the number or code of an existing, canceled, revoked, expired or nonexistent credit card, or the numbering or coding which is employed in the issuance of credit cards, with the intent that it be used or with knowledge or reason to believe that it will be used to avoid the payment of any lawful charge, is guilty of a misdemeanor. As used in this section, "publishes" means the communication of information to any one or more persons, either orally, in person or by telephone, radio or television, or in a writing of any kind, including without limitation a letter or memorandum, circular or handbill, newspaper or magazine article, or book.

SEC. 7. Section 502.7 of the Penal Code is amended to read:

502.7. (a) A person who, knowingly, willfully and with intent to defraud a person providing telephone or telegraph service, avoids or attempts to avoid, or aids, abets or causes another to avoid the lawful charge, in whole or in part, for telephone or telegraph service by any of the following means is guilty of a misdemeanor:

(1) By charging such service to an existing telephone number or credit card number without the authority of the subscriber thereto or the lawful holder thereof; or

(2) By charging such service to a nonexistent telephone number or credit card number, or to a number associated with telephone service which is suspended or terminated, or to a revoked or canceled (as distinguished from expired) credit card number, notice of such suspension, termination, revocation or cancellation of such telephone service or credit card having been given to the subscriber thereto or the holder thereof; or

(3) By use of a code, prearranged scheme, or other similar stratagem or device whereby said person, in effect, sends or receives information; or

(4) By rearranging, tampering with, or making connection with telephone or telegraph facilities or equipment, whether physically, electrically, acoustically, inductively or otherwise, or by using telephone or telegraph service with knowledge or reason to believe that such rearrangement, tampering or connection existed at the time of such use; or

(5) By using any other deception, false pretense, trick, scheme, device or means.

(b) A person who (1) makes, possesses, sells, gives or otherwise transfers to another, or offers or advertises an instrument, apparatus, or device with intent to use it or with knowledge or reason to believe it is intended to be used to avoid any lawful telephone or telegraph toll charge or to conceal the existence or place of origin or destination of any telephone or telegraph message; or (2) sells, gives or otherwise transfers to another or offers, or advertises plans or instructions for making or assembling an instrument, apparatus or device described in paragraph (1) of this subdivision with knowledge or reason to believe that they may be used to make or assemble such instrument, apparatus or device; or (3) publishes the number or code of an existing, canceled, revoked, expired or non-existent credit card, or the numbering or coding which is employed in the issuance of credit cards, with the intent that it be used or with knowledge or reason to believe that it will be used to avoid the payment of any lawful telephone or telegraph toll charge is guilty of a misdemeanor. The provisions of subdivision (e) shall not apply to this subdivision. As used in this section, "publishes" means the communication of information to any one or more persons, either orally, in person or by telephone, radio or television, or in a writing of any kind, including without limitation a letter or memorandum, circular or handbill, newspaper or magazine article, or book.

(c) Subdivision (a) of this section shall apply when the telephone or telegraph communication involved either originates or terminates, or both originates and terminates, in this state, or when the charges for service would have been billable, in normal course, by a person providing telephone or telegraph service in this state, but for the fact that the charge for service was avoided, or attempted to be avoided by one or more of the means set forth in subdivision (a) of this section.

(d) Jurisdiction of an offense under this section is in the jurisdictional territory where the telephone call or telegram involved in the offense originates or where it terminates, or the jurisdictional territory to which the bill for the service is sent or would have been sent but for the fact that the service was obtained or attempted to be obtained by one or more of the means set forth in subdivision (a) of this section.

(e) If the total value of all telephone or telegraph services obtained in violation of this section aggregates over two hundred dollars (\$200) within any period of twelve (12) consecutive months during the three years immediately prior to the time the indictment is found or the case is certified to the superior court, or if the defendant has previously been convicted of an offense under this section or of an offense under the laws of another state or of the United States which would have been an offense under this section if committed in this state, a person guilty of such offense is punishable by imprisonment in the state prison not exceeding five years, or by imprisonment in the county jail not exceeding one year, or by

fine not exceeding five thousand dollars (\$5,000), or by both such fine and imprisonment.

(f) An instrument, apparatus, device, plans, instructions or written publication described in subdivision (b) of this section may be seized under warrant or incident to a lawful arrest, and, upon the conviction of a person for a violation of subdivisions (a) or (b) of this section, such instrument, apparatus, device, plans, instructions or written publication may be destroyed as contraband by the sheriff of the county in which such person was convicted or turned over to the person providing telephone or telegraph service in the territory in which the same was seized.

CHAPTER 1020

An act relating to physicians and surgeons.

[Approved by Governor October 13, 1971. Filed with Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any other provision of law, a person who possesses all of the following qualifications shall be issued, by the Board of Medical Examiners of the State of California, a reciprocity certificate to practice as a physician and surgeon in this state if he applies therefor within 90 days of the effective date of this act and if he successfully passes the examination referred to in Section 2323 of the Business and Professions Code:

(a) He has graduated from a medical school approved by the Board of Medical Examiners of the State of California.

(b) He has been a member of the armed forces of the United States for at least 20 years.

(c) He has engaged in the practice of medicine while a member of the armed forces of the United States for at least 15 years.

(d) He is of good moral character.

(e) He has been certified by the American Board of Surgery for 20 years as a specialist in general surgery.

This act shall be operative only for a period of two years after its effective date.

CHAPTER 1021

An act to add Section 24007.5 to the Vehicle Code, relating to motor vehicles.

[Approved by Governor October 13, 1971. Filed with Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 24007.5 is added to the Vehicle Code, to read:

24007.5. (a) Except as otherwise provided in subdivisions (c), (d), and (e), no auctioneer or public agency shall sell, at public auction, any vehicle specified in subdivision (a) of Section 24007, which is not in compliance with the provisions of this code, unless the vehicle is sold to a dealer or for the purpose of being wrecked or dismantled or is sold exclusively for off-highway use.

(b) Except as otherwise provided in subdivision (e), any auctioneer or public agency which sells, at public auction, any vehicle specified in subdivision (b) of Section 24007, shall provide each bidder with a notice in writing that a certificate of compliance is required to be obtained, certifying that the vehicle complies with the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code, before such vehicle may be registered in this state, unless the vehicle is sold to a dealer or for the purpose of being wrecked or dismantled or is sold exclusively for off-highway use.

(c) If in the opinion of an auctioneer or public agency, the cost of repairs to a vehicle exceeds the value of the vehicle to the auctioneer or agency, the auctioneer or agency shall, as transferee or owner, surrender the certificates of registration and ownership and license plates last issued for such vehicle to the Department of Motor Vehicles as provided under Section 11521 of this code.

(d) The auctioneer or agency having complied with the provisions of subdivision (c) of this section shall, upon sale of such vehicle, give to the purchaser a bill of sale which shall include, in addition to any other required information, the last issued license plate number.

(e) The provisions of subdivisions (a) and (b) do not apply to any judicial sale conducted pursuant to a writ of execution or order of court.

CHAPTER 1022

An act to amend Section 89 of the Code of Civil Procedure, relating to courts.

[Approved by Governor October 13, 1971. Filed with Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 89 of the Code of Civil Procedure is amended to read:

89. (a) Each municipal court shall have original jurisdiction of civil cases and proceedings as follows:

(1) In all cases at law in which the demand, exclusive of interest, or the value of the property in controversy amounts to five thousand dollars (\$5,000) or less, except cases which involve the legality of any tax, impost, assessment, toll, or municipal fine, except such courts shall have jurisdiction in actions to enforce payment of delinquent unsecured personal property taxes if the legality of the tax is not contested by the defendant.

(2) In actions for dissolution of partnership where the total assets of the partnership do not exceed five thousand dollars (\$5,000); in actions of interpleader where the amount of money or the value of the property involved does not exceed five thousand dollars (\$5,000).

(3) To cancel or rescind a contract when such relief is sought in connection with an action to recover money not exceeding five thousand dollars (\$5,000) or property of a value not exceeding five thousand dollars (\$5,000), paid or delivered under, or in consideration of, such contract; to revise a contract where such relief is sought in an action upon such contract if the court otherwise has jurisdiction of the action.

(4) In all proceedings in forcible entry or forcible or unlawful detainer where the rental value is six hundred dollars (\$600) or less per month and the whole amount of damages claimed is five thousand dollars (\$5,000) or less.

(5) In all actions to enforce and foreclose liens on personal property where the amount of such liens is five thousand dollars (\$5,000) or less.

(6) In all actions to enforce and foreclose liens of mechanics, materialmen, artisans, laborers, and of all other persons to whom liens are given under the provisions of Chapter 2 (commencing with Section 1181) of Title 4 of Part 3 of this code where the amount of such liens is five thousand dollars (\$5,000) or less; provided, that where an action to enforce any such lien is pending in a municipal court, and affects property which is also affected by a similar action pending in a superior court, or where the total amount of such liens sought to be foreclosed against the same property by action or actions in a municipal court aggregates an amount in excess of five thousand dollars (\$5,000), the municipal court in which any such action, or actions, is, or are, pending, upon motion of any interested party, shall order such action or actions pending therein transferred to the proper superior court. Upon the making of such order, the same proceedings shall be taken as are provided by Section 399 with respect to the change of place of trial.

(7) In actions for declaratory relief when brought by way of cross-complaint as to a right of indemnity with respect to the relief demanded in the complaint or a cross-complaint in an action or proceeding otherwise within the jurisdiction of the municipal court.

(8) To issue temporary restraining orders and preliminary injunctions, to take accounts, and to appoint receivers where necessary to preserve the property or rights of any party to an action of which the court has jurisdiction; to appoint a receiver in aid of execution as provided in subdivision 4 of Section 564; to charge the interest of a debtor partner with payment of the unsatisfied amount of any judgment rendered by such court in the manner provided in Section 15028 of the Corporations Code, or any amendment thereof, and in such cases to appoint a receiver and to make any order or perform any act mentioned or authorized in such section; in proceedings under Section 689, or any amendments thereof, to determine title to personal property seized in an action pending in, or upon execution issued by, such court.

(9) In all actions under Section 720 for the recovery of an interest in personal property or to enforce the liability of the debtor of a judgment debtor where the interest claimed adversely is of a value not exceeding five thousand dollars (\$5,000) or the debt denied does not exceed five thousand dollars (\$5,000).

(b) Each municipal court shall have jurisdiction of cases in equity as follows:

(1) In all cases to try title to personal property when the amount involved is not more than five thousand dollars (\$5,000).

(2) In all cases when equity is pleaded as a defensive matter in any case otherwise properly pending in a municipal court.

(3) To vacate a judgment or order of such municipal court obtained through extrinsic fraud, mistake, inadvertence, or excusable neglect.

(c) In any action that is otherwise within its jurisdiction, the court may impose liability whether the theory upon which liability is sought to be imposed involves legal or equitable principles.

SEC. 2. It is the intent of the Legislature by this act to clarify and restate the law relating to the jurisdiction of municipal courts in light of uncertainty in the law as evidenced by certain language in *Castellini v. Municipal Court*, 7 Cal. App. 3d 174.

CHAPTER 1023

An act to amend Section 16480 of the Vehicle Code, relating to driver's licenses.

[Approved by Governor October 13, 1971. Filed with
Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 16480 of the Vehicle Code is amended to read:

16480. (a) The department shall upon request or may at its own discretion cancel any bond or any certificate of insurance, or the department shall direct the return to the person entitled thereto of any money or securities deposited pursuant to this code as proof of ability to respond in damages, or the department shall waive the requirement of filing proof of ability to respond in damages in any of the following events:

(1) When the person is no longer required to maintain such proof under the provisions of this code.

(2) At any time after three years from the date such proof was required.

(3) Upon the death of the person on whose behalf such proof was filed.

(4) The permanent incapacity of such person to operate a motor vehicle if such person surrenders for cancellation his driver's license and, if suspended under the provisions of Section 16370, the registration cards and license plates issued for all motor vehicles registered in his name to the department.

(b) The department shall not release proof filed by the bond of individual sureties as set forth in Section 16434, or if given in the manner prescribed by Section 16435, if any action for damages upon a liability referred to in this code is then pending or if any judgment upon any such liability is outstanding and unsatisfied. An affidavit of the applicant of the nonexistence of such facts shall be prima facie evidence thereof.

CHAPTER 1024

An act to amend Section 172 of the Penal Code, relating to alcoholic beverages.

[Approved by Governor October 13, 1971 Filed with
Secretary of State October 13, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 172 of the Penal Code is amended to read:

172. (a) Every person who, within one-half mile of the land belonging to this state upon which any state prison, or within 1,900 feet of the land belonging to this state upon which any Youth Authority institution is situated, or within one mile of the grounds belonging to the University of California, at Berkeley, or within one mile of the grounds belonging to the University of California at Santa Barbara, as such grounds existed as of January 1, 1961, or within one mile of the grounds belonging to Fresno State College, as such grounds existed as of January 1, 1959, or within three miles of the University Farm at Davis, or within $1\frac{1}{2}$ miles of any building actually occupied as a home, retreat, or asylum for ex-soldiers, sailors, and marines of the Army and Navy of the United

States, established or to be established by this state, or by the United States within this state, or within the State Capitol, or within the limits of the grounds adjacent and belonging thereto, sells or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100), or by imprisonment for not less than 50 days or by both such fine and imprisonment, in the discretion of the court.

(b) The provision of subdivision (a) of this section prohibiting the sale or exposure for sale of any intoxicating liquor within 1,900 feet of the land belonging to this state upon which any Youth Authority institution is situated shall not apply with respect to the Fred C. Nelles School for Boys.

(c) Except within the State Capitol or the limits of the grounds adjacent and belonging thereto, as mentioned in subdivision (a) of this section, the provisions of this section shall not apply to the sale or exposing or offering for sale of ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale or exposing or offering for sale of beer.

(d) Distances provided in this section shall be measured not by airline but by following the shortest highway or highways as defined in Section 360 of the Vehicle Code connecting the points in question. In measuring distances from the Folsom State Prison, the measurement shall start at the entrance gate of the prison.

(e) The provision of subdivision (a) of this section prohibiting the sale or exposure for sale of any intoxicating liquor within $1\frac{1}{2}$ miles of any building actually occupied as a home, retreat, or asylum for ex-soldiers, sailors, and marines of the Army and Navy of the United States shall not apply to the Veterans' Home at Yountville, Napa County, California,

CHAPTER 1025

An act relating to the disposition of property by the Director of General Services.

[Approved by Governor October 13, 1971. Filed with
Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. The Director of General Services, with the approval of the State Public Works Board, shall grant to the City of Santa Clara upon such terms and conditions and with such reservations and exceptions as, in his opinion, may be for the best interest of the state, the following real property:

Parcel 1. With the consent of the Department of Mental Hygiene, the necessary width from the land at the Agnews State Hospital for the purpose of widening Lafayette Street to 90 feet between Aldo Avenue and Route 237.

Parcel 2. With the consent of the Department of Veterans Affairs, the necessary width from the land on which its office building in the City of Santa Clara is located on North Winchester Boulevard for the purpose of widening that boulevard to 100 feet between Bellomy Street and Stevens Creek Boulevard.

SEC. 2. If the Regents of the University of California agree to grant an easement to the City of Santa Clara over its land in the City of Santa Clara which is located on North Winchester Boulevard in the necessary width for the purpose of widening that boulevard to 100 feet between Bellomy Street and Stevens Creek Boulevard, the Director of General Services, with the approval of the State Public Works Board, shall, at no cost to the regents or to the city, consent to the grant.

CHAPTER 1026

An act to amend Section 65303 of, and to add Section 65302.1 to, the Government Code, relating to local planning.

[Approved by Governor October 13, 1971 Filed with
Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 65302.1 is added to the Government Code, to read:

65302.1. The general plan shall also include, in addition to the elements specified in Section 65302, a safety element for the protection of the community from fires and geologic hazards including features necessary for such protection as evacuation routes, peak load water supply requirements, minimum road widths, clearances around structures, and geologic hazard mapping in areas of known geologic hazards.

SEC. 2. Section 65303 of the Government Code is amended to read:

65303. The general plan may include the following elements or any part or phase thereof:

(a) A recreation element showing a comprehensive system of areas and public sites for recreation, including the following, and, when practicable, their locations and proposed development:

- (1) Natural reservations.
- (2) Parks.
- (3) Parkways.
- (4) Beaches.
- (5) Playgrounds.
- (6) Other recreation areas.

(b) The circulation element provided for in Section 65302(b) may also include recommendations concerning park-

ing facilities and building setback lines and the delineations of such systems on the land; a system of street naming, house and building numbering; and such other matters as may be related to the improvement of circulation of traffic.

(c) A transportation element showing a comprehensive transportation system, including locations of rights-of-way, terminals, viaducts, and grade separations. This element of the plan may also include port, harbor, aviation, and related facilities.

(d) A transit element showing a proposed system of transit lines, including rapid transit, streetcar, motor coach and trolley coach lines, and related facilities.

(e) A public services and facilities element showing general plans for sewerage, refuse disposal, drainage, and local utilities, and rights-of-way, easements, and facilities for them.

(f) A public building element showing locations and arrangements of civic and community centers, public schools, libraries, police and fire stations, and other public buildings, including their architecture and the landscape treatment of their grounds.

(g) A community design element consisting of standards and principles governing the subdivision of land, and showing recommended designs for community and neighborhood development and redevelopment, including sites for schools, parks, playgrounds and other uses.

(h) A housing element consisting of standards and plans for the elimination of substandard dwelling conditions.

(i) A redevelopment element consisting of plans and programs for the elimination of slums and blighted areas and for community redevelopment, including housing sites, business and industrial sites, public building sites, and for other purposes authorized by law.

(j) Such additional elements dealing with other subjects which in the judgment of the planning agency relate to the physical development of the county or city.

CHAPTER 1027

An act to add Article 5.5 (commencing with Section 7685) to Chapter 12 of Division 3 of the Business and Professions Code, and to add Section 8342 to the Health and Safety Code, relating to funerals.

[Approved by Governor October 13, 1971. Filed with
Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Article 5.5 (commencing with Section 7685) is added to Chapter 12 of Division 3 of the Business and Professions Code, to read:

Article 5.5. Funeral Practices

7685. Every funeral director shall provide to any person with whom an agreement is entered for the performance of funeral services, at some time before the person enters such agreement, a written or printed list containing but not necessarily limited to the price for professional services offered, which may include the funeral director's services, the preparation of the body, the use of facilities, and the use of automotive equipment. All services included in this price or prices shall be enumerated. The funeral director shall also provide a statement on such list which gives the price range for all caskets offered for sale.

7685.1. The funeral director shall in a conspicuous manner place the price on each casket. Each casket shall be priced individually, irrespective of the type of service purchased. If a funeral director advertises a funeral service for a stated amount, he shall display in a reasonably convenient location in the showroom and have available for sale, any casket which is used for determining such price.

7685.2. No funeral director shall enter into a contract for furnishing services or property in connection with the burial or other disposal of a dead human body until he has first submitted to the potential purchaser of such services or property a written or printed memorandum containing the following, provided such information is available at the time of execution of the contract:

(a) The total charge for the funeral director's services and the use of his facilities, including the preparation of the body and other professional services, and the charge for the use of automotive and other necessary equipment.

(b) An itemization of charges for the following merchandise as selected: the casket, an outside receptacle and clothing.

(c) An itemization of fees or charges and the total amount of cash advances made by the funeral director for transportation, flowers, cemetery or crematory charges, newspaper notices, clergy honorarium, transcripts, telegrams, long distance telephone calls, music and such other advances as authorized by the purchaser.

(d) An itemization of any other fees or charges not included above.

(e) The total of the amount specified in subdivisions (a), (b), (c), and (d).

If the charge for any of the above items is not known at the time the contract is entered into, the funeral director shall advise the purchaser of the charge therefor, within a reasonable period after the information becomes available. All prices charged for items covered under Sections 7685 and 7685.1 shall be the same as those given under such sections.

SEC. 2. Section 8342 is added to the Health and Safety Code, to read:

8342. No crematory shall make or enforce any rules requiring that human remains be placed in a casket before cremation or that human remains be cremated in a casket, nor shall a crematory refuse to accept human remains for cremation for the reason that they are not in a casket. Every director, officer, agent or representative of a crematory who violates this section is guilty of a misdemeanor. Nothing in this section shall be construed to prohibit the requiring of some type of container or disposal unit.

CHAPTER 1028

An act to amend Section 846 of the Civil Code, relating to liability of landowners.

[Approved by Governor October 13, 1971. Filed with
Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 846 of the Civil Code is amended to read:

846. An owner of any estate in real property owes no duty of care to keep the premises safe for entry or use by others for fishing, hunting, camping, water sports, hiking, riding, rock collecting, or sightseeing or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purposes, except as provided in this section.

An owner of any estate in real property who gives permission to another for entry or use for the above purposes upon the premises does not thereby (a) extend any assurance that the premises are safe for such purposes, or (b) constitute the person to whom permission has been granted the legal status of an invitee or licensee to whom a duty of care is owed, or (c) assume responsibility for or incur liability for any injury to person or property caused by any act of such person to whom permission has been granted except as provided in this section.

This section does not limit the liability which otherwise exists (a) for willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity; or (b) for injury suffered in any case where permission to enter for the above purposes was granted for a consideration other than the consideration, if any, paid to said landowner by the state; or (c) to any persons who are expressly invited rather than merely permitted to come upon the premises by the landowner.

Nothing in this section creates a duty of care or ground of liability for injury to person or property.

CHAPTER 1029

An act to add Article 3.3 (commencing with Section 310) to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, relating to child nutrition.

[Approved by Governor October 13, 1971. Filed with Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Article 3.3 (commencing with Section 310) is added to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, to read:

Article 3.3. Child Nutrition

310. The Legislature finds that medical, educational and psychological evidence increasingly points to adequate nutrition as a determinant not only of good physical health but also of full intellectual development and educational achievement, with adequate nutrition in the earliest months and years being particularly important for full development of the child's mind and body, that problems of child nutrition cut across income lines and can result not only from low income but also from parental ignorance or neglect and that there is a need for a statewide child nutrition program which has the potential of reaching all pregnant women and mothers of infants.

311. The State Department of Public Health may establish a five-year pilot project in not more than six counties to serve areas designated by the city or county health department or city and county health department as areas of high nutritional need under guidelines established by the department. If the state department establishes a pilot project pursuant to this section, the first year of the pilot project shall be devoted to developing the project for review by the Legislature. Any pilot project established pursuant to this section shall comply with all the provisions of this article.

312. As used in this article "recipient" means women during pregnancy and infants up to the age of one year living in areas designated as an area of high nutritional need.

313. The department shall, if it establishes a pilot program pursuant to Section 311:

(a) Establish guidelines to determine an area of high nutritional need;

(b) Designate the counties within which a pilot project will be conducted, with the approval of such counties.

(c) Establish the minimum nutritional requirements for recipients.

(d) Designate specific supplemental foods to meet the minimum nutritional requirements for recipients.

(e) Develop a system for the delivery of supplemental foods to recipients through the distribution of supplemental foods designated in subdivision (d) and nutrition coupons when other methods of delivery are impractical.

(f) Investigate the feasibility of the distribution of the nutrition coupons by clinics, hospitals, licensed medical professionals, and others in the medical profession who offer care or treatment to recipients.

(g) Seek federal funds, as well as funds from public or private organizations or agencies, to carry out the provisions of this article.

315. Coupons in an amount sufficient to meet the nutritional needs of a recipient for one month shall be granted to a recipient by facilities and persons referred to in Section 313 upon the written finding of nutritional need by the recipient's physician or other licentiate of the healing arts.

316. Nutrition coupons shall be used to buy only those items for which the coupons are issued at any market which accepts them.

317. Nutrition coupons, so far as feasible, shall reflect the unit price of foods selected by the department to meet the nutritional needs of the participants in the pilot project. Each coupon shall be specifically designated as to the unit of food for which it is redeemable.

318. The department shall, if it establishes a pilot program pursuant to Section 311, investigate the feasibility of contracting with one or more banks in the area served by the pilot project for the redemption of nutrition coupons.

319. If the department establishes a pilot program pursuant to Section 311, it shall submit a report to the Legislature by July 1, 1972, on its findings concerning the need for, and development of, a supplemental nutritional program for needy pregnant mothers and infants under one year of age, suffering from malnutrition.

CHAPTER 1030

An act to amend Section 627 of the Welfare and Institutions Code, relating to minors.

[Approved by Governor October 13, 1971. Filed with Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 627 of the Welfare and Institutions Code is amended to read:

627. (a) When an officer takes a minor before a probation officer at a juvenile hall or to any other place of confinement pursuant to this article, he shall take immediate steps to notify the minor's parent, guardian, or a responsible relative that such minor is in custody and the place where he is being held.

(b) Immediately after being taken to a place of confinement pursuant to this article and, except where physically impossible, no later than three hours after he has been taken into custody, the minor has the right to make at least two telephone calls from the place where he is being held, one call completed to his parent or guardian, a responsible relative, or his employer, and another call completed to an attorney. The calls shall be at his own expense and in the presence of a public officer or employee. Any public officer or employee who willfully deprives a minor taken into custody of his right to make such telephone calls is guilty of a misdemeanor.

CHAPTER 1031

An act to amend Section 73351 of the Government Code, relating to municipal courts.

[Approved by Governor October 13, 1971. Filed with
Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 73351 of the Government Code is amended to read:

73351. The following salary schedule shall apply to all persons employed by municipal courts in Contra Costa County:

Range No.	Salary Schedule				
	1	2	3	4	5
20-----	\$415	\$436	\$458	\$480	\$504
21-----	424	446	469	493	517
22-----	436	458	480	504	530
23-----	446	469	493	517	544
24-----	458	530	504	530	556
25-----	469	493	517	544	570
26-----	480	504	530	556	584
27-----	493	517	544	570	599
28-----	504	530	556	584	613
29-----	517	544	570	599	628
30-----	530	556	584	613	644
31-----	544	570	599	628	659
32-----	556	584	613	644	676
33-----	570	599	628	659	693
34-----	584	613	644	676	710
35-----	599	628	659	693	728
36-----	613	644	676	710	746
37-----	628	659	693	728	764
38-----	644	676	710	746	783
39-----	659	693	728	764	802
40-----	676	710	746	783	822

Range No.	Salary Schedule				
	1	2	3	4	5
41	693	728	764	802	841
42	710	746	783	822	862
43	728	764	802	841	883
44	746	783	822	862	905
45	764	802	841	883	927
46	783	822	862	905	951
47	802	841	883	927	973
48	822	862	905	951	997
49	841	883	927	973	1,022
50	862	905	951	997	1,047
51	883	927	973	1,022	1,072
52	905	951	997	1,047	1,099
53	927	973	1,022	1,072	1,126
54	951	997	1,047	1,099	1,154
55	973	1,022	1,072	1,126	1,182
56	997	1,047	1,099	1,154	1,212
57	1,022	1,072	1,126	1,182	1,242
58	1,047	1,099	1,154	1,212	1,272
59	1,072	1,126	1,182	1,242	1,304
60	1,099	1,154	1,212	1,272	1,336
61	1,126	1,182	1,242	1,304	1,370
62	1,154	1,212	1,272	1,336	1,403
63	1,182	1,242	1,304	1,370	1,438
64	1,212	1,272	1,336	1,403	1,474
65	1,242	1,304	1,370	1,438	1,510
66	1,272	1,336	1,403	1,474	1,548
67	1,304	1,370	1,438	1,510	1,586
68	1,336	1,403	1,474	1,548	1,624
69	1,370	1,438	1,510	1,586	1,666
70	1,403	1,474	1,548	1,624	1,707
71	1,438	1,510	1,586	1,666	1,748
72	1,474	1,548	1,624	1,707	1,792
73	1,510	1,586	1,666	1,748	1,836
74	1,548	1,624	1,707	1,792	1,880
75	1,586	1,666	1,748	1,836	1,927

The above salary schedule is the same schedule utilized for employees of Contra Costa County.

Should the board of supervisors adopt a revised salary schedule for county employees the new schedule shall apply equally to municipal courts and marshals' offices and conversion to the new schedule shall be effected for employees of the municipal courts or marshals' offices in the same manner and on the same date as for county employees, but all such adjustments shall be effective only until the 61st day after adjournment of the 1972 Regular Session of the Legislature.

CHAPTER 1032

*An act to amend Section 13970 of the Education Code,
relating to Public Employees' Retirement System.*

[Approved by Governor October 13, 1971 Filed with
Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 13970 of the Education Code is amended to read:

13970. A person employed as a teacher-assistant under the provisions of Section 13340 is excluded from membership in the system and the Public Employees' Retirement System.

CHAPTER 1033

*An act to amend Section 735.3 of the Labor Code,
relating to aerial passenger tramways.*

[Approved by Governor October 13, 1971 Filed with
Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 7353 of the Labor Code is amended to read:

7353. No aerial passenger tramway shall be constructed or altered until the plans and design information have been properly certified to the division by an engineer qualified under the Civil and Professional Engineers Act (Chapter 7, commencing with Section 6700, of Division 3 of the Business and Professions Code).

Any person who owns, has custody of, manages, or operates an aerial passenger tramway shall notify the division prior to any major repair of such tramway.

CHAPTER 1034

*An act to add Section 21156 to the Government Code, relating
to the Public Employees' Retirement System.*

[Approved by Governor October 13, 1971 Filed with
Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 21156 is added to the Government Code, to read:

21156. A state agency may employ a person receiving a retirement allowance under this system who has not attained

age 70 and who possesses the legal requirements for the practice of medicine in California as determined by the Board of Medical Examiners to render essential medical services and shall pay for such services at a rate not less than the minimum, nor more than the maximum paid to other employees performing comparable duties.

Any person who renders such services shall not be deemed to be an employee of the agency for the purposes of the Public Employees' Retirement Law, nor shall he acquire any additional retirement rights or benefits thereunder because of such employment.

The monthly amount of such person's pension for any calendar month shall be reduced by the amount of compensation paid to him for any service which exceeds 60 days for all state employers in any calendar year, so rendered during said month, but such compensation shall not reduce the amount of such pension for any month or for any period other than the calendar month during which the services in excess of 60 days in that calendar year and for which he was compensated were rendered. If the amount of the compensation paid for the service in excess of 60 days in any year shall exceed the amount of the monthly pension accrued for such month, no pension for such month shall be payable. The agency employing the person shall furnish to the board all information necessary to carry out the provisions of this section. The board promptly after receiving notification of any payment of compensation by a state agency shall adjust the pension payments accordingly, and if necessary shall require repayment of any overpayments of pension.

This section shall be effective notwithstanding the provisions of Section 21150 of this code or any other provision of law.

CHAPTER 1035

An act to amend Sections 7 and 17 of, and to add Sections 7.5, 14.5, and 14.6 to, the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), relating to drainage districts.

[Approved by Governor October 13, 1971. Filed with
Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 7 of the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903) is amended to read:

Sec. 7. In elections to determine whether a district shall be organized, and in all other elections conducted by districts which have not changed their method of election pursuant to Section 14.5 or 14.6 from landowner voting based on the assessed value of land to voting by resident registered voters, the qualifications of voters shall be as provided in this section.

Any person, firm, or corporation owning any real property or the improvements thereon, or any interest in real property or the improvements thereon (but not including personal property), situate within the exterior boundaries of the district, which is assessed for taxation on the last preceding equalized assessment roll of the county in which the land is situated (and only the owners of property so assessed) shall be entitled to vote at such election, or at any subsequent election, special or general, for the election of directors, or for any other purpose pertaining to the affairs of such a district. Each property owner, so qualified to vote, shall be entitled to cast one vote for each one hundred dollars (\$100) of assessed valuation or fraction thereof, greater than fifty dollars (\$50), as the same appears to have been assessed on the equalized county assessment roll last preceding the holding of the election. In determining the total number of votes any voter is entitled to cast, the total assessed value of all parcels owned by the voter shall be divided by 100, and the quotient shall determine the number of votes. Any property owner, whose property has an assessed valuation of fifty dollars (\$50), or less, shall be entitled to one vote.

For the purpose of determining who is entitled to vote, and the number of votes each voter is entitled to cast, the board or boards of supervisors of the county or counties, in which the lands of any such proposed district, or any such district, or any part thereof, may be situate, shall cause to be prepared, certified, and furnished to the election board at each polling place in the district, at the cost or expense of the district, a true and correct copy of the next preceding equalized assessment roll or rolls of such county or counties as far as any such assessment roll may apply to any lands or improvements thereon, or interest therein, situate within such proposed district or such district.

Such certified assessment rolls shall be used by the election boards, at the election for which the same are furnished, in determining the number of votes each voter is entitled to cast.

Executors, administrators, special administrators and guardians may cast the vote of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to vote; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced by the voter.

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to vote as being the person shown on the assessment roll or otherwise as entitled to vote. And, unless satisfactory evidence is furnished of the right to vote, the request to vote may be denied.

Where land is assessed to unknown owners, the production of a duly recorded or other transfer or conveyance, accompa-

nied by a certificate of a searcher of title certifying that a search of the official records of the county since the date of the deed discloses no conveyance or transfer out from the grantee or transferee named in said instrument, shall entitle said grantee or transferee to vote.

Where property appears to be owned in common or jointly, or where letters of representatives of decedents, minors, or guardians are joint, any one of the owners or representatives may cast all votes which such joint owners or representatives are entitled to vote; provided, the party claiming the right to vote for all produces the written consent of his coowners or representatives so to do, duly acknowledged by the consenting coowners or representatives in the manner that deeds of real property are required to be acknowledged to entitle such deeds to be recorded in the recorder's office of the county in which said property is situated. If such consent is not produced, then the number of votes shall be apportioned to each owner or representative claiming the right to vote, according to the proportionate ownership or representation shown on the assessment roll, if such proportion is shown. If such proportionate ownership or representation is not so shown, it shall be presumed that such ownership or right of representation is equal, and the voting right determined accordingly.

Where property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to vote the same, and if assessed in the name of more than one trustee the voting right shall be determined in like manner as above provided with respect to coowners.

The vote of any public or quasi-public corporation, private corporation or unincorporated association, may be cast by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing, and a proxy executed by an officer or officers thereof, attested by its seal and duly acknowledged, shall constitute sufficient evidence of such authority, and shall be filed with the board of election. Any member of any partnership firm may vote in behalf of such firm.

All parties entitled to vote may have their votes cast by proxy, but no person shall vote by proxy unless authority to cast such vote shall be evidenced by an instrument in writing, duly acknowledged and certified in the same manner as grants of real property, and filed with the board of election.

The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name, or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to cast the votes represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to vote, accompanied by a certificate of a competent searcher of titles, certifying that a search

of the official records of the county where said property is situate, since the date of the conveyance, discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

Where the property has been contracted to be sold, the vendee shall be entitled to cast the ballots, unless such property is assessed in the name of the vendor, in which event the vendor shall be entitled to cast the vote or votes represented thereby.

All instruments evidencing or supporting a claim of right to vote shall likewise be filed with the election board. If the proposal to create any such district shall not be approved, at any election held therefor upon the formation thereof, all such documents shall be delivered, for preservation, to the board of supervisors of the county in which the proceedings for the formation of such district are being held. At all other elections, all such documents shall be delivered, for preservation, to the board of directors of the district.

As each voter establishes his right to vote, and the number of votes to which he is entitled is determined, there shall be delivered to him as many ballots as he is entitled to votes, or, at his request, one ballot representing such votes, as next hereinafter provided. In order to simplify the voting, and avoid the necessity of a voter having a large number of votes, stamping numerous ballots, one member of the board of election, in the presence of the voter and other members, at the request of the voter, shall write upon the ballot or ballots, delivered to him, the number of votes which such voter is entitled to cast, and, after the voter has voted, it shall be then the duty of the election board to examine all ballots which said voter shall desire to cast, and see that they are the same ballots which were delivered to the voter, and correctly represent the number of votes such voter is entitled to cast, before the same shall be passed into the ballot box.

SEC. 2. Section 7.5 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 7.5. In all elections conducted by districts which have changed their method of election pursuant to Section 14.5 or 14.6 from landowner voting to voting by resident registered voters, Section 7 shall have no application, and the terms "elector," "voter," and "precinct board" shall have respectively the same meaning as in the Elections Code, but an "elector" or "voter" shall also be a resident of the district involved. In a district in which the directors are elected by divisions, an "elector" or "voter" shall also be a resident of such division.

SEC. 3. Section 14.5 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 14.5. Pursuant to the provisions of this section, the district may change the qualifications and basis for voting in its elections from landowner voting based on assessed value

of land and improvements (or land only) to voting by resident registered voters.

In order to propose such a change in the qualifications and basis for voting in district elections, a petition shall be presented to the board of directors of such district, signed by at least 10 percent of the qualified voters in such district, which petition shall request the board of directors to call a special election for the purpose of submitting to those qualified to vote in the district as provided in Section 7, the question of whether voting in such district shall be by resident registered voters rather than landowner voting.

The secretary of the board of directors shall, upon presentation of such petition, determine that the persons signatory thereto comprise at least 10 percent of all persons qualified as electors, and the board of directors in the event such petition qualifies hereunder, shall call a special election and cause a notice of the filing of such petition combined with a notice of the special election to be posted in three public places in each election precinct in such district, and also to be published in some newspaper of general circulation published in the district, or in the event no such newspaper is published in the district, then in the county wherein the board of directors regularly meets, for at least three successive weeks before such election. Such notice shall specify the time of holding the election, the polling places as established by the board of directors, the hours the polls are to remain open, and a concise statement of the issue to be voted upon. Such election shall be held not more than six weeks after the secretary of the board of directors qualified the petition.

The ballots cast at such election shall contain the words: "Shall the qualifications and basis for voting in the district be changed from landowner voting based on assessed value to voting by resident registered voters?" or words equivalent thereto, but no particular form of ballot shall be required. Voting procedure, qualification of voters, and the number of votes each shall be entitled to cast shall be governed by the provisions of Section 7. When the vote is canvassed by the board of directors and entered of record, if a majority of the votes cast shall favor changing the basis for voting in the district, from landowner voting to voting by resident registered voters, the board shall thereupon pass a resolution declaring the results of the election and directing the secretary to forward a copy of such resolution, certified by him, to the board of supervisors and to the county clerk of the county or counties wherein such district is located. Thereafter all elections in the district shall be conducted on the basis of voting by resident registered voters rather than voting by landowners based on assessed value.

The district may change the qualification and basis for voting back to landowner voting based on assessed value by the same proceedings as provided in this section except that the

qualification of voters, and related matters shall be governed by the provisions of Section 7.5.

SEC. 4. Section 14.6 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 14.6. As an alternative to the provisions of Section 14.5, the board of directors of a district may by a four-fifths vote of the board change the qualifications and basis for voting in district elections from landowner voting based on assessed value of land and improvements (or land only) to voting by resident registered voters. Upon the adoption by the board of directors of a district by a four-fifths vote of the board of a resolution changing the qualifications and basis for voting in the district pursuant to this section, the board shall direct the secretary to forward a copy of such resolution, certified by him, to the board of supervisors and to the county clerk of the county or counties wherein such district is located. Thereafter all elections in the district shall be conducted on the basis of voting by resident registered voters rather than voting by landowners based on assessed value.

The district may change the qualification and basis for voting back to landowner voting based on assessed value by the same proceedings provided in Section 14.5 for the change to voting by resident registered voters, except that the qualifications of voters, and related matters, shall be governed by the provisions of Section 7.5.

SEC. 5. Section 17 of the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903) is amended to read:

Sec. 17. In each district organized as herein provided, an election shall be held on the first Tuesday after the first Monday in November of each odd-numbered year, at which shall be chosen a successor to each director whose term of office shall expire in that month. A director shall be an elector of the district, if the directors are elected at large, and shall be an elector of the division which the director shall be elected to represent, if directors are elected by divisions.

If voting in the district is by resident registered voters the provisions of Section 7.5 shall apply but no one shall be entitled to vote for a director for a division who is not a resident registered voter of the division.

If voting in the district is by landowner voting based on assessed value the provisions of Section 7 shall apply. In such a district in which the directors are elected by divisions, no one shall be entitled to vote for a director for a division who is not the owner of real property situate in such division, or some improvement thereon, or some interest therein or in such improvement, as provided in Section 7. All owners of such property shall be entitled to vote at such election. The number of votes which any such property owner, in any such division, shall be entitled to vote, shall be determined according to the assessed valuation of the property of such voter situated in such division, in the manner provided in Section 7.

If the directors are elected at large in a landowner voting district, each qualified elector of the district may vote, for each director to be elected, as many votes as he may be entitled to vote in accordance with the assessed valuation of his property in the district, as hereinbefore provided.

Prior to the last Friday of November following the general district election each person elected a director shall qualify as such by taking and subscribing the official oath and executing an official bond in the sum of one thousand dollars (\$1,000), which shall be approved by a judge of the superior court. Such oath and bond shall be in the form prescribed by law for public officers, and shall be filed with the secretary of the board of directors. Each such bond shall be recorded in the office of the county recorder of the county where the organization of the district was effected. If a vacancy shall occur in the office of director, the same shall be filled by appointment by the board of supervisors of the county in which the organization of the district was effected. Such appointee shall qualify as herein provided within 10 days after receiving notice of his appointment and shall hold office for the unexpired portion of the term of his predecessor. All directors shall hold office until their successors are elected and shall have qualified.

CHAPTER 1036

An act to amend Section 14675.5 of the Education Code, relating to the District Retirement Salary Plan.

[Approved by Governor October 13, 1971. Filed with
Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 14675.5 of the Education Code is amended to read:

14675.5. Notwithstanding anything in this code, a district retirement board may invest in an amount not exceeding 25 percent of the assets of such plan in securities, whether or not they are expressly authorized, and whether or not they qualify as investments for savings banks, in which in the informed opinion of the district retirement board it is prudent to invest retirement funds.

Any investments as are authorized by this section in corporation shares may under the advice of proper counsel be made in an amount, determined on the basis of cost, not to exceed 10 percent of the assets of the retirement fund in the first two years after the effective date of this section, not to exceed 15 percent during the third year after the effective date of this section, and not to exceed 25 percent thereafter, in common stock or shares, and not to exceed 2 percent of the assets in the first year after the effective date of this section, not to exceed 3 percent during the second year after

the effective date of this section, and not to exceed 5 percent thereafter, in preferred stock or shares, of corporations created or existing under the laws of the United States, or any state, district, or territory thereof; provided that

(a) Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended. Such registration shall not be required with respect to the following stocks:

(1) The common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds, represented by capital, surplus, and undivided profits, of at least fifty million dollars (\$50,000,000);

(2) The common stock of an insurance company which has capital funds, represented by capital, special surplus funds, and unassigned surplus, of at least fifty million dollars (\$50,000,000);

(3) Any preferred stock.

(b) Such corporation has total assets of at least one hundred million dollars (\$100,000,000).

(c) Bonds of such a corporation, if any are outstanding, qualify for investment of the retirement fund, and that there are no arrears of dividend payments on its preferred stock;

(d) Such corporation has paid a cash dividend on its common stock in at least 8 of the 10 years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash dividend in each of the last three years;

(e) Such investment in any one company may not exceed 5 percent of the common shares outstanding; and

(f) No single common stock investment, based on cost, may exceed 2 percent of the assets of the fund.

The board may also invest in any stocks or shares of a diversified management investment company registered under the "Investment Company Act of 1940" which has total assets of at least fifty million dollars (\$50,000,000); except that the total investment in such stocks and shares, together with stocks and shares of all other corporations, may not exceed 25 percent of the assets of such fund determined on the basis of the cost of the stocks or shares.

The board shall employ investment counsel or trust companies or trust departments of banks to render service in connection with the board's investment program in corporation shares and may pay for such service

When an agreement is entered into by the board for consulting or management services in connection with the administration of the board's investment program, any fees stipulated in such agreement to be paid for such services shall not be considered a cost of administration but shall be considered as a reduction in earnings from such investments or a charge against the assets of the retirement fund as determined by the board.

CHAPTER 1037

An act making an appropriation for marina development purposes.

[Approved by Governor October 13, 1971 Filed with Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the Harbors and Watercraft Revolving Fund to the Department of Navigation and Ocean Development the sum of two hundred thousand dollars (\$200,000) for a loan to the Crescent City Harbor District for marina development purposes in accordance with the provisions of Section 71.4 of the Harbors and Navigation Code.

CHAPTER 1038

An act to add Section 26615 to the Government Code, relating to duties of sheriffs.

[Approved by Governor October 13, 1971 Filed with Secretary of State October 13, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 26615 is added to the Government Code, to read:

26615. The sheriff shall maintain, or cause to be maintained, a directory of specially trained dogs or dog teams with proven ability in search and rescue operations as one of the possible methods to be used under the authority of Section 26614. The directory shall include, but not be limited to, the location and previous experience of such dog or dog teams.

CHAPTER 1039

An act to amend Sections 17120 and 17512 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor October 13, 1971 Filed with Secretary of State October 13, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 17120 of the Revenue and Taxation Code is amended to read:

17120. (a) There shall be included in the gross income of an employee for the taxable year an amount equal to the cost of group-term life insurance on his life provided for part or

all of such year under a policy (or policies) carried directly or indirectly by his employer (or employers); but only to the extent that such cost exceeds the sum of—

(1) The cost of fifty thousand dollars (\$50,000) of such insurance, and

(2) The amount (if any) paid by the employee toward the purchase of such insurance.

(b) Subdivision (a) shall not apply to—

(1) The cost of group-term life insurance on the life of an individual which is provided under a policy carried directly or indirectly by an employer after such individual has terminated his employment with such employer and either has reached the retirement age with respect to such employer or is disabled (within the meaning of subdivision (g) of Section 17112.5),

(2) The cost of any portion of the group-term life insurance on the life of an employee provided during part or all of the taxable year of the employee under which—

(A) The employer is directly or indirectly the beneficiary; or

(B) A person described in Section 17214 is the sole beneficiary.

for the entire period during such taxable year for which the employee receives such insurance, and

(3) The cost of any group-term life insurance which is provided under a contract to which subdivision (c) of Section 17112.5 applies.

(c) For purposes of this section and Section 18802.5, the cost of group-term insurance on the life of an employee provided during any period shall be determined on the basis of uniform premiums (computed on the basis of five-year age brackets) prescribed by regulations by the Franchise Tax Board. In the case of an employee who has attained age 64, the cost prescribed shall not exceed the cost with respect to such individual if he were age 63.

(d) In applying this section to a taxable year beginning before May 1, 1964, if subparagraph (B) of paragraph (2) of such section applies with respect to an employee for the period beginning May 1, 1964, and ending with the close of his first taxable year ending after April 30, 1964, such subparagraph (B) of paragraph (2) shall be treated as applying with respect to such employee for the period beginning January 1, 1964, and ending April 30, 1964.

SEC. 2. Section 17512 of the Revenue and Taxation Code is amended to read:

17512. (a) (1) If—

(A) An annuity contract is purchased—

(i) For an employee by an employer described in Section 23701d which is exempt from tax under Section 23701, or

(ii) For an employee (other than an employee described in clause (i) of subparagraph (A)), who performs services

for an educational institution (as defined in subdivision (e) of Section 17150), by an employer which is a state, a political subdivision of a state, or an agency or instrumentality of any one or more of the foregoing;

(B) Such annuity contract is not subject to Section 17511, and

(C) The employee's rights under the contract are non-forfeitable, except for failure to pay future premiums, then amounts contributed by such employer for such annuity contract on or after such rights become nonforfeitable shall be excluded from the gross income of the employee for the taxable year to the extent that the aggregate of such amounts does not exceed the exclusion allowance for such taxable year. The employee shall include in his gross income the amounts received under such contract for the year received as provided in Sections 17101 to 17112.7, inclusive (relating to annuities).

(2) For purposes of this section, the exclusion allowance for any employee for the taxable year is an amount equal to the excess, if any, of—

(A) The amount determined by multiplying (i) 20 percent of his includible compensation, by (ii) the number of years of service, over

(B) The aggregate of the amounts contributed by the employer for annuity contracts and excludable from the gross income of the employee for any prior taxable year.

(3) For the purposes of this section, the term "includible compensation" means, in the case of any employee, the amount of compensation which is received from the employer described in subparagraph (A) of paragraph (1), and which is includible in gross income (computed without regard to subdivision (d) of Section 17139) for the most recent period (ending not later than the close of the taxable year) which under paragraph (4) may be counted as one year of service. Such term does not include any amount contributed by the employer for any annuity contract to which this section applies.

(4) In determining the number of years of service for purposes of this section, there shall be included—

(A) One year for each full year during which the individual was a full-time employee of the organization purchasing the annuity for him, and

(B) A fraction of a year (determined in accordance with regulations prescribed by the Franchise Tax Board) for each full year during which such individual was a part-time employee of such organization and for each part of a year during which such individual was a full-time or part-time employee of such organization.

In no case shall the number of years of service be less than one

(5) If for any taxable year of the employee this section applies to two or more annuity contracts purchased by the employer, such contracts shall be treated as one contract.

(6) For purposes of this section and Section 17106 (relating to special rules for computing employees' contributions to annuity contracts), if rights of the employee under an annuity contract described in subparagraphs (A) and (B) of paragraph (1) change from forfeitable to nonforfeitable rights, then the amount (determined without regard to this subdivision) includible in gross income by reason of such change shall be treated as an amount contributed by the employer for such annuity contract as of the time such rights become nonforfeitable.

(b) Premiums paid by an employer for an annuity contract which is not subject to Section 17511 shall be included in the gross income of the employee in accordance with Section 17122.7 (relating to property transferred in connection with performance of services), except that the value of such contract shall be substituted for the fair market value of the property for purposes of applying such section. The preceding sentence shall not apply to that portion of the premiums paid which is excluded from gross income under subdivision (a). The amount actually paid or made available to any beneficiary under such contract shall be taxable to him in the year in which so paid or made available under Sections 17101 to 17112.7, inclusive (relating to annuities).

CHAPTER 1040

An act to amend Sections 4300, 4301, 4304, 4305, 4307, 4308, 4311, 4312, 7503, 7505, 7506, and 7515 of, to add Sections 4303.1 and 4319 to, and to repeal Sections 4306, 7508 and 7517 of, the Welfare and Institutions Code, relating to mental health.

[Approved by Governor October 13, 1971. Filed with
Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 4300 of the Welfare and Institutions Code is amended to read:

4300. As used in this article, "officers" of a state hospital means:

- (a) Medical director.
- (b) Hospital administrator.

SEC. 2. Section 4301 of the Welfare and Institutions Code is amended to read:

4301. The Director of Mental Hygiene shall appoint and define the duties, subject to the laws governing civil service, of the medical director and the hospital administrator for each state hospital.

The director shall appoint a program director for each program at a state hospital.

SEC. 3. Section 4303.1 is added to the Welfare and Institutions Code, to read:

4303.1. The primary purpose of a state hospital is the medical and nursing care of patients who are mentally disordered or mentally retarded. The efforts and direction of the officers and employees of each state hospital shall be directed to this end.

SEC. 4. Section 4304 of the Welfare and Institutions Code is amended to read:

4304. Subject to the rules and regulations established by the department, the medical director of each state hospital shall be responsible for the planning, development, direction, management, supervision, and evaluation of all patient services, and of the supervision of research and clinical training.

SEC. 5. Section 4305 of the Welfare and Institutions Code is amended to read:

4305. Subject to the rules and regulations established by the department, the hospital administrator shall be responsible for the planning, development, direction, management and supervision of all administrative and supportive services in the hospital facility. Such services include, but are not limited to:

1. All administrative functions such as personnel, accounting, budgeting, and patients' accounts.

2. All life-support functions such as food services, facility maintenance and patient supplies.

3. All other business and security functions.

It shall be the responsibility of the hospital administrator to provide support services, as specified in this section, within available resources, to all hospital treatment programs.

SEC. 5.1. Section 4306 of the Welfare and Institutions Code is repealed.

SEC. 6. Section 4307 of the Welfare and Institutions Code is amended to read:

4307. As often as a vacancy occurs in a hospital under the jurisdiction of the Director of Mental Hygiene, he shall appoint, as provided in Section 4301, a medical director, a hospital administrator, and program directors.

A hospital administrator shall be a college graduate preferably with an advanced degree in hospital, business or public administration and shall have had experience in this area. He shall receive a salary which is competitive with other private and public mental hospital administrators.

Medical directors shall be physicians who have passed, or shall pass, an examination for a license to practice medicine in California and shall be qualified specialists in a branch of medicine that includes diseases affecting the brain and nervous system and be well qualified by training or experience to have proven skills in mental hospital program administration.

The standards for the professional qualifications of a program director shall be established by the Director of Mental Hygiene for each patient program except that if the duties of

the program director include the providing, supervising, or consulting with regard to the medical care of patients, the qualifications of the program director shall be the same as medical director with regard to licensing and medical speciality training.

SEC. 7. Section 4308 of the Welfare and Institutions Code is amended to read:

4308. The hospital administrator shall be responsible for the efficient management of the hospital. In his absence or illness he shall designate another officer to perform his duties and assume his responsibilities.

The medical director is responsible for the care and treatment of the hospital's patients. In his absence or illness he shall designate a program director to perform his duties and assume his responsibilities.

SEC. 8. Section 4311 of the Welfare and Institutions Code is amended to read:

4311. The medical director may establish rules and regulations, not inconsistent with law or department regulations, concerning the care and treatment of patients, and research and clinical training.

The hospital administrator may establish rules and regulations not inconsistent with law, department regulations, or rules and regulations established by the medical director, for the government of the hospital buildings and grounds. Any person who knowingly or willfully violates such rules and regulations may, upon the order of the hospital administrator, be ejected from the buildings and premises of the hospital.

SEC. 9. Section 4312 of the Welfare and Institutions Code is amended to read:

4312. The hospital administrator of each state hospital may designate, in writing, as a police officer, one or more of the bona fide employees of the hospital. The hospital administrator and each such police officer have the powers and authority conferred by law upon peace officers listed in Section 830.4 of the Penal Code. Such police officers shall receive no compensation as such and the additional duties arising therefrom shall become a part of the duties of their regular positions. When and as directed by the hospital administrator, such police officers shall enforce the rules and regulations of the hospital, preserve peace and order on the premises thereof, and protect and preserve the property of the state.

SEC. 10. Section 4319 is added to the Welfare and Institutions Code, to read:

4319. At each state hospital at which there is established a sheltered workshop, there shall be a sheltered workshop fund administered by the hospital administrator. The fund shall be used for the purchase of materials, for the purchase or rental of equipment needed in the manufacturing, fabricating, or assembly of products, for the payment of remuneration to patients engaged in work at the workshop, and for the payment of such other costs of the operation of the workshop as may be

directed by the hospital administrator. The hospital administrator may cause the raw materials, goods in process, finished products, and equipment necessary for the production thereof to be insured against any and all risks of loss, subject to the approval of the Department of General Services. The costs of such insurance shall be paid from the sheltered workshop fund.

All money received from the manufacture, fabrication, assembly, or distribution of products at any state hospital sheltered workshop shall be deposited and credited to the hospital's sheltered workshop fund.

SEC. 11. Section 7503 of the Welfare and Institutions Code is amended to read:

7503. The object of each hospital is such care, treatment, habilitation, training, and education of the persons committed thereto as will render them more comfortable and happy and better fitted to care for and support themselves.

SEC. 12. Section 7505 of the Welfare and Institutions Code is amended to read:

7505. The medical directors shall be physicians who have passed, or shall pass, an examination for a license to practice medicine in California, and shall be qualified specialists in a branch of medicine which includes diseases affecting the brain and nervous system, and the care, treatment, and habilitation of the mentally retarded or disordered and be qualified by training or experience to have proven skills in mental hospital program administration.

SEC. 13. Section 7506 of the Welfare and Institutions Code is amended to read:

7506. The primary purpose of each hospital for the mentally retarded shall be the care, treatment and habilitation of those patients found suitable and duly admitted.

SEC. 14. Section 7508 of the Welfare and Institutions Code is repealed.

SEC. 15. Section 7515 of the Welfare and Institutions Code is amended to read:

7515. The medical director may, with the approval of the Department of Mental Hygiene, cause the preemptory discharge of any person who has been a patient for the period of one month.

SEC. 16. Section 7517 of the Welfare and Institutions Code is repealed.

CHAPTER 1041

An act to add Division 12 (commencing with Section 14000) to the Public Resources Code, relating to Youth Conservation Corps, and making an appropriation therefor.

The people of the State of California do enact as follows:

SECTION 1. Division 12 (commencing with Section 14000) is added to the Public Resources Code, to read:

DIVISION 12. YOUTH CONSERVATION CORPS

CHAPTER 1. FINDINGS AND DECLARATIONS OF POLICY

14000. The Legislature finds and declares that gainful employment during the summer months of the youth of this state in the healthful outdoor atmosphere in the state park system and other publicly owned land creates an opportunity for understanding and appreciating this state's natural environment.

14001. It is the intent of the Legislature in enacting this division to further the development and maintenance of the natural resources of this state by the youth of this state, and to benefit the state's youth by providing them meaningful educational and work opportunities during the summer months.

CHAPTER 2. DEFINITIONS

14100. Unless context otherwise requires, the definitions set forth in this chapter govern the construction of this division.

14101. "Corps" means the California Youth Conservation Corps.

CHAPTER 3. CALIFORNIA YOUTH CONSERVATION CORPS

14300. To carry out the purposes of this division, the Resources Agency shall establish a two-year pilot program, designated as the California Youth Conservation Corps, to be financed by federal, state, and local government.

14301. The corps shall consist of applicants having parental consent from counties in which the Resources Agency establishes a corps camp, who have attained the age of 15 years but have not attained the age of 19 years. The Resources Agency shall employ such persons during the summer months for the purposes of developing, preserving, and maintaining environmentally important public lands and waters.

No person shall be employed as a member of the corps in excess of 90 days during any single calendar year.

14302. The Resources Agency may establish corps camps in any county if the Resources Agency determines that there are sufficient funds available to establish a corps camp in such county, for the youth of such county.

Each participating county shall, from its general funds, each contribute a sum of moneys as determined by the Resources Agency, but not to exceed 10 percent of the total amount of moneys expended, or the value of services, materials, or property used, or both, in a particular county for purposes of the corps camp in such county, or in lieu of such sum or any part

thereof, labor, materials, or property equivalent in value thereto, for carrying out the provisions of this division.

14303. The Resources Agency shall determine the rates of pay, hours, and other conditions of employment in the corps.

14304. The Resources Agency shall provide transportation, lodging, subsistence, and other services and equipment as it deems necessary or required for the members of the corps in their duties. The Resources Agency may contract with any public agency or any private person for any of the services or equipment necessary or required to carry out the provisions of this division.

14305. The Resources Agency may contract with any local school district, county superintendent of schools, or governmental agency as it deems necessary, to develop and implement a system for recruiting and selecting students to participate in the corps program.

14306. The Resources Agency may contract with any local school district, county superintendent of schools, or governmental agency as it deems necessary, to provide an instructional component and work experience plan in order to provide high school or college credit, or both, for students participating in such program.

14306.5. In carrying out the provisions of this division, the Resources Agency may utilize any services, materials, or property of any agency of the state.

14307. The Resources Agency shall adopt rules and regulations to insure the safety, health, and welfare of the members of the corps.

14307.5. The State Personnel Board shall determine the rate of pay, hours of employment, and other conditions of employment for the staff of the corps camps as provided under Sections 18020, 18705, 18850, and 19261 of the Government Code.

14308. Upon completion of each year's pilot program, the Resources Agency shall prepare a report detailing the contribution of the program toward achieving the purposes of this division and providing recommendations. Such report shall be filed with the Governor and the Legislature not later than the fifth calendar day of the regular session of the Legislature of each year.

14309. The Resources Agency shall conduct a followup study of the members of the corps and file a report on such study with the Governor and the Legislature not later than the fifth calendar day of the regular session of the Legislature of each year.

CHAPTER 5. TERMINATION OF PROGRAM

14400. This division shall be operative only until the fifth calendar day of the 1974 Regular Session of the Legislature and shall have no force or effect after that date.

SEC. 2. There is hereby appropriated from the General Fund to the Resources Agency the sum of one hundred twenty-

five thousand dollars (\$125,000) for expenditure, during the 1971-1972, 1972-1973, and 1973-1974 fiscal years, to carry out the provisions of Division 12 (commencing with Section 14000) of the Public Resources Code; provided that the only moneys which may be expended for such purposes are those that, in combination with the moneys contributed by any county, have at least been equally matched by funds from the federal government for such purpose. The appropriation made by this section shall be reduced by the value of any services, materials, or property contributed by the state for such purposes. Any moneys not expended shall revert to, and be deposited in, the General Fund on the fifth calendar day of the 1974 Regular Session of the Legislature.

CHAPTER 1042

*An act to amend Section 40515 of the Vehicle Code,
relating to vehicles.*

[Approved by Governor October 13, 1971. Filed with
Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 40515 of the Vehicle Code is amended to read:

40515. (a) When a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail, the magistrate may issue and have delivered for execution a warrant for his arrest within 20 days after his failure to appear before the magistrate, or if the person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date on which he promised to appear, then, within 20 days after the delivery of the written promise to appear by the officer to a magistrate having jurisdiction over the offense.

(b) When the person violates his promise to appear before an officer authorized to receive bail other than a magistrate, the officer shall immediately deliver to a magistrate having jurisdiction over the offense charged the written promise to appear and the complaint, if any, filed by the arresting officer.

CHAPTER 1043

*An act to amend Sections 220 and 11500 of the Vehicle
Code, relating to automobile dismantlers.*

[Approved by Governor October 13, 1971. Filed with
Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 220 of the Vehicle Code is amended to read:

220. An "automobile dismantler," is any person who is engaged in the business of buying, selling, or dealing in vehicles of a type required to be registered under this code, for the purpose of dismantling the same, who buys or sells the integral parts and component materials thereof, in whole or in part, or deals in used motor vehicle parts. This section does not apply to the occasional and incidental dismantling of vehicles by dealers who have secured dealers plates from the department for the current year whose principal business is buying and selling new and used vehicles, or by owners who desire to dismantle not more than three personal vehicles within any 12-month period.

SEC. 2. Section 11500 of the Vehicle Code is amended to read:

11500. It shall be unlawful for any person to act as an automobile dismantler without first having an established place of business which meets the requirements set forth in Section 11514 and without first having procured a license or temporary permit issued by the department, or when such license or temporary permit issued by the department has been canceled, suspended, revoked or invalidated or has expired.

SEC. 3. Section 220 of the Vehicle Code is amended to read:

220. (a) An "automobile dismantler," is any person who is engaged in the business of buying, selling, or dealing in vehicles of a type required to be registered under this code, for the purpose of dismantling the same, who buys or sells the integral parts and component materials thereof, in whole or in part, or deals in used motor vehicle parts. This section does not apply to the occasional and incidental dismantling of vehicles by dealers who have secured dealers plates from the department for the current year whose principal business is buying and selling new and used vehicles, or by owners who desire to dismantle not more than three personal vehicles within any 12-months period.

(b) Notwithstanding the provisions of subdivision (a), any person who keeps or maintains on real property owned by him, or under his possession or control, two or more unregistered motor vehicles no longer intended for, or in condition for, legal use on the highways, whether for the purpose of resale of used parts, for the purpose of reclaiming for use some or all of the materials, whether metal, glass, fabric, or otherwise, or to dispose of them, or for any other purpose is an "automobile dismantler" and subject to the provisions of Chapter 3 (commencing with Section 11500) of Division 5.

(c) The provisions of subdivision (b) shall not apply to:

(1) The owner of any premises on which two or more unregistered and inoperable vehicles are held or stored where

such vehicles are used, or intended to be used, for restoration or as replacement parts or otherwise in conjunction with any business of a licensed dealer, manufacturer, or transporter, or in conjunction with the operation and maintenance of any fleet of motor vehicles used for the transportation of persons or property.

(2) The owner of any premises or property used in conjunction with any agricultural, farming, mining, ranching, or motor vehicle repair business.

(3) Any person engaged in the restoration of vehicles of the type described in Section 5004.

SEC. 4. It is the intent of the Legislature, if this bill and Senate Bill No. 1308 are both chaptered and amend Section 220 of the Vehicle Code, and this bill is chaptered after Senate Bill No. 1308, that the amendments to Section 220 proposed by both bills be given effect and incorporated in Section 220 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Senate Bill No. 1308 are both chaptered, both amend Section 220, and Senate Bill No. 1308 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 1044

An act to add Section 5748 to the Education Code, relating to school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 13, 1971. Filed with Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5748 is added to the Education Code, to read:

5748. The governing board of any school district or the county superintendent of schools authorized by this article to establish special classes for adults designed to serve the educational needs of handicapped adults may contract for the providing of such classes by any adjacent high school district or unified school district, subject to the approval of the Superintendent of Public Instruction. For purposes of apportionments, the average daily attendance in classes conducted pursuant to the contract shall accrue to and be reported by the district in which such student resides. Any contract entered into pursuant to this section shall be for a term of not to exceed one year but may be renewed or revised and renewed annually.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

go into immediate effect. The facts constituting such necessity are:

In order that the contracts and the special classes for handicapped adults authorized by this act may be, respectively, executed and made available on or before the commencement of the regular school term for this year, it is necessary that this act take effect immediately.

CHAPTER 1045

An act to amend Sections 11602 and 11603 of the Business and Professions Code, relating to subdivisions.

[Approved by Governor October 13, 1971. Filed with Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 11602 of the Business and Professions Code is amended to read:

11602. If the land being subdivided is a portion of a larger parcel shown on the last preceding tax roll as a unit, the bond or deposit for payment of taxes need be only for such sum as may be determined by the board of supervisors to be sufficient to pay the current and delinquent taxes on the land being subdivided, together with all accrued penalties and costs if such taxes have been or are allowed to become delinquent. The board of supervisors shall also order the creation of new assessor's parcel numbers pursuant to Section 2823 of the Revenue and Taxation Code. Separate assessor's parcel numbers shall be given to the portion of the larger parcel which is not within the proposed subdivision and to the parcel or parcels which are within the proposed subdivision.

If the land being subdivided is sold for taxes it may be redeemed from such sale without the redemption of the remainder of the larger parcel of which it is a part pursuant to the provisions of the Revenue and Taxation Code as if it were held in ownership separate from and other than the ownership of the remainder.

SEC. 2. Section 11603 of the Business and Professions Code is amended to read:

11603. Whenever land subject to a special assessment or bond which may be paid in full, is divided by the line of a lot or parcel of the subdivision, such assessment or bond shall be paid in full or a bond filed with the board of supervisors in all respects similar to that provided in this article, payable to the county as trustee for the assessment bondholders for the payment of such special assessments. This section shall not apply to bonds issued under the provisions of the Improvement Bond Act of 1915.

CHAPTER 1045

An act to amend Section 3074 of the Labor Code, relating to apprentices.

[Approved by Governor October 13, 1971. Filed with Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 3074 of the Labor Code is amended to read:

3074. The preparation of trade analyses and outlines of instruction, and the administration and supervision of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of state and local boards responsible for vocational education. Such responsibility shall not preclude the establishment of off-campus related and supplemental instruction when approved and developed in cooperation with state and local school boards responsible for vocational education, and when such instruction meets all other requirements of this chapter.

The Department of Education and the Board of Governors of the California Community Colleges may provide related and supplemental instruction to isolated apprentices as a direct instructional service, on a contractual basis with local school districts, by correspondence, or by a combination of these means. For the purpose of this section, an isolated apprentice is an apprentice registered with the Division of Apprenticeship Standards in the Department of Industrial Relations who cannot be enrolled in a class of related and supplementary instruction for apprentices because of the small number of apprentices available for an appropriate class or because there is no existing apprenticeship program within a reasonable travel distance.

CHAPTER 1047

An act to amend Section 11251 of the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 13, 1971. Filed with Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 11251 of the Education Code is amended to read:

11251. (a) In computing the average daily attendance of a school district, there shall be included only the attendance

of pupils while engaged in educational activities required of such pupils and under the immediate supervision and control of an employee of the district who possessed a valid certification document, registered as required by law, authorizing him to render service in the capacity and during the period in which he served. For purposes of computing the average daily attendance of a community college district, attendance shall also include student attendance and participation in approved coordinated instruction systems programs of instruction using television, computer-assisted instruction, automated audio-visual systems, programmed learning materials, and other similar teaching techniques, under the coordination and evaluation of an employee who possessed an appropriate certification document, but not requiring the immediate supervision of such employee. Approved coordinated instruction systems programs of instruction are those recommended by the governing board of the district maintaining the community college and approved by the Board of Governors of the California Community Colleges. One student contact hour is to be counted for each unit of coordinated instruction systems credit in which a student is enrolled during any census period. The state aid apportionment made by the board of governors shall not be greater than one-half the current costs of conducting approved coordinated instruction systems programs of instruction. Coordinated instruction systems programs of instruction shall be conducted by employees of the district who possess valid credentials or certification documents, who shall determine the need for immediate supervision of the programs of instruction. Such employees shall evaluate individual student progress and assign appropriate grades for students enrolled in classes taught by the coordinated instruction systems programs of instruction.

(b) For the purpose of work experience education programs in the secondary schools meeting the standards of the California State Plan for Vocational Education, "immediate supervision" of off-campus work training stations means pupil participation in on-the-job training as outlined under a training agreement, coordinated by the school district under a state-approved plan, wherein the employer and certificated school personnel share the responsibility for on-the-job supervision. The pupil-teacher ratio in any such work experience program shall not exceed 125 students per full-time equivalent certificated coordinator. A pupil enrolled in such work experience program shall not be credited with more than one day of attendance in any calendar day, and shall be a full-time student enrolled in regular classes meeting the requirements set forth in Section 11052 or 11055.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

go into immediate effect. The facts constituting such necessity are:

In order that the computation of average daily attendance in work experience education programs for the 1971-1972 fiscal year may be undertaken in accordance with the changes in law made by this act, it is essential that this act take effect as early as possible prior to the expiration of that fiscal year.

CHAPTER 1048

An act to add Section 532.1 to the Revenue and Taxation Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 13, 1971. Filed with Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 532.1 is added to the Revenue and Taxation Code, to read:

532.1. No escape assessment nor assessment under Article 3 (commencing with Section 501) of this chapter shall be imposed for any assessment year prior to the 1971-1972 assessment year on a possessory interest in real property which arose from the right to cut or remove timber from lands exempt from taxation by reason of ownership by the United States or by American Indians.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Until recently there has been uncertainty and nonuniformity in the assessment of possessory interests in real property arising from the right to cut or remove timber from lands exempt from taxation. Many possessory interests of this type have not previously been assessed and the contracts to cut and take timber from tax-exempt lands were entered into without awareness of the application of property taxes. The financial hardship which would be incurred if assessments of these possessory interests were made for three or four previous assessment years is such that it is subject to legislative mitigation as sanctioned by the California Supreme Court in *Forster Shipbuilding Co., Inc. v. County of Los Angeles* (1960), 54 Cal. 2d 450. It is also necessary in the interests of statewide uniformity and even application of the property tax that the limitations enacted by this act lay to rest a number of complex questions concerning the proper valuation of certain possessory interests arising from timber-cutting contracts. To accomplish the mitigation of the hardships caused by the

changing of long-established property tax assessment procedures, it is necessary that this act take immediate effect, so as to prevent unanticipated business losses and harsh and inequitable results which would not be in the best interests of this state and its local governmental agencies.

CHAPTER 1049

An act to amend Sections 68543.5 and 75090.2 of the Government Code, relating to the Judges' Retirement Law.

[Approved by Governor October 13, 1971. Filed with Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 68543.5 of the Government Code is amended to read:

68543.5. Whenever a judge retired as such under the Judges' Retirement Law is assigned to sit in a court, he shall be compensated while so sitting at a rate equal to 92 percent of the full compensation of a judge of the court to which he is assigned. A retired judge of a justice court assigned to sit in a court shall be compensated while so sitting at the full compensation of a judge of the court to which he is assigned. Such compensation shall be chargeable for the period specified in Section 68547 the same as provided by law with respect to the compensation of a judge of the court to which he is assigned except that when chargeable to the state, such compensation is payable out of any appropriation for extra compensation of judges assigned by the Chairman of the Judicial Council.

If such compensation is greater than his retirement allowance, his retirement allowance shall be suspended so long as he receives such compensation. If such compensation is less than his retirement allowance, his retirement allowance shall continue to be paid while he receives such compensation but only in an amount equal to the difference between such compensation and the retirement allowance to which he would otherwise be entitled.

If a judge retired under the Judges' Retirement Law is assigned to sit in a court, the 8-percent difference between the compensation of the retired judge while so assigned and the compensation of a judge of the court to which assigned shall be paid to the Judges' Retirement Fund.

When assigned to sit in a county other than that in which he resides, he shall also be allowed his necessary expenses for travel, board, and lodging incurred in the discharge of the assignment. Such expenses, if any, shall be chargeable as follows:

(a) When the assignment is to the Supreme Court or a court of appeal, to the state.

(b) When the assignment is to a superior, municipal, or justice court, to the county.

SEC. 2. Section 75090.2 of the Government Code is amended to read:

75090.2. Any person who is a judge on the effective date of this section or December 1, 1971 may elect to come within the provisions of this article on or before February 1, 1972, provided he pays into the Judges' Retirement Fund a sum equal to the amount which would have been deducted from his salary under Section 75092 had he made the election within the applicable time limitation in Section 75090 as it read prior to the effective date of this section.

CHAPTER 1050

An act to add Article 11 (commencing with Section 1090) to Chapter 3 of Division 4 of the Education Code, relating to public school instruction.

[Approved by Governor October 13, 1971 Filed with
Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Article 11 (commencing with Section 1090) is added to Chapter 3 of Division 4 of the Education Code, to read:

Article 11. Contracts for Instruction

1090. It is the intent of the Legislature in enacting this article to encourage the development of alternative educational programs, which school districts are not best able to provide, within the public education system.

1091. Notwithstanding any other provision of law, the governing board of any school district may contract with any approved private firm, corporation, or other entity for the purpose of providing drug education to the pupils of the district. The Superintendent of Public Instruction shall develop guidelines for use by the governing board in determining the qualifications of private firms, corporations, and other entities which propose to provide drug education in the public schools.

1091.5. The governing board of any school district which enters into a contract pursuant to this article, shall notify the Superintendent of Public Instruction that such a contract has been entered into.

1092. No person who performs the instruction pursuant to the contract shall be required to possess any teacher's credential or certification document of any kind. Such person shall be under the direction of the principal of the school at which that person is employed pursuant to this article.

1093. Each contract entered into pursuant to this article shall be immediately cancellable by the governing board if the health and welfare of any public school pupil is being endangered by the performance of the contract.

1094. Each school at which instructors employed pursuant to this article are employed shall remain under the exclusive control of officers of the public schools.

1095. No pupil may be required to participate in instructional programs provided pursuant to this article.

1096. No pupil may participate in instructional programs provided pursuant to this article without the written consent of his parent or guardian.

1097. The Superintendent of Public Instruction is requested to evaluate the effect of this article and to report to the Legislature thereon by the fifth calendar day of the 1974 Regular Session of the Legislature.

1098. The article shall cease to be operative on the 91st day after the final adjournment of the 1974 Regular Session of the Legislature.

CHAPTER 1051

An act to add Section 5003.7 to the Public Resources Code, relating to utility liens.

[Approved by Governor October 13, 1971 Filed with
Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5003.7 is added to the Public Resources Code, to read:

5003.7. (a) For due, owing, and unpaid charges or fees for water, sewage, gas, electricity, garbage, or other utility services furnished by the Department of Parks and Recreation or the Department of General Services to real property, the department shall have a lien on such real property upon filing a notice of lien with the county recorder.

(b) The notice of lien shall contain all of the following:

(1) A description of the subject real property.

(2) The total amount of the lien.

(3) The type of service furnished.

(4) The period during which service was furnished, the amount owing for such period of service, and the date upon which such amount became due.

(5) A verified statement that notice of such delinquent charges or fees was mailed, postpaid, to the owner of record, to any other known owner, and to the person in possession of the subject real property at their last known address at least 30 days prior to the filing of the notice of lien with the county recorder.

(c) The lien shall not extend to delinquent charges or fees incurred more than four years prior to the filing of the notice of lien. The lien shall, except as provided in subdivision (e), continue in effect for four years after the filing of the notice of lien, unless sooner extinguished by payment, satisfaction, or merger in judgment of foreclosure.

(d) Within four years after the notice of lien is filed of record, an action to foreclose the lien may, notwithstanding any other provision of law, be brought in the name of the people in any court having jurisdiction to hear and dispose of actions to foreclose mechanics' liens for like amounts. If the action is commenced in a court of competent jurisdiction in Sacramento County such court is the proper court for trial, without regard to the residence of the defendants.

(e) Upon recording of lis pendens, the notice of lien shall continue in effect until the recording of the abstract of judgment thereon, unless the lien be otherwise extinguished, but not in any event in excess of 10 years from the date of recording of the notice of lien. The lien of abstract shall take priority from the date of recordation of the notice of lien.

(f) The Director of Parks and Recreation or the Director of General Services, as the case may be, or the Attorney General may execute and file such notices, releases, and satisfaction, as may be necessary or convenient in carrying out the provisions of this section.

CHAPTER 1052

An act to add Section 128 to the Business and Professions Code, relating to business and professions.

[Approved by Governor October 13, 1971. Filed with Secretary of State October 13, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 128 is added to the Business and Professions Code, to read:

128. Notwithstanding any other provision of law, it is a misdemeanor to sell equipment, supplies, or services to any person with knowledge that the equipment, supplies, or services are to be used in the performance of a service or contract in violation of the licensing requirements of this code.

The provisions of this section shall not be applicable to cash sales of less than one hundred dollars (\$100).

For the purposes of this section, "person" includes, but is not limited to, a company, partnership, firm or corporation.

For the purposes of this section, "license" includes certificate or registration.

A violation of this section shall be punishable by a fine of not less than one thousand dollars (\$1 000) and by imprisonment in the county jail not exceeding six months.

CHAPTER 1053

An act to amend Section 104.12 of the Streets and Highways Code, relating to state highway property.

[Approved by Governor October 14, 1971. Filed with Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 104.12 of the Streets and Highways Code is amended to read:

104.12. The department may lease to public agencies or private entities for any term not to exceed 99 years the use of areas above or below state highways, subject to such reservations, restrictions and conditions as it deems necessary to assure adequate protection to the safety and the adequacy of highway facilities and to abutting or adjacent land uses. Authorized emergency vehicles as defined in Section 165 of the Vehicle Code which are on active duty and are not merely being stored shall be given preference in the use of such areas, and no payment of consideration shall be required for this use of the areas by such vehicles. Prior to entering into any such lease, the department shall determine that the proposed use is not in conflict with the zoning regulations of the local government concerned. Such leases shall be made in accordance with procedures to be prescribed by the California Highway Commission, except that in the case of leases with private entities such leases shall only be made after competitive bidding unless the commission finds by unanimous vote that in certain cases competitive bidding would not be in the best interests of the state. The possibilities of entering into such leases and the consequent benefits to be derived therefrom may be considered by the department in designing and constructing such highways.

Revenues from such leases shall be deposited in the State Highway Fund.

CHAPTER 1054

An act to amend Section 1091.5 of the Government Code, and to amend Sections 33110, 34276, and 34281 of the Health and Safety Code, relating to housing.

[Approved by Governor October 14, 1971. Filed with Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1091.5 of the Government Code is amended to read:

1091.5. (1) An officer or employee shall not be deemed to be interested in a contract if his interest is:

(a) The ownership of less than 3 percent of the shares of a corporation for profit, provided the total annual income to him from dividends, including the value of stock dividends, from the corporation does not exceed 5 percent of his total annual income, and any other payments made to him by the corporation do not exceed 5 percent of his total annual income;

(b) That of an officer in being reimbursed for his actual and necessary expenses incurred in the performance of official duty;

(c) That of a recipient of public services generally provided by the public body or board of which he is a member, on the same terms and conditions as if he were not a member of the board.

(d) That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial, or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which event his interest shall be deemed a remote interest within the meaning and subject to the provisions of Section 1091.

(e) That of a tenant in a public housing authority created pursuant to Part 2 (commencing with Section 34200) of Division 24 of the Health and Safety Code in which he serves as a member of the board of commissioners.

(2) An officer or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor.

SEC. 2. Section 33110 of the Health and Safety Code is amended to read:

33110. When the legislative body adopts an ordinance declaring the need for an agency, the mayor or chairman of the board of supervisors, with the approval of the legislative body, shall appoint five persons, who are resident electors of the community, and may include tenants of a public housing authority created pursuant to Part 2 (commencing with Section 34200) of this division, as members of the agency. The legislative body may, either at the time of the adoption of the ordinance declaring the need for an agency or at any time thereafter, adopt an ordinance increasing to seven the number of members to be appointed to the agency. Upon the exercise of such option by the legislative body, the membership of the agency shall remain at seven.

SEC. 3. Section 34276 of the Health and Safety Code is amended to read:

34276. Three commissioners constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners empowered to vote, unless in any case the bylaws of the authority require a larger number.

SEC. 4. Section 34281 of the Health and Safety Code is amended to read:

34281. A commissioner or employee of an authority shall not acquire any direct or indirect interest in any housing project or in any property included or planned to be included in any project, nor shall he have any direct or indirect interest in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project. If he owns or controls a direct or indirect interest in any such property, he shall immediately make a written disclosure of it to the authority and the disclosure shall be entered upon its minutes. Failure so to disclose his interest constitutes misconduct in office.

Nothing contained in this section or in any other provision of law shall be construed as precluding a tenant of an authority from serving as a commissioner of that authority, provided that the fact of such tenancy is disclosed to the authority in writing and entered upon its minutes immediately upon his assuming office; nor shall any provision in this code or elsewhere be construed as in any manner inhibiting the right of such tenant commissioner to exercise the full powers vested in his office.

CHAPTER 1055

An act to add Chapter 7 (commencing with Section 18300) to Part 1, Division 5, Title 2 of the Government Code, relating to firefighters.

[Approved by Governor October 14, 1971. Filed with Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7 (commencing with Section 18300) is added to Part 1, Division 5, Title 2 of the Government Code, to read:

CHAPTER 7. FIREFIGHTERS

18300. As used in this chapter the term "fireman of the state" or "fireman" shall be deemed to include a member of a fire department or fire service of the state, including the University of California, but not including the Division of Forestry of the Department of Conservation, whether such members are volunteer, partly paid, or fully paid, excepting those

whose principal duties are clerical, such as stenographers, telephone operators and other officeworkers. Such firemen shall be regularly employed or in the case of volunteer shall be regularly enrolled as such.

18301. Whenever any fireman of the state dies or is disabled from performing his duties as a fireman by reason of his proceeding to or engaging in a fire-suppression or rescue operation, or the protection or preservation of life or property, anywhere in this state, including the jurisdiction in which he is employed, but is not at the time acting under the immediate direction of his employer, he or his dependents, as the case may be, shall be accorded by his employer all of the same benefits of the Workmen's Compensation Law, which he or they would have received had that fireman been acting under the immediate direction of his employer. Any injury, disability or death incurred under the circumstances described in this section shall be deemed to have arisen out of and been sustained in the course of employment for purposes of workmen's compensation and all other benefits.

18302. Nothing in this chapter shall be deemed to:

(a) Require the extension of any benefits to a fireman who at the time of his injury, death, or disability is acting for compensation from one other than the state.

(b) Require the extension of any benefits to a fireman employed by the state where by departmental regulation whether now in force or hereafter enacted or promulgated, the activity giving rise to the injury, disability or death, is expressly prohibited.

CHAPTER 1056

An act to amend Sections 68032 and 68082 of the Government Code, relating to courts.

[Approved by Governor October 14, 1971. Filed with Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 68082 of the Government Code is amended to read:

68082. During his continuance in office, a court commissioner, judge of a court of record, or county clerk shall not practice law in any court of this state or act as attorney, agent, or solicitor in the prosecution of any claim or application for lands, pensions, patent rights, or other proceedings before any department of the state or general government or courts of the United States. As used in this section, the practice of law includes being in partnership or sharing fees, commissions, or expenses in the practice of law with any person acting as an attorney in this state.

SEC. 2. Section 68083 of the Government Code is amended to read:

68083. A judge of a justice court shall not practice law before any justice court in the county in which he resides. As used in this section, the practice of law includes being in partnership or sharing fees, commissions, or expenses in the practice of law with any person acting as an attorney in such court.

A judge of a justice court may, however, have as a partner, and may share fees, commissions, or expenses with, any person acting as attorney in any court before which such judge may practice law.

CHAPTER 1057

An act to amend Sections 19577, 19581, and 19583 of, to add Sections 19559.1, 19559.2, and 19683.6 to, and to repeal Section 19700.78 of, the Education Code, relating to school building aid.

[Approved by Governor October 14, 1971. Filed with Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 19559.1 is added to the Education Code, to read:

19559.1. The Department of Education, in addition to any responsibilities or approvals required under Division 11 (commencing with Section 15001) of this code, shall provide the following services to school districts making applications for apportionments under this chapter:

(1) It shall assist school districts in organizing a comprehensive planning effort. It shall guide a planning process through its appropriate steps and, when requested by a school district, it shall provide the school district with sources of expertise, either public or private, which may be able to contribute to the development of plans to find solutions for specific problems a school district may have.

(2) It shall provide continuing research in relation to all phases of educational programs and the school facilities that are required to implement these educational programs.

(3) It shall provide a review and evaluation service to school districts to assure the effectiveness of the facilities that have been provided in accommodating educational programs.

(4) It shall provide communication media through publications, seminars, and prepare planning guides and procedures containing recommendations, which guides shall be used to disseminate educational planning information to all school districts.

SEC. 2. Section 19559.2 is added to the Education Code, to read:

19559.2. Each school district which desires an apportionment of funds under this chapter shall, unless specifically exempted by the board, prepare a long-range comprehensive master plan for the district prepared in accordance with acceptable planning procedures. Information relating to the following factors should be included in this master plan:

(a) A statement of the educational programs and goals of the district in relation to its programs, both current and future.

(b) A comprehensive evaluation and report of the utilization of the school facilities now existing in the district.

(c) A comprehensive demographic study of the district, as it currently exists and as projected into the future.

(d) A policy statement regarding actual or potential human problems.

(e) A policy statement as to the priority in which the district proposes to solve its school housing problems.

(f) A policy statement regarding cooperation with other local public agencies to achieve total community development.

(g) A policy to insure continuous review so that plans will be kept up to date and changing conditions will be reviewed and accommodated by appropriate revision of plans.

The director shall review the long-range master plan and project development plan and shall report his findings and recommendations thereon to the board.

SEC. 3. Section 19577 of the Education Code is amended to read:

19577. Notwithstanding any other provisions of this chapter, a district which applies for an apportionment for the purchase of a site or for the cost of the preparation of plans and specifications, which is not a part of a construction project, shall make a separate application for such site or plans and specifications in the same manner as prescribed by Section 19571.

All of the provisions of this chapter apply to such application and apportionment except that:

(a) If the Department of Education determines that within five years in the case of an application for an elementary grade level maintained by the district, or within seven years, in the case of an application for a high school grade level maintained by the district, from the date of the application for the site or for the plans and specifications, there will be sufficient enrollment in the district, based upon enrollment projection criteria adopted by the board, to show the need of such site or for the plans and specifications, it may approve the application. The board may modify a determination respecting future enrollment in connection with an application for an elementary grade level maintained by the district to utilize a period of seven years from the date of the application if it is necessary to meet the emergency conditions existing in that

certain district due to a rapid increase in the enrollment of pupils, or due to the scarcity of land within the district, or both. Any application referred to the board pursuant to this section may be either approved in whole or in part, not exceeding the amount applied for, as the board may deem appropriate, pursuant to Sections 19571 and 19576, except that the board may approve additional portions of an application and make an additional apportionment or apportionments within five years of the original approval without requiring a district to issue additional bonds. No additional approval pursuant to the original application or apportionment thereunder may be made unless the board first has investigated and determined the necessity of such additional approval or apportionment, and has received a report thereon from the Department of Education. Any provision of Section 19571 inconsistent with this section shall not apply to such application. As used in this section, and "elementary grade level maintained by the district" is a grade level composed of the grades and maintained by the districts specified in (1) of subdivision (e) of Section 19553. As used in this section a "high school grade level maintained by the district" is a grade level composed of the grades and maintained by the districts specified in (2) of subdivision (e) of Section 19553.

(b) Section 19556 does not apply.

(c) An application for a site pursuant to this section may include an amount for the preparation of plans and specifications for school facilities and for the development of the site, which will conform to those eligible for construction under this chapter.

(d) If the application is approved and an apportionment granted therefor the district shall repay the full amount of such apportionment and the interest thereon. The repayment of the apportionment for a site and the interest thereon, may be over a period of years, not to exceed 30 years from the first day of January of the fiscal year next succeeding the fiscal year in which such apportionment became final. The repayment of the apportionment for plans and specifications, and the interest thereon, may be over a period of years, not to exceed 30 years from the first day of January of the second fiscal year succeeding the fiscal year in which such apportionment became final. The number of years allowed for repayment shall be determined by the board at the time it fixes interest on the apportionment. Such repayment is in addition to any other repayment required under this chapter. If an apportionment is granted pursuant to this section for a site and such site is subsequently used in a construction project for which an apportionment is received under other provisions of this chapter, or if an apportionment is granted pursuant to this section for plans and specifications and such plans and specifications are subsequently used in a construction project for which an apportionment is received under other provisions of this chapter, the district shall not

be required to make any further repayments for the site, or the plans and specifications, as the case may be, pursuant to this section and the unpaid balance of the apportionment and interest owing on the apportionment for the site, or the plans and specifications, as the case may be, pursuant to this section shall be added to the principal amount of the apportionment and accrued interest thereon for the construction project. Such site shall be deemed to be "subsequently used in a construction project" within the meaning of the preceding sentence, if it is used in connection with a construction project at the same grade level by any district receiving a construction apportionment therefor, this being not intended as a change in the present law, but as a statement of the existing law. In addition, such site shall be deemed to be "subsequently used in a construction project" within the meaning of such reference, if it is used in connection with such construction project by any district receiving a construction apportionment therefor at a different grade level, providing that in such latter instance the board in its discretion consents by resolution to the combination of such site and construction apportionments.

SEC. 4. Section 19581 of the Education Code is amended to read:

19581. No apportionment shall be made for new construction which, when added to the area of adequate school construction existing in the applicant school district at the time of application, will provide a total area of school building construction per unit of average daily attendance of the estimated average daily attendance in excess of that computed in accordance with Sections 19583, 19585, 19586, 19587, and 19588.

As used in Sections 19583, 19585, 19586, 19587, and 19588, "maximum area" means maximum area of school building construction and "attendance unit" means unit of estimated average daily attendance.

As used in this section and Sections 19586, 19587, and 19588, "attendance center" means a school maintained or to be maintained at a given location within a district. The Department of Education shall approve or disapprove the allocation by an applicant district of units of estimated average daily attendance among the attendance centers of the district.

To the building area permitted to an applicant school district by Sections 19583, 19585, 19586, 19587, and 19588, there may be added such additional building area as may be required to provide adequate facilities for exceptional children pursuant to Article 3 (Sections 19681 to 19689, inclusive) of this chapter.

No estimate of average daily attendance made by an applicant for the purpose of justifying an apportionment shall be made for a longer time than the third fiscal year beyond the fiscal year in which an application is made, except that an estimate for the purpose of justifying an apportionment for a grade level maintained by a unified district, under an appli-

cation filed prior to the effective date of the amendment to this section made at the 1961 Regular Session or by a high school district composed of grades 7 to 12, inclusive, 9 to 12, inclusive, or 7 to 10, inclusive, or of justifying an apportionment for a unified district for a junior high school or high school project under an application made on or after such effective date shall not be made for a longer time than the fourth fiscal year beyond the fiscal year in which the application is made. Except as otherwise provided by the board, the estimates of average daily attendance shall be based upon the number of family dwellings and mobilehome parks, as defined in Section 18214 of the Health and Safety Code, under construction or newly constructed and never occupied in the district and the number of children residing in the district. In no case shall an estimate be given effect unless approved by the board.

For the purposes of this chapter pupils attending grades 7 and 8 in an elementary district but residing in a high school district which maintains one or more junior high schools shall not be considered in determining or estimating the average daily attendance of the elementary district, unless the elementary district, is maintaining and has continuously maintained grades 7 and 8 since a date prior to January 1, 1959. When such pupils are so considered in determining or estimating the average daily attendance of the elementary district in making an apportionment to the elementary district, such pupils shall not be considered in determining or estimating average daily attendance of the high school district in making an apportionment to the high school district for junior high school purposes. The board shall develop statewide or areawide averages of pupil occupancy for family dwellings of various sizes and for mobilehomes of various sizes for use by applicant school districts in estimating the average daily attendance of family dwellings and mobilehome parks under construction or newly constructed and never occupied in the district.

SEC. 5. Section 19683.6 is added to the Education Code, to read:

19683.6. Notwithstanding any provision of law to the contrary, the board shall control the amount of apportionments made for facilities for exceptional children. In so controlling these apportionments the board shall establish allowable building areas and cost standards comparable to the building areas and costs of similar facilities constructed by school districts which are not applicants under this chapter.

SEC. 6. Section 19583 of the Education Code is amended to read:

19583. There shall be allowed to each district with attendance units of 300 or more in kindergarten and grades 1 to 6, inclusive, a maximum area of 55 square feet for each attendance unit of the district in kindergarten and grades 1 to 6, inclusive.

The maximum total building area per attendance unit allowed to applicant districts with attendance units of less than 300 in kindergarten and grades 1 to 6, inclusive, for such attendance units shall be determined by the board, and shall be building area to provide comparable facilities to those provided by the first paragraph of this section, and shall be the least building area required to house adequately the estimated average daily attendance and the normal instructional and other services.

SEC. 7. Section 19700.78 of the Education Code is repealed.

CHAPTER 1058

An act to add Section 9655 to the Revenue and Taxation Code, relating to taxation.

[Approved by Governor October 14, 1971. Filed with Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 9655 is added to the Revenue and Taxation Code, to read:

9655. The tax imposed by this part does not apply to amounts paid by a public or nonprofit private school to an operator, or to amounts paid to such a school, for the transportation of children to or from the school; nor shall such tax apply to amounts paid to any person for the leasing of vehicles to a public or nonprofit private school for the transportation of children to and from such school.

CHAPTER 1059

An act to amend Sections 58895, 58938, 58940, 59944, 59955, and 60013 of the Agricultural Code, relating to agricultural marketing, and making an appropriation therefor.

[Approved by Governor October 14, 1971. Filed with Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 58895 of the Agricultural Code is amended to read:

58895. A marketing order may contain provisions to detect, control, prevent damage by or to eradicate insects, predators, diseases, or parasites with respect to any commodity or group of commodities. The advisory board may recommend and the director may approve measures to assist in the prevention or reduction of losses to crops or livestock caused by predators, insects, disease or parasite infestations, including the estab-

ishment and operation of detection, inspection, spraying, dusting, fumigating or other control measures.

For the purposes of this section, (1) assessments established pursuant to Article 10 (commencing with Section 58921) of this chapter may include an assessment for nonbearing acreage as well as bearing acreage of the commodity affected by such predators, insects, disease, or parasite, and (2) the director may use both the bearing and nonbearing acreage of such commodity as a measure of production for assent or referendum purposes in relation to such assessments.

As used in this section, "nonbearing acreage" means acreage planted to produce the particular commodity covered by the marketing order during the marketing season on which no quantity of the product is produced for marketing or is anticipated will be produced for market during such marketing season.

SEC. 2. Section 58938 of the Agricultural Code is amended to read:

58938. The director may, at the close of each fiscal period which is used by the advisory board for budgetary purposes, refund any money which remains in such fund that is allocable to any particular commodity which is affected by a marketing order or, upon recommendation of the advisory board and with the approval of the director, all or a portion of such money may be carried over into the next succeeding fiscal period if the director finds that such money is required to defray subsequent expenses under the marketing order.

Any refund made pursuant to this section shall be on a pro rata basis made to persons from whom, or on whose behalf, the assessments being refunded were collected. Upon termination by the director of any marketing order, any remaining balances which are not required by the director to defray the expenses of such marketing order, shall be returned by the director upon a pro rata basis, to all persons from whom, or on whose behalf, such assessments were collected unless the director finds that the amounts so returnable are so small as to make impractical the computation and remitting of such pro rata refund to such persons. If the director makes such a finding, he may use the moneys in such fund to defray the expenses which are incurred by him in the formulation, issuance, administration, or enforcement of any subsequent marketing order.

SEC. 3. Section 58940 of the Agricultural Code is amended to read:

58940. Any check or warrant which is drawn against the funds of any marketing order which remains unclaimed or uncashed for a period of six months from the date of issuance shall be canceled and the money retained for disbursement to the original payee or claimant upon satisfactory identification for a period of one year from the time the check or warrant is canceled. The money so retained, if not claimed within the period of one year, shall be credited to the then currently op-

erating marketing order for the commodity under which the funds so retained were collected. If there is no marketing order then in effective operation for the commodity, the funds shall be credited to the unexpended balance, if any, of the last previous marketing order for the commodity. If there is no marketing order then in current operation, or no balance exists from any previous marketing order to which the funds may be credited, the funds so retained may be expended by the director for the benefit of any marketing order established under the provision of this chapter.

SEC. 4. Section 59944 of the Agricultural Code is amended to read:

59944. The proportion of the fees which is payable to the department may vary upon a seasonal basis for each program according to the estimated expense to be incurred by the director in administering the marketing program. The amount so required shall not exceed 15 percent of the certificate fees which are collected by the proration zone agent specifically for administrative purposes, however, such 15 percent limit may be exceeded when it is approved by the program committee, and, in addition, such proportion of fees which are collected for any educational and trade stimulation marketing program as may be required by the director to administer the marketing program, which shall in no event exceed 5 percent of the fees which are collected for such purpose, unless the payment of a larger proportion of such funds is approved by the marketing program committee for the marketing program.

SEC. 5. Section 59955 of the Agricultural Code is amended to read:

59955. If there is no marketing program then in effective operation for the commodity, the funds shall be credited to the unexpended balance, if any, of the last previous marketing program for the commodity. If there is no marketing program then in current operation or no balance exists from any previous marketing program to which the funds may be credited, the funds so retained may be expended by the director for the benefit of any marketing program established under the provision of this chapter.

SEC. 6. Section 60013 of the Agricultural Code is amended to read:

60013. Any person that violates any provision of a marketing program which is approved and made effective or who violates any regulation which is adopted by any program committee and approved by the director is liable civilly in an amount not to exceed a sum of five hundred dollars (\$500) for each and every violation. Such sum shall be recovered by the director or, with the approval of the director, by the proration zone which is affected, in an action brought in any court of competent jurisdiction. All sums recovered pursuant to this section shall be expended only for the necessary expenses which are incurred by the director in the administration of this chapter.

CHAPTER 1060

An act to add Article 4.5 (commencing with Section 4098) to Chapter 9, Division 2 of the Business and Professions Code, relating to pharmacy.

[Approved by Governor October 14, 1971. Filed with Secretary of State October 14, 1971]

The people of the State of California do enact as follows:

SECTION 1. Article 4.5 (commencing with Section 4098) is added to Chapter 9, Division 2 of the Business and Professions Code, to read:

Article 4.5. Continuing Education

4098. There is under the jurisdiction of the State Board of Pharmacy a Committee for the Continuing Education of Pharmacists, consisting of six members appointed by the State Board of Pharmacy for a term of two years.

The membership shall be appointed with equal representation from the State Board of Pharmacy, the faculty of colleges of pharmacy in the State of California, and practicing pharmacists within the state. Such members shall receive the per diem and expenses provided for in Section 103.

The terms of three of the members first appointed shall expire January 1, 1973, and the terms of the other three members shall expire January 1, 1974.

4098.1. The board shall appoint the initial membership of the committee within 60 days of the effective date of this article.

4098.3. The board shall adopt rules and regulations for the effective administration and enforcement of this article.

4098.5. On and after January 1, 1973, the board shall not issue any renewal certificate unless the applicant therefor submits proof satisfactory to the board that he has completed approved courses of continuing pharmaceutical education during the two years preceding the application for renewal which shall consist of the number of clock hours, not to exceed 30 clock hours, designated by regulation adopted by the board. This section shall not apply to licensees during the first two years immediately following their graduation from a college of pharmacy or department of pharmacy of a university recognized by the board.

4098.6. The board may, during the initial year of the application of this article, reduce the number of hours of continuing education required for renewal of a certificate.

4098.7. The board may, in accordance with the intent of this article, make exceptions from the requirements of this article in emergency or hardship cases.

4099. The committee shall adopt rules and regulations outlining and specifying the form, subject matter, and content of courses that shall be necessary for obtaining approval pursuant to the provisions of the article.

The courses shall be in the form of postgraduate studies, institutes, seminars, lectures, conferences, workshops, extension studies, correspondence courses and other similar methods of conveying continuing professional pharmaceutical education.

Such subject matter shall be pertinent to the socioeconomic and legal aspects of health care, the properties and actions of drugs and dosage forms and the etiology, and characteristics and therapeutics of the disease state.

The subject matter of such courses may include, but shall not be limited to, the following: pharmacology, biochemistry, physiology, pharmaceutical chemistry, pharmacy administration, pharmacy jurisprudence, public health and communicable diseases, professional practice management, anatomy, histology and such other subject matter as represented in curricula of accredited colleges of pharmacy.

CHAPTER 1061

An act to amend Section 1803.2 of the Civil Code, relating to retail installment contracts.

[Approved by Governor October 14, 1971 Filed with
Secretary of State October 14 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 1803.2 of the Civil Code is amended to read:

1803.2. Except as provided in Section 1808.3, every retail installment contract shall be contained in a single document which shall contain:

(a) The entire agreement of the parties with respect to the cost and terms of payment for the goods and services, including any promissory notes or any other evidences of indebtedness between the parties relating to the transaction.

(b) Either at the top of the contract or directly above the space reserved for the signature of the buyer, the words "Security Agreement" or "Lien Contract," as the case may be, shall appear in at least 10-point bold type where a security interest in the goods is retained or a lien on other goods or realty is obtained by the seller as security for the goods or services purchased. Either at the top of the contract or directly above the space reserved for the signature of the buyer, the words "Retail Installment Contract" shall appear in at least 10-point bold type where a security interest or lien is not obtained by the seller as security for the goods or services

purchased. As used in this subdivision, the terms "security interest" and "lien" refer to a contractual interest in property and not to a mechanic's lien or other interest in property arising by operation of law.

(c) A notice in at least 10-point bold type reading as follows: "Notice to the buyer: (1) Do not sign this agreement before you read it or if it contains any blank space. (2) You are entitled to a completely filled-in copy of this agreement. (3) Under the law, you have the right to pay off in advance the full amount due and to obtain a partial refund of the finance charge, if any, provided for herein. (4) If you desire to pay off in advance the full amount due, the amount of the refund you are entitled to, if any, will be furnished upon request."

SEC. 2. This act shall become operative on July 1, 1972.

CHAPTER 1062

An act to amend Section 826 of the Welfare and Institutions Code, relating to juvenile court records.

[Approved by Governor October 14, 1971. Filed with
Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 826 of the Welfare and Institutions Code is amended to read:

826. (a) After five years from the date on which the jurisdiction of the juvenile court over a minor is terminated, the judge or clerk of the juvenile court, or the probation officer, may destroy all records and papers in the proceedings concerning the minor. Exhibits shall be destroyed as provided under Sections 1418, 1418.5, and 1419 of the Penal Code. For the purpose of this section, "destroy" means destroy or dispose of for the purpose of destruction.

The juvenile court record, any minute book entries, dockets, and judgment dockets shall not be destroyed and shall constitute for all purposes the record in lieu of the records, papers, and exhibits destroyed.

(b) The juvenile court record, any minute book entries, dockets, and judgment dockets in juvenile traffic matters may be destroyed after five years from the date on which the jurisdiction of the juvenile court over a minor is terminated. Prior to such destruction the original record may be microfilmed or photocopied. Every such reproduction shall be deemed and considered an original; and a transcript, exemplification or certified copy of any such reproduction shall be deemed and considered a transcript, exemplification or certified copy, as the case may be, of the original.

CHAPTER 1063

An act to add Section 5545.5 to the Public Resources Code, relating to the East Bay Regional Park District.

[Approved by Governor October 14, 1971. Filed with Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5545.5 is added to the Public Resources Code, to read:

5545.5. (a) In addition to the tax authorized by Section 5545, the East Bay Regional Park District may, beginning with the fiscal year 1972-1973, levy and collect, or cause to be levied and collected, a tax of five cents (\$.05) on each one hundred dollars (\$100) of the assessed value of all real and personal property within the district. The revenue from this tax shall be spent as follows:

(1) The revenue from four cents (\$.04) per one hundred dollars (\$100) shall be spent exclusively for acquisition of new park lands.

(2) The revenue from one cent (\$.01) per one hundred dollars (\$100) shall be spent exclusively for the development and operation of such park lands.

(b) Beginning with the fiscal year 1974-1975, the East Bay Regional Park District may levy and collect, or cause to be levied and collected, an additional tax of five cents (\$.05) on each one hundred dollars (\$100) of the assessed value of all real and personal property within the district. This tax shall be in addition to the tax authorized by subdivision (a) and may be levied only if, prior to the beginning of the 1974-1975 fiscal year, the district has prepared and adopted a master plan which identifies the district's policies and goals with regard to the acquisition of new park lands and lists the general type and quantity of such lands proposed to be acquired and the estimated cost thereof. The revenue from such a tax shall be divided in the same ratio and shall be used for the same purposes as the revenues from the tax authorized by subdivision (a).

(c) Beginning with the fiscal year 1982-1983, the taxes authorized by subdivisions (a) and (b) may be levied to carry out any of the objects or purposes of the district or to pay the obligations of the district. If the district board finds and determines that the full amount of the taxes authorized by subdivisions (a) and (b) will not be needed to carry out the objects and purposes of the district, it need not levy, or cause to be levied, the full amount of the taxes which would otherwise be authorized by subdivisions (a) and (b). Such taxes shall be in addition to those authorized by Section 5545.

(d) Any tax imposed pursuant to this section shall be imposed by ordinance of the district board. In the first fiscal year in which any tax authorized by subdivision (a), (b), or

(c) is imposed, the ordinance imposing the tax shall not go into effect until 30 days after its final passage, and, notwithstanding the provisions of Section 3751 of the Elections Code to the contrary, the ordinance shall be subject to referendum pursuant to the provisions of Section 5200 of the Elections Code. If it is lawfully possible to consolidate such a referendum election with another regular or special election, the district board shall do so.

SEC. 2. The Legislature hereby declares that, because of unique conditions existing within the East Bay Regional Park District, a general law cannot be made applicable and the enactment of this act as a special law is necessary in order to properly and adequately finance a needed program of park land acquisition and development.

CHAPTER 1064

An act to amend Section 3208 of the Labor Code, relating to workmen's compensation.

[Approved by Governor October 14, 1971 Filed with
Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 3208 of the Labor Code is amended to read:

3208. "Injury" includes any injury or disease arising out of the employment, including injuries to artificial members, dentures, hearing aids, eyeglasses and medical braces of all types; provided, however, that eyeglasses and hearing aids will not be replaced, repaired, or otherwise compensated for, unless injury to them is incident to an injury causing disability.

CHAPTER 1065

An act to add Section 3692 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor October 14, 1971 Filed with
Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 3692 is added to the Revenue and Taxation Code, to read:

3692. (a) Subject to the prior offers made pursuant to subdivisions (b) and (c), the tax collector shall attempt to sell tax-deeded property as provided in this chapter within two years of the time that the property becomes tax-

deeded property, unless by other provisions of law such tax-deeded property is not subject to sale. If there are no acceptable bids at such attempted sale, the tax collector shall attempt to sell the property at intervals of no more than four years until the property is sold.

(b) When oil, gas, or mineral rights are tax-deeded to the state, the tax collector shall first, with the approval of the board of supervisors and within one year, offer the interest at minimum bid to the highest bidder among holders of outstanding interests where the tax-deeded interest is a partial interest or, where the tax-deeded interest is a complete and undivided interest, to the owner or owners of the property to which the oil, gas, or mineral rights are appurtenant. The offer shall remain in effect for 90 days or until notice is given pursuant to Section 3702, whichever is later. Sealed bid procedures shall be used.

(c) When miscellaneous parcels which are rendered unusable by their size, location or other conditions are tax-deeded to the state, the tax collector shall first, with the approval of the board of supervisors and within one year, offer the parcel at minimum bid to the highest bidder among owners of contiguous parcels. The offer shall remain in effect for 90 days or until notice is given pursuant to Section 3702, whichever is later. Sealed bid procedure shall be used.

SEC. 2. This act shall become operative July 1, 1972.

CHAPTER 1066

An act to add Section 1352.3 to the Labor Code, relating to working hours of females.

[Approved by Governor October 14, 1971. Filed with
Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1352.3 is added to the Labor Code, to read:

1352.3. No employer engaged in the operation of a licensed hospital or providing personnel for the operation of a licensed hospital shall be deemed to have violated any provision of this article by having adopted, pursuant to an agreement or understanding, voluntarily arrived at, between the employer and the employee before the performance of the work, a workweek which includes not more than four scheduled workdays of 10 hours each. Any such employee shall be compensated for her employment in excess of 10 hours in any such workday, and in excess of 40 hours in any such workweek, at a rate of not less than one and one-half times her regular rate of pay for each hour worked in excess of such limits.

Any such employee shall be compensated for her employment on days other than such four scheduled workdays per workweek at the rate of not less than one and one-half times her regular rate of pay.

No employer shall discipline, penalize, or discriminate against an employee who does not agree to work such a workweek.

Except as provided in this section, or in the case of an emergency as defined in Section 1352, no such employee shall be permitted to work in excess of the maximum hours otherwise permitted for any workday or during any such workweek. "Employee," for purposes of this section, includes graduate nurse.

CHAPTER 1067

An act to amend Sections 6511 and 6512 of, and to add Sections 6511.6 and 6511.7 to, the Business and Professions Code, relating to barbers.

[Approved by Governor October 14, 1971. Filed with Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 6511 of the Business and Professions Code is amended to read:

6511. The board shall have authority to employ such examiners-field representatives, clerks and, except as provided by Section 159.5, other assistance as it may deem necessary to carry out the provisions of this chapter. They shall work under the immediate control and supervision of the board.

SEC. 2. Section 6511.6 is added to the Business and Professions Code, to read:

6511.6. All examinations to determine fitness to practice as a barber or apprentice or to serve as an instructor in a barber college shall be prepared by or under the direction of the board but shall be administered by examiners-field representatives appointed by the director, pursuant to the State Civil Service Act, Part 2 (commencing with Section 18500), Division 5, Title 2 of the Government Code, after consultation with and advice from the board. A member of the board who is engaged in the administration and grading of examinations on the effective date of this section may, however, continue to perform such functions until his successor to membership on the board is appointed and qualifies.

The board shall establish standards and procedures governing the administration and grading of examinations that will reasonably carry out the purposes of this section and shall exercise the supervision necessary to assure compliance therewith.

An examiner-field representative shall have been engaged in conducting examinations under this chapter to determine fitness to practice as a barber or as an apprentice or to serve as an instructor in a barber college for at least six months within the five years immediately prior to his appointment, or shall be a registered barber who has engaged in the practice of barbering in this state for at least five years immediately prior to his appointment.

SEC. 3. Section 6511.7 is added to the Business and Professions Code, to read:

6511.7. The board, with the approval of the director, may assign such additional duties to an examiner-field representative as it deems necessary to carry out the purposes of this chapter.

SEC. 4. Section 6512 of the Business and Professions Code is amended to read:

6512. Each member of the board shall receive a per diem and expenses as provided in Section 103, except that a member who is entitled to an annual salary pursuant to Chapter 6 (commencing with Section 11550), Part 1, Division 3, Title 2 of the Government Code on the effective date of the amendment made to this section at the 1971 Regular Session of the Legislature, and who on such date is engaged in the administration and grading of examinations under this chapter, shall continue to be entitled to such annual salary until the expiration of the term he is then serving or until he ceases to engage in the administration and grading of examinations under this chapter, whichever first occurs. The compensation and expenses provided for by this section shall be paid only from the fund created by fees collected in the administration of this chapter.

CHAPTER 1068

An act to add Section 11807 to the Water Code, relating to state water projects.

[Approved by Governor October 14, 1971. Filed with
Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 11807 is added to the Water Code, to read:

11807. When the department, with the concurrence of the Department of Finance, deems it in the best interests of the state, it may authorize the State Treasurer, upon such terms and conditions as may be fixed by the department, to issue notes, in the manner prescribed by this section, maturing within a period not to exceed five years, payable from revenues received from the operation of the project or from federal reimbursements received under the National Disaster Act, or

both. Notes authorized to be issued shall be issued at public sale on a competitive-bid basis upon such notice as the State Treasurer may deem advisable, except that if no bids are received or if such bids are not satisfactory to the State Treasurer, such notes may be issued on a negotiated-bid basis. The proceeds from the sale of such notes shall be used only for the purpose of providing funds for emergency repairs to the project necessitated by natural disasters.

All notes issued and any renewals thereof shall be payable at a fixed time, solely from revenues received from the operation of the project or from federal reimbursements received under the National Disaster Act, or both, and not otherwise, except that in the event that sufficient revenues or reimbursements, or both, are not received prior to the maturity of the notes, the State Treasurer shall, in order to meet the notes then maturing, issue renewal notes for such purpose.

Every note and any renewal thereof shall be payable from revenues received from the operation of the project or from federal reimbursements received under the National Disaster Act, or both, and not otherwise. The total amount of such notes or renewals thereof issued and outstanding shall at no time exceed anticipated revenues from the operation of the project or federal reimbursements under the National Disaster Act, or both, to be received during the following two years.

CHAPTER 1069

An act to amend and renumber Section 2 of, and to add Sections 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 to, Chapter 1044 of the Statutes of 1968, relating to tidelands and submerged lands.

[Approved by Governor October 14, 1971. Filed with Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of Chapter 1044 of the Statutes of 1968 is amended and renumbered to read:

Sec. 3. The State of California hereby confirms the title to the City of Carpinteria of such tide and submerged lands as were originally granted to the County of Santa Barbara by Chapter 846 of the Statutes of 1931 and as are located within the boundaries of the City of Carpinteria, as such boundaries were established upon its incorporation, to be forever held by such city and by its successors in trust for the uses and purposes, and upon the express conditions following, to wit:

(a) That the lands shall be used by the city and its successors for purposes in which there is a general statewide interest as follows:

(1) For the establishment, improvement and conduct of a harbor, and for the construction, reconstruction, repair, main-

tenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of commerce and navigation.

(2) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants and facilities, as may be specified by the city council, after public hearing.

(3) For the establishment, improvement and conduct of an airport and heliport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(4) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(5) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(6) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, restaurants, motels, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(7) For the protection of wildlife habitats, the improvement, protection, and conservation of the wildlife and fish resources and the ecology of the area, the providing of open-space areas and areas for recreational use with open access to the public, the enhancement of the aesthetic appearance of the bay and the area, control of dredging or filling of the bay, or both, and prevention of pollution of the bay.

(b) The city, or its successors shall not at any time, grant, convey, give or alienate such lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that the city, or its successors, may grant franchises thereon for limited periods, not exceeding 66 years, for wharves and other public uses and purposes, and may lease the lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which the lands are held by the state, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation. Nothing contained in this paragraph (b) shall be deemed to affect the validity or term of any franchise granted by said city under the Franchise Act of 1937, and any such franchise shall be effective with respect to the lands.

(c) Within 10 years from the effective date of this act, the lands shall be substantially improved by the city without expense to the state, and if the State Lands Commission determines that the city has failed to improve the lands as herein required, all right, title, and interest of the city in and to all lands granted by this act shall cease and the lands shall revert and rest in the state.

Nothing contained in this act, however, shall preclude expenditures for the development of the lands for any public purpose not inconsistent with commerce, navigation and fishery, by the state, or any board, agency or commission thereof, when authorized or approved by the city, nor by the city of any funds received for such purpose from the state or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the city or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The state shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon the lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the state.

(f) There is hereby reserved to the people of the state the right to fish in the waters on the lands with the right of convenient access to the water over the lands for such purpose.

(g) There is hereby excepted and reserved in the state all deposits of minerals, including oil and gas, in the lands, and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the lands.

(h) Such lands are granted subject to the express reservation and condition that the state may at any time in the future use the lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or

any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(i) The State Lands Commission shall, at the cost of the city, survey and monument the granted lands and record a description and plat thereof in the office of the County Recorder of Santa Barbara County.

(j) The city shall cause to be made and filed with the State Lands Commission, annually, a detailed statement of receipts and expenditures by it of all rents, revenues, issues and profits in any manner hereafter arising from the granted lands or any improvements, betterments or structures thereon.

SEC. 2. Section 2 is added to Chapter 1044 of the Statutes of 1968, to read:

Sec. 2. In addition to the tidelands and submerged lands to which the City of Carpinteria has become the successor in interest, upon its incorporation, to the County of Santa Barbara pursuant to Section 1 of this act, the title to any tidelands and submerged lands located within the boundaries of the City of Carpinteria as were originally granted to the County of Santa Barbara by Chapter 846 of the Statutes of 1931 which have been annexed to the City of Carpinteria since its incorporation is hereby transferred to the City of Carpinteria. Title to any and all tidelands and submerged lands as were originally granted to the County of Santa Barbara by Chapter 846 of the Statutes of 1931 which are at any time in the future annexed to the City of Carpinteria shall be transferred to the City of Carpinteria upon such annexation. Any and all tidelands and submerged lands which are transferred at any time in the future to the City of Carpinteria shall be subject to the provisions of this act.

SEC. 3. Section 4 is added to Chapter 1044 of the Statutes of 1968, to read:

Sec. 4. The City of Carpinteria is the successor in interest to all leases made by the County of Santa Barbara of tidelands and submerged lands to which title is transferred and confirmed to the City of Carpinteria pursuant to this act to the extent that such leases are of tide or submerged lands located within the boundaries of the city as the boundaries exist on the effective date of this section. Whenever at any time after the effective date of this section the city boundaries are changed so as to include tide or submerged lands which are subject to leases made by the county, the city shall become the successor in interest to all such leases. Any and all accrued rental or rental lease payments or other payments or remunerations previously collected by the county with respect to such tide and submerged lands from September 25, 1965, to the effective date of this section which remain unexpended shall be pro-

rated to the city by the Auditor-Controller of the County of Santa Barbara in direct proportion to the area of tide and submerged lands located within the city on the effective date of this section as the same bears to the total area of the tide and submerged lands trust originally granted to the county by Chapter 846 of the Statutes of 1931. From and after the effective date of this section, payments by lessees under any tide or submerged lands lease agreement made by the county pursuant to which title is transferred or confirmed to the city shall thereafter be made to the city as follows:

(a) If the structures and affected land covered by such lease are wholly within the city, then the lessee shall pay all future rental payments to the city.

(b) In the event of pipeline leases located partly within the county and partly within the city, payments of the lessee shall be apportioned to the city and to the county in direct proportion to the length of the pipeline located within the city as the same bears to the length of the pipeline in the county.

(c) As to all other leases and agreements, the subject matter of which lies partly within the city, the lessee shall be notified by the Auditor-Controller of the County of Santa Barbara of the ratio to be paid to the city, which ratio shall be equitably determined by the auditor-controller on an area basis.

The sums due the city from the county on the effective date of this section shall be transferred to, and vested in, the city by the county. All funds paid to the city shall be held and expended by the city pursuant to the terms of this act.

SEC. 4. Section 5 is added to Chapter 1044 of the Statutes of 1968, to read:

Sec. 5. The survey of tidelands and submerged lands required by subdivision (i) of Section 3 of this act shall not be construed in any way as a condition precedent to the confirmation of title to such tidelands and submerged lands in the City of Carpinteria.

SEC. 5. Section 6 is added to Chapter 1044 of the Statutes of 1968, to read:

Sec. 6. The City of Carpinteria shall establish a separate trust fund or funds on or before December 31, 1972, for deposit of all moneys or proceeds derived from the granted tidelands in the city. Commencing on September 30, 1974, a statement of financial condition and operation shall be submitted by the city to the Auditor General annually, on or before September 30 of each year for the preceding fiscal year.

SEC. 6. Section 7 is added to Chapter 1044 of the Statutes of 1968, to read:

Sec. 7. Notwithstanding any other provision of law to the contrary, the city, acting either alone or jointly with another local or state agency, may use revenues accruing from or out of the use of the granted tidelands for any or all of the following purposes; provided, that they comply with the terms of the trust and are matters of statewide, as distinguished from local or purely private, interest and benefit.

(a) For the establishment, improvement and conduct of harbors, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient, for the promotion and accommodation of commerce and navigation.

(b) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants and facilities.

(c) For the establishment, improvement and conduct of airport and heliport or aviation facilities, including, but not limited to, approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary, or convenient for the promotion and accommodation of air commerce and air navigation

(d) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt-line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in this section

(e) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, public parks, public playgrounds, public bathhouses and public bathing facilities, public recreation and public fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(f) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including, but not limited to, snackbars, cafes, cocktail lounges, restaurants, motels, hotels, and other forms of transient living accommodations open to the public, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas and other compatible commercial and recreational activities and uses.

(g) For the protection of wildlife habitats, the improvement, protection, and conservation of the wildlife and fish re-

sources and the ecology of the area, the providing of open-space areas and areas for recreational use with open access to the public, the enhancement of the aesthetic appearance of the bay and the area, control of dredging or filling of the bay, or both, and prevention of pollution of the bay.

(h) For the promotion, by advertising and such other means as may be reasonable and appropriate, of maximum public use of such granted tidelands or to encourage private investment in development of such granted tidelands for the highest and best use in the public interest.

(i) For any other uses or purposes of statewide, as distinguished from purely local or private, interest and benefit which are in fulfillment of those trust uses and purposes described in this act.

(j) For the acquisition of property and the rendition of services reasonably necessary to the carrying out of the uses and purposes described in this section, including the amortization or debt service of any capital improvement funding program which is consistent with the terms and conditions set forth in this act.

SEC. 7. Section 8 is added to Chapter 1044 of the Statutes of 1968, to read:

Sec. 8. Such revenues may be deposited in one or more reserve funds for use in accordance with the terms and conditions set forth in this act.

SEC. 8. Section 9 is added to Chapter 1044 of the Statutes of 1968, to read:

Sec. 9. As to the accumulation and expenditure of revenues for any single capital improvement on the granted lands involving an amount in excess of two hundred fifty thousand dollars (\$250,000) in the aggregate, the city shall file with the State Lands Commission a detailed description of such capital improvement not less than 90 days prior to the time of any disbursement therefor or in connection therewith, excepting preliminary planning. The State Lands Commission may, within 90 days after the time of such filing, determine and notify the city that such capital improvement is not in the statewide interest and benefit or is not authorized by the provisions of Section 3 of this act. The State Lands Commission may request the opinion of the Attorney General on the matter, and if it does so, a copy of such opinion shall be delivered to the city with the notice of its determination. In the event the State Lands Commission notifies the city that such capital improvement is not authorized, the city shall not disburse any revenue for or in connection with such capital improvement, unless and until it is determined to be authorized by a final order or judgment of a court of competent jurisdiction. The city is authorized to bring suit against the state for the purpose of securing such an order or adjudication, which suit shall have priority over all other civil matters. Service shall be made upon the Executive Officer of the State Lands Commission and the Attorney General, and the Attorney General shall defend

the state in such suit. Each party shall bear their own costs of suit and no such costs shall be recovered from the other party.

SEC. 9. Section 10 is added to Chapter 1044 of the Statutes of 1968, to read:

Sec. 10. At the end of each fiscal year, beginning September 30, 1976, that portion of trust revenues in excess of two hundred fifty thousand dollars (\$250,000) remaining after current and accrued operating costs and expenditures directly related to the operation or the maintenance of beaches, harbors, and other tidelands trust activities have been paid, shall be deemed excess revenue; provided, that any funds deposited in a reserve fund for future capital expenditures, or any funds required to service or retire general obligation or revenue bond issues, or special funds required to be maintained for the payment of contractual obligations owing to the state on account of harbor improvements authorized by the provisions of Article 3 (commencing with Section 70) of Chapter 2 of Division 1 of the Harbors and Navigation Code, the moneys from which have been, or will be, used for purposes authorized by law, shall not be deemed excess revenue. Amortization payments made subsequent to the effective date of the enactment of this act at the 1971 Regular Session of the Legislature for capital improvements of the granted lands for purposes authorized by the terms of the grant may be considered as expenditures for the purpose of determining net revenues. The excess revenue, as determined pursuant to this section, shall be divided as follows: 85 percent to the General Fund in the State Treasury, and 15 percent to the city to be deposited in the city's trust fund and used for any purpose authorized by Section 7 of this act.

SEC. 10. Section 11 is added to Chapter 1044 of the Statutes of 1968, to read:

Sec. 11. The State Lands Commission, at the request of the city, shall grant an extension of time for filing any report or statement required by this act which was not filed due to mistake or inadvertence not to exceed 30 calendar days after service upon the city by the State Lands Commission of written notice of violation.

SEC. 11. Section 12 is added to Chapter 1044 of the Statutes of 1968, to read:

Sec. 12. In the event that the city fails or refuses to file with the State Lands Commission or with the Auditor General any report, statement, or document required by any provision of this act within the time period specified by this act, or any extension period granted pursuant to this act within 30 days after written notice to the city, or fails or refuses to carry out the terms of the grant within 30 days after written notice to the city, the State Lands Commission or the Auditor General shall within 60 days notify the Chief Clerk of the Assembly and the Secretary of the Senate.

The Attorney General shall, upon request of the State Lands Commission, after the city has been given such notice and after such failure or refusal by the city, bring such judicial proceedings for correction and enforcement as are appropriate, and shall act to protect any properties and assets situated on the granted tidelands or derived therefrom.

SEC. 12. Section 13 is added to Chapter 1044 of the Statutes of 1968, to read:

Sec. 13. The State Lands Commission may from time to time, at the request of the Legislature, institute a formal inquiry to determine that the terms and conditions of the grant and amendments thereto have been complied with, and that all other applicable provisions of law concerning these specific granted lands are being complied with in good faith.

SEC. 13. Section 14 is added to Chapter 1044 of the Statutes of 1968, to read:

Sec. 14. The Auditor General shall, on or before March 30 of each year, commencing on March 30, 1975, report to the Chief Clerk of the Assembly, to the Secretary of the Senate, and to the State Lands Commission, the full details of any transaction or condition reported to him pursuant to this act which he deems in probable conflict with the requirements of this act, or with any other applicable provision of law concerning these specific granted lands.

SEC. 14. Section 15 is added to Chapter 1044 of the Statutes of 1968, to read:

Sec. 15. The Attorney General shall bring an action in the Superior Court of the County of Santa Barbara to declare that the grant under which the city holds such tidelands and submerged lands is revoked for gross and willful violation of the terms of the grant or other applicable provisions of law concerning these specific granted lands, or to compel compliance with the terms and conditions of the grant, or the provisions of such other applicable law, upon request by concurrent resolution of either house of the Legislature or upon formal request of the State Lands Commission. Such request shall be made only after a finding that the city has grossly and willfully violated the terms of the grant or other applicable provisions of law concerning these specific granted lands.

Such finding shall be supported by substantial evidence and shall be made only at the conclusion of a noticed public hearing at which the city has been given an opportunity to present evidence to fully describe conditions and extenuating circumstances and to present facts to disprove the alleged violation.

SEC. 15. Section 16 is added to Chapter 1044 of the Statutes of 1968, to read:

Sec. 16. In the event the grant of tidelands in trust to the city is revoked pursuant to Section 15 of this act, such revocation shall not impair or affect the security of leases or the rights or obligations of third parties, including lessees, lenders for value, or others who are parties to contracts which, except for such revocation, would be lawful and binding contracts,

CHAPTER 1070

An act to add Section 1291 to the Business and Professions Code, relating to medical laboratory employees.

[Approved by Governor October 14, 1971 Filed with
Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1291 is added to the Business and Professions Code, to read:

1291. Nothing in this chapter shall prohibit a licensed physician and surgeon from instructing or training any person employed by him to work in a laboratory maintained by such physician and surgeon as an incident of his own medical practice.

CHAPTER 1071

An act to amend Section 7443 of, and to add Section 7332.6 to the Business and Professions Code, relating to cosmetology.

[Approved by Governor October 14, 1971 Filed with
Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 7332.6 is added to the Business and Professions Code, to read:

7332.6. Notwithstanding any other provision of law, any person currently and validly licensed in this state as a cosmetologist who has made application to the board in proper form, has paid the fee required by this chapter, and is of good moral character and temperate habits shall be granted a provisional license as a cosmetology instructor

The provisional license shall authorize the holder thereof to practice the occupation of a cosmetology instructor in a licensed school of cosmetology on the basis of not more than one provisional licensed instructor for each two licensed cosmetology instructors employed full time by such school.

Every provisional license as a cosmetology instructor shall expire one year from the date of issue and shall not be renewable.

Any person issued a provisional license as a cosmetology instructor who, within a period of not more than six months immediately following the date of expiration thereof, has made application to the board in proper form, accompanied by proof satisfactory to the board of having practiced the occupation of a cosmetology instructor for a period of not less than 10 months full time or its equivalent in a licensed school, has paid the fee required by the chapter and is of good moral character

and temperate habits shall be admitted to examination for a license as a cosmetology instructor.

SEC 2. Section 7443 of the Business and Professions Code is amended to read:

7443. The amount of fees required by this chapter relating to licenses as a provisional instructor in cosmetology, an instructor in cosmetology or electrology is that fixed by the following schedule:

(a) The fee for the cosmetology instructor's examination shall be set by the board annually at not more than twenty-five dollars (\$25).

(b) The fee for an electrology instructor's examination shall be set by the board annually at not more than twenty dollars (\$20).

(c) The application fee for the provisional instructor in cosmetology license shall be set by the board annually at not more than twenty-five dollars (\$25).

(d) The renewal fee shall be set by the board at not more than ten dollars (\$10).

(e) The delinquency fee is five dollars (\$5).

CHAPTER 1072

An act to amend Sections 24070 and 24079 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor October 14, 1971 Filed with
Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 24070 of the Business and Professions Code is amended to read:

24070. Each license is separate and distinct and is transferable upon approval by the department from the licensee to another person and from one premises to another premises.

(a) All off-sale general licenses may be transferred from one county to another county, subject to the following provisions:

1. The number of off-sale general licenses in existence in any county on June 1 of any year shall not be increased by more than 25 new original off-sale general licenses during the following 12-month period, provided further that the number of new original off-sale general licenses that may be issued in any county during any 12-month period shall not increase by more than 10 percent the number of off-sale general licenses in existence in such county on the June 1 with which that 12-month period began.

2. After the department computes the number of new original off-sale licenses that may be issued in any county during any 12-month period as provided by the foregoing paragraph, if the department determines that the ratio established

by Section 23817 will permit, during such 12-month period, additional off-sale general licenses in any county, off-sale general licenses may be transferred into such county in a number not to exceed by more than 10 percent the number of off-sale general licenses in existence in such county on the June 1 with which that 12-month period began, but in no event to exceed 25 such transfers during that 12-month period.

3. Under no circumstances shall the combined total number of new original off-sale general licenses that may be issued in any county during any 12-month period and the number of off-sale general licenses that may be transferred into such county during that 12-month period, exceed the limitation set forth in Section 23817.

(b) All on-sale general licenses may be transferred from one county to another county, subject to the following provisions:

1. The number of on-sale general licenses in existence in any county on June 1 of any year shall not be increased by more than 10 percent by the issuance of new original on-sale general licenses, but in no event to exceed 25 such licenses, during any 12-month period. The number of on-sale general licenses shall be limited by the provisions of Section 23816.

2. After the department computes the number of new original on-sale licenses that may be issued in any county during any 12-month period as provided by the foregoing paragraph, if the department determines that the ratio established by Section 23816 will permit, during such 12-month period, additional on-sale general licenses in any county, on-sale general licenses may be transferred into such county in a number not to exceed by more than 10 percent the number of on-sale general licenses in existence in such county on the June with which that 12-month period began, but in no event to exceed 25 such transfers during that 12-month period.

3. Under no circumstances shall the combined total number of new original on-sale general licenses that may be issued in any county during any 12-month period and the number of on-sale general licenses that may be transferred into such county during that 12-month period, exceed the limitation set forth in Section 23816.

4. The transfer fee for transfer of an on-sale general license from one county to another county shall be the same as the fee prescribed in subdivision (d) of Section 24072 for transfer of an off-sale general license from one county to another county.

(c) No retail license subject to the provisions of Section 23816 or 23817 issued as a new original license on or after June 1, 1961, and no off-sale general license or on-sale general license transferred from one county to another county on or after August 17, 1967, shall be transferable from the licensee to another person, or if the licensee is a corporation a controlling interest in the stock ownership of the licensee shall not be, directly or indirectly, sold, transferred, or hypothecated unless

the licensee be a corporation the stock of which is listed on a stock exchange in this state or in the City of New York, State of New York, or which is required by law to file periodic reports with the Security Exchange Commission, for a period of two years from date of issuance of the license, except as provided in Section 24071, and except when the department determines that the transfer is necessary to prevent undue hardship.

(d) No off-sale general license or on-sale general license that is transferred from one county to another county pursuant to this section shall be transferred thereafter for a purchase price or consideration to the transferor or from the transferee in excess of ten thousand dollars (\$10,000), except that if the off-sale general license or on-sale general license was originally issued on or after June 1, 1961, the purchase price or consideration to the transferor or from the transferee shall not exceed six thousand dollars (\$6,000), as provided by Section 24079.

(e) Notwithstanding the provisions of subdivision (d) of this section any off-sale general license or on-sale general license transferred from one county to another county pursuant to this section may be transferred with no restrictions as to the purchase price or consideration to the transferor or from the transferee after a period of five years from the date of the intercounty transfer of the license.

SEC. 2. Section 24079 of the Business and Professions Code is amended to read:

24079. The purchase price or consideration that may be paid by a transferee or received by a transferor of an on-sale general license or off-sale general license originally issued on or after June 1, 1961, shall not exceed six thousand dollars (\$6,000), except that after a period of five years from the date of the original issuance of the license there shall be no restriction as to the purchase price or consideration that may be paid by a transferee or received by a transferor.

CHAPTER 1073

An act to amend Sections 39176 and 39177 of, and to add Section 39176.1 to, the Health and Safety Code, and to amend Section 4000.1 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor October 14, 1971 Filed with Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 39176 of the Health and Safety Code is amended to read:

39176. Whenever a motor vehicle pollution control device is accredited pursuant to the provisions of this article and is

available for installation as determined by the board, every vehicle not in a class exempted by the board pursuant to Section 39177 shall be equipped with an accredited device, in accordance with the schedules of installation established by the board pursuant to Section 39176.1.

SEC. 2 Section 39176.1 is added to the Health and Safety Code, to read:

39176.1. Whenever the board requires the installation of motor vehicle pollution control devices pursuant to Section 39176, the board shall, after consultation with the Department of the California Highway Patrol and the Department of Motor Vehicles, establish, by regulations adopted at the time the board acts under Section 39176, a schedule for installation, to be not less than one year, and may designate counties or portions of counties in which resident owners of vehicles shall be exempt from the installation requirement.

In establishing installation schedules and areas exempted from installation, the board shall consider all relevant factors, including burden of enforcement on the Department of the California Highway Patrol and the Department of Motor Vehicles, the need for rapid installation of the devices in order to preserve and protect the public health, and the existing ambient air quality in each area.

SEC. 3. Section 39177 of the Health and Safety Code is amended to read:

39177. The board may exempt classifications of motor vehicles for which accredited devices were not intended or are not available, and motor vehicles whose emissions are found by appropriate tests to meet state standards without additional equipment, and motor-driven cycles, implements of husbandry, and vehicles which qualify for special license plates under Section 5004 of the Vehicle Code

SEC. 4. Section 4000.1 of the Vehicle Code is amended to read:

4000.1. (a) The department shall require, pursuant to law or regulation of the State Air Resources Board adopted pursuant to Section 39176.1 of the Health and Safety Code, upon initial registration, and upon transfer of ownership and registration, of any motor vehicle subject to Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code, a valid certificate of compliance from a licensed motor vehicle pollution control device installation and inspection station indicating that such vehicle is properly equipped with a motor vehicle pollution control device or devices which are in proper operating condition and which are in compliance with the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code.

The provisions of this section shall not apply to a transfer of ownership and registration between husband and wife or between companies whose principal business is leasing vehicles, if there is no change in the lessee or operator of the vehicle.

(b) The State Air Resources Board established under Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code may exempt designated classifications of motor vehicles from the provisions of subdivision (a) as they deem necessary, and shall notify the department of such action; provided, however, that no exemption shall be granted to those vehicles subject to the provisions of subdivision (g) of Section 39129 of the Health and Safety Code, except as provided therein.

CHAPTER 1074

An act to amend Sections 8692 and 8693 of the Fish and Game Code, relating to gill nets.

[Approved by Governor October 14, 1971 Filed with
Secretary of State October 14, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 8692 of the Fish and Game Code is amended to read:

8692 In that part of District 16 lying north and west of a line drawn from the light on the end of the Monterey Breakwater due east to the shoreline, drift gill nets and set gill nets may be used except to take rockfish or lingcod; however, loads or lots of fish taken in these areas may contain 200 pounds or less of rockfish and lingcod, in combination, but in no instance more than 100 pounds of rockfish.

SEC. 2. Section 8693 of the Fish and Game Code is amended to read:

8693. In Districts 17, 18, 19, and 20A, drift gill nets and set gill nets may be used except for the taking of salmon and except for the taking of rockfish or lingcod between a line running due west magnetic from the south steamplant stack at Moss Landing and a line running due west magnetic from the lighthouse at Point Pinos in waters less than 60 fathoms and between a line running due west magnetic from Point Pinos and a line running due west magnetic from Hurricane Point in water less than 40 fathoms except that loads or lots of fish taken in these areas may contain 200 pounds or less of rockfish and lingcod, in combination, but in no instance more than 100 pounds of rockfish.

CHAPTER 1075

An act to amend Section 23661.5 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor October 14, 1971 Filed with
Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 23661.5 of the Business and Professions Code is amended to read:

23661.5. A person who manufactures or produces wine or beer outside of this state, but within the United States, in accordance with the requirements of the laws of the United States, may transport such wine or beer into this state, in a vehicle owned and operated by the manufacturer or producer or operated by him pursuant to a lease the term of which is not less than 30 days, or by contract carrier, for delivery to a licensee who is authorized under this division to import the wine or beer into this state, if:

(a) The delivery is made at the premises of the licensee or to a licensee or a licensed customs broker at the premises of a public warehouse licensed under this division; and

(b) The manufacturer or producer holds a manufacturer's interstate alcoholic beverage transporter's permit under Section 32110 of the Revenue and Taxation Code.

CHAPTER 1076

An act to amend Sections 73562, 73563, 73563.1, 73563.2, 74222, 74223, 74223.1 and 74223.2 of the Government Code, relating to court attachés.

[Approved by Governor October 14, 1971. Filed with Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 73562 of the Government Code is amended to read:

73562. There shall be one chief municipal court clerk who shall receive a monthly salary at the rate specified in range 39A of the salary schedule provided in Section 73563.1.

SEC. 2 Section 73563 of the Government Code is amended to read:

73563. The clerk may appoint:

One senior municipal court clerk who shall receive a monthly salary at the rate specified in range 32A of the salary schedule provided in Section 73563.1.

Five municipal court clerks who shall receive a monthly salary at the rate specified in range 30A of the salary schedule provided in Section 73563.1.

Three legal process clerks who shall receive a monthly salary at the rate specified in range 26A of the salary schedule provided in Section 73563.1.

Nine typist-clerks II who shall receive a monthly salary at the rate specified in range 25A of the salary schedule provided in Section 73563.1.

SEC. 3. Section 73563.1 of the Government Code is amended to read:

73563 1. Whenever reference to a numbered salary range is made in any section of this article, the following schedule of monthly salaries shall apply:

Range	No.	A	B	C	D	E	Hourly equiv. step A
25A	-----	\$442	\$465	\$488	\$513	\$540	\$2 550
26	-----	453	476	500	526	553	2 613
26A	-----	465	488	513	540	568	2.683
27	-----	476	500	526	553	582	2.746
27A	-----	488	513	540	568	598	2.815
28	-----	500	526	553	582	613	2.885
28A	-----	513	540	568	598	629	2.960
29	-----	526	553	582	613	645	3.035
29A	-----	540	568	598	629	662	3.115
30	-----	553	582	613	645	679	3.190
30A	-----	568	598	629	662	697	3.277
31	-----	582	613	645	679	715	3.358
31A	-----	598	629	662	697	734	3.450
32	-----	613	645	679	715	753	3 537
32A	-----	629	662	697	734	773	3.629
33	-----	645	679	715	753	793	3.721
33A	-----	662	697	734	773	815	3.819
34	-----	679	715	753	793	836	3.917
34A	-----	697	734	773	815	858	4.021
35	-----	715	753	793	836	881	4.125
35A	-----	734	773	815	858	905	4.235
36	-----	753	793	836	881	929	4.344
36A	-----	773	815	858	905	954	4.460
37	-----	793	836	881	929	979	4.575
37A	-----	815	858	905	954	1,006	4.702
38	-----	836	881	929	979	1,032	4.823
38A	-----	858	905	954	1,006	1,060	4.950
39	-----	881	929	979	1,032	1,088	5.083
39A	-----	905	954	1,006	1,060	1,118	5.221
40	-----	929	979	1,032	1,088	1,147	5.360
40A	-----	954	1,006	1,060	1,118	1,178	5.504
41	-----	979	1,032	1,088	1,147	1,209	5.648
41A	-----	1,006	1,060	1,118	1,178	1,242	5.804
42	-----	1,032	1,088	1,147	1,209	1,275	5.954
42A	-----	1,060	1,118	1,178	1,242	1,310	6.115
43	-----	1,088	1,147	1,209	1,275	1,345	6.277

Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first 12 months of service, receive the rate of monthly compensation specified in the first step of the salary range for the position to which he is appointed. On and after the first day

of the pay period following each ensuing 12 months of such service such compensation shall be increased upon approval of the appointing authority to the rate specified in the next higher step of the salary range for the position occupied until such compensation equals the sum specified in step E of such range.

SEC. 4. Section 73563.2 of the Government Code is amended to read:

73563.2. Certain classes of positions prescribed in Article 7 (commencing with Section 73560) of Chapter 10, Title 8 of the Government Code are deemed to be equivalent in job and salary level to position classifications included in the Salary Resolution of Monterey County. In order to maintain parity of compensation and employee benefits between attachés of the Monterey-Carmel Municipal Court District and county employees having commensurate duties and responsibilities and to provide appropriate salary adjustments and employee benefits for related classes of court positions the provisions of this section shall govern salary adjustments and employee benefits for attachés of the Monterey-Carmel Municipal Court District in Monterey County.

On the effective date of any amendment to said resolution adjusting the salary of a county employee classification listed in the table of positions set forth in this section, the salary of the equivalent court position listed opposite thereto shall be adjusted an equivalent number of ranges in the salary schedule to which such position is attached. In no event shall such salary adjustments exceed four range numbers of the salary range number that is provided for such position on the effective date of this section. If the level of compensation established by any such salary adjustment is not reflected in the salary range number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary range number.

Table of Positions

Court classification	County classification
Chief municipal court clerk	Assistant county clerk
Senior municipal court clerk	Senior municipal court clerk I
Municipal court clerk	Municipal court clerk
Legal process clerk	Legal process clerk
Typist-clerk II	Typist-clerk II

Salary adjustments made pursuant to this section shall be effective only until the 61st day after the adjournment of the next succeeding regular session of the Legislature.

Attachés of the Monterey-Carmel Municipal Court District shall be entitled to all employee benefits that are provided for or made applicable to the equivalent Monterey County employee classification.

SEC. 5. Section 74222 of the Government Code is amended to read:

74222. There shall be one chief municipal court clerk who shall receive a monthly salary at the rate specified in range 30A of the salary schedule provided in Section 74223.1.

SEC. 6. Section 74223 of the Government Code is amended to read:

74223. The chief municipal court clerk may appoint:

One senior municipal court clerk who shall receive a monthly salary at the rate specified in range 32A of the salary schedule provided in Section 74223.1.

Five municipal court clerks who shall receive a monthly salary at the rate specified in range 30A of the salary schedule provided in Section 74223.1.

Three legal process clerks who shall receive a monthly salary at the rate specified in range 26A of the salary schedule provided in Section 74223.1.

Nine typist-clerks II who shall receive a monthly salary at the rate specified in range 25A of the salary schedule provided in Section 74223.1.

SEC. 7. Section 74223.1 of the Government Code is amended to read:

74223.1. Whenever reference to numbered salary range is made in any section of this article, the following schedule of monthly salaries shall apply:

Range No.	Step					Hourly
	1	2	3	4	5	conversion step 1
25A	\$442	\$465	\$488	\$513	\$540	\$2.550
26	453	476	500	526	553	2.613
26A	465	488	513	540	568	2.683
27	476	500	526	553	582	2.746
27A	488	513	540	568	598	2.815
28	500	526	553	582	613	2.885
28A	513	540	568	598	629	2.960
29	526	553	582	613	645	3.035
29A	540	568	598	629	662	3.115
30	553	582	613	645	679	3.190
30A	568	598	629	662	697	3.277
31	582	613	645	679	715	3.358
31A	598	629	662	697	734	3.450
32	613	645	679	715	753	3.537
32A	629	662	697	734	773	3.629
33	645	679	715	753	793	3.721
33A	662	697	734	773	815	3.819
34	679	715	753	793	836	3.917
34A	697	734	773	815	858	4.021
35	715	753	793	836	881	4.125
35A	734	773	815	858	905	4.235
36	753	793	836	881	929	4.344
36A	773	815	858	905	954	4.460
37	793	836	881	929	979	4.575

Range No.	Step					Hourly conversion
	1	2	3	4	5	step 1
37A-----	815	858	905	954	1,006	4.702
38 -----	836	881	929	979	1,032	4.823
38A-----	858	905	954	1,006	1,060	4.950
39 -----	881	929	979	1,032	1,088	5.083
39A-----	905	954	1,006	1,060	1,118	5.221
40 -----	929	979	1,032	1,088	1,147	5.360
40A-----	954	1,006	1,060	1,118	1,178	5.504
41 -----	979	1,032	1,088	1,147	1,209	5.648
41A-----	1,006	1,060	1,118	1,178	1,242	5.804
42 -----	1,032	1,088	1,147	1,209	1,275	5.954
42A-----	1,060	1,118	1,178	1,242	1,310	6.115
43 -----	1,088	1,147	1,209	1,275	1,345	6.277

Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall for the first 12 months of service, receive the rate of monthly compensation specified in the first step of the salary range for the position to which he is appointed. On and after the first day of the pay period following each ensuing 12 months of such service such compensation shall be increased upon approval of the appointing authority to the rate specified in the next higher step of the salary range for the position occupied until such compensation equals the sum specified in step 5 of such range.

SEC. 8. Section 74223.2 of the Government Code is amended to read:

74223.2. Certain classes of positions prescribed in Article 22 (commencing with Section 74220) of Chapter 10, Title 8 of the Government Code are deemed to be equivalent in job and salary level to position classifications included in the Salary Resolution of Monterey County. In order to maintain parity of compensation and employee benefits between attachés of the Salinas Municipal Court District and county employees having commensurate duties and responsibilities and to provide appropriate salary adjustments and employee benefits for related classes of court positions the provisions of this section shall govern salary adjustments and employee benefits for attachés of the Salinas Municipal Court District in Monterey County.

On the effective date of any amendment to said resolution adjusting the salary of a county employee classification listed in the table of positions set forth in this section, the salary of the equivalent court position listed opposite thereto shall be adjusted an equivalent number of ranges in the salary schedule to which such position is attached. In no event shall such salary adjustments exceed four range numbers of the salary range number that is provided for such position on the effective date of this section. If the level of compensation established by any such salary adjustment is not reflected in the

salary range number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary range number.

Table of Positions

Court classification	County classification
Chief municipal court clerk	Assistant county clerk
Senior municipal court clerk.....	Senior municipal court clerk I
Municipal court clerk.....	Municipal court clerk
Legal process clerk.....	Legal process clerk
Typist-clerk II	Typist-clerk II

Salary adjustments made pursuant to this section shall be effective only until the 61st day after the adjournment of the next succeeding regular session of the Legislature.

Attachés of the Salinas Municipal Court District shall be entitled to all employee benefits that are provided for or made applicable to the equivalent Monterey County employee classification.

CHAPTER 1077

An act to amend Section 232.9 of the Civil Code, relating to parent and child.

[Approved by Governor October 14, 1971 Filed with
Secretary of State October 14, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 232.9 of the Civil Code is amended to read:

232.9. The State Department of Social Welfare, a county welfare department, a county adoption department, or a county probation department which is planning adoptive placement of a child with a licensed adoption agency, or the State Department of Social Welfare acting as an adoption agency in counties which are not served by a county adoption agency, may initiate an action under Section 232 to declare a child free from the custody and control of his parents. The fact that a child is in a foster care home licensed under subdivision (a) of Section 16000 of the Welfare and Institutions Code shall not prevent the institution of such an action by any such agency or by a licensed adoption agency pursuant to Section 232.

The county counsel or, if there is no county counsel, the district attorney of the county specified in Section 233 shall, in a proper case, institute the action upon the request of any of the state or county agencies mentioned herein.

If, at the time of the filing of a verified petition by any department or agency specified in this section, the child is in the

custody of the petitioner, such petitioner may continue to have custody of the child pending the hearing on the petition unless the court, in its discretion, makes such other orders regarding custody pending the hearing which it finds will best serve and protect the interests and welfare of the child.

CHAPTER 1078

An act to add Sections 12894.3, 12894.4, 12894.5, 12894.6, 12894.7, and 12894.8 to the Water Code, relating to water development.

[Approved by Governor October 14, 1971. Filed with
Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 12894.3 is added to the Water Code, to read:

12894.3. If the department determines that a loan commitment pursuant to Section 12894 will not enable any eligible public agency specified in Section 1 of Chapter 842 of the Statutes of 1968 to obtain the funds necessary to construct projects utilizing water from the State Water Resources Development System or water obtained through an exchange of water from the system, the department may make loans from the funds appropriated by Section 12894 for the construction of such projects. Such loans shall be made upon the terms and conditions specified in Sections 12894.4, 12894.5 and 12894.6.

SEC. 2. Section 12894.4 is added to the Water Code to read:

12894.4. A loan pursuant to Section 12894.3 shall not exceed 25 percent of the total cost of the project, or two million five hundred thousand dollars (\$2,500,000), whichever is the lesser. Such loan shall be repayable over a period not to exceed 40 years. A period of development, not exceeding five years, may be allowed during which no payments on the principal or of the interest on such loan shall be required, when in the department's judgment such development period is justified under the circumstances. If the payment of interest is deferred pursuant to this section, no interest shall be charged on the interest amount for which payment is deferred. The accrued interest shall be paid in annual installments during the remainder of the loan repayment period.

SEC. 3. Section 12894.5 is added to the Water Code to read:

12894.5 Annual payments on the loan, including both principal repayment and interest, shall be in substantially equal amounts over the term of the loan, excluding the initial deferment, if any.

SEC. 4. Section 12894.6 is added to the Water Code to read:

12894.6. In making loans pursuant to Section 12894.3, the department shall impose such terms and conditions as are necessary to protect the state's investment and carry out the purposes of this chapter.

SEC. 5. Section 12894.7 is added to the Water Code to read:

12894.7. The department shall require the payment of interest on each loan that is made pursuant to Section 12894.3 at a rate equal to the weighted average of the interest rates paid by the state on bonds issued under the California Water Resources Development Bond Act (Chapter 8 (commencing with Section 12930) of this part), without regard to any premiums received on the sale of such bonds, as of the date of the loan.

SEC. 6. Section 12894.8 is added to the Water Code, to read:

12894.8. Prior approval by the voters of an eligible district of a project described in Section 12894.3 and bonds therefor shall constitute approval of a loan pursuant to Section 12894.3 to the extent that the loan proceeds will be utilized to construct the project in lieu of the approved bonds.

CHAPTER 1079

An act to add Section 993 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor October 14, 1971. Filed with Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 993 is added to the Revenue and Taxation Code, to read:

993. The full cash value of distilled spirits in a controlled stock area shall not include the federal excise tax on such distilled spirits unless the federal excise tax has been paid.

SEC. 2. The additions made by this act are not intended by the Legislature to support a finding that they are either a change in or declaratory of existing law.

CHAPTER 1080

An act to amend Sections 1204, 1381, and 1381.5 of the Penal Code, relating to sentencing.

[Approved by Governor October 14, 1971. Filed with Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1204 of the Penal Code is amended to read:

1204. The circumstances shall be presented by the testimony of witnesses examined in open court, except that when a witness is so sick or infirm as to be unable to attend, his deposition may be taken by a magistrate of the county, out of court, upon such notice to the adverse party as the court may direct. No affidavit or testimony, or representation of any kind, verbal or written, can be offered to or received by the court, or a judge thereof, in aggravation or mitigation of the punishment, except as provided in this and the preceding section. This section shall not be construed to prohibit the filing of a written report by a defendant or defendant's counsel on behalf of a defendant if such a report presents a study of his background and personality and suggests a rehabilitation program. If such a report is submitted, the prosecution or probation officer shall be permitted to reply to or to evaluate the program.

SEC. 2. Section 1381 of the Penal Code is amended to read:

1381. Whenever a defendant has been convicted, in any court of this state, of the commission of a felony or misdemeanor and has been sentenced to and has entered upon a term of imprisonment in a state prison or has been sentenced to and has entered upon a term of imprisonment in a county jail for a period of more than 90 days or has been committed to and placed in a county jail for more than 90 days as a condition of probation or has been committed to and placed in an institution subject to the jurisdiction of the Department of the Youth Authority or whenever any person has been committed to the custody of the Director of Corrections pursuant to Chapter 1 (commencing with Section 3000) of Division 3 of the Welfare and Institutions Code and has entered upon his term of commitment, and at the time of the entry upon such term of imprisonment or commitment there is pending, in any court of this state, any other criminal indictment, information, complaint, or any criminal proceeding wherein the defendant remains to be sentenced, the district attorney of the county in which such matters are pending shall bring the same defendant to trial or for sentencing within 90 days after such person shall have delivered to said district attorney written notice of the place of his imprisonment or commitment and his desire to be brought to trial or for sentencing unless a continuance beyond said 90 days is requested or consented to by such person, in open court, and such request or consent entered upon the minutes of the court in which event the 90-day period herein provided for shall commence to run anew from the date to which such consent or request continued the trial or sentencing. In the event that the defendant is not brought to trial or for sentencing within

the 90 days as herein provided the court in which such charge or sentencing is pending must, on motion or suggestion of the district attorney, or of the defendant or person confined in the county jail or committed to the custody of the Director of Corrections or his counsel, or of the State Department of Corrections, or of the Department of the Youth Authority, or on its own motion, dismiss such action. If a charge is filed against a person during the time such person is serving a sentence in any state prison or county jail of this state or while detained by the Director of Corrections pursuant to Chapter 1 of Division 3 or while detained in any institution subject to the jurisdiction of the Department of the Youth Authority it is hereby made mandatory upon the district attorney of the county in which such charge is filed to bring the same to trial within 90 days after said person shall have delivered to said district attorney written notice of the place of his imprisonment or commitment and his desire to be brought to trial upon said charge, unless a continuance is requested or consented to by such person, in open court, and such request or consent entered upon the minutes of the court, in which event the 90-day period herein provided for shall commence to run anew from the date to which such request or consent continued the trial. In the event such action is not brought to trial within the 90 days as herein provided the court in which such action is pending must, on motion or suggestion of the district attorney, or of the defendant or person committed to the custody of the Director of Corrections or to a county jail or his counsel, or of the State Department of Corrections, or of the Department of the Youth Authority, or on its own motion, dismiss such charge. The sheriff, custodian or jailer shall endorse upon the written notice of defendant's desire to be brought to trial or for sentencing, the cause of commitment, the date of commitment and the date of release.

SEC. 3. Section 1381.5 of the Penal Code is amended to read:

1381.5 Whenever a defendant has been convicted of a crime and has entered upon a term of imprisonment therefor in a federal correctional institution, and at the time of entry upon such term of imprisonment or at any time during such term of imprisonment there is pending in any court of this state any criminal indictment, information, complaint or any criminal proceeding wherein the defendant remains to be sentenced, the district attorney of the county in which such matters are pending, upon receiving from such defendant a request that he be brought to trial or for sentencing on such matters, shall promptly inquire of the warden or other head of the federal correctional institution in which such defendant is confined whether and when such defendant can be released for trial or for sentencing. If an assent from authorized federal authorities for release of the defendant for trial or sentencing is received by the district attorney he shall bring him

to trial or sentencing within 90 days after receipt of such assent, unless the federal authorities specify a date of release after the 90 days, in which event the district attorney shall bring the prisoner to trial or sentencing at such specified time, or unless the defendant requests, in open court, and receives, or, in open court, consents to, a continuance, in which event he may be brought to trial or sentencing within 90 days from such request or consent.

If a defendant is not brought to trial or for sentencing as provided by this section, the court in which the action is pending shall, on motion or suggestion of the district attorney, or representative of the United States, or the defendant or his counsel, dismiss the action.

CHAPTER 1081

An act to amend Section 21200.2 of the Government Code, relating to retirement benefits.

[Approved by Governor October 14, 1971. Filed with Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 21200.2 of the Government Code is amended to read:

21200.2. Notwithstanding Section 21200.1, the board may fix the effective date of a member's retirement as of a date earlier than the first of the month in which an application for the retirement is received in the office of the board if an application is in fact received within six months following member's separation from state service, and if the board finds that the member's employer undertook to transmit an application for such retirement to the board on behalf of the member and failed or delayed unreasonably in such transmission. An effective date fixed pursuant to this section may not be earlier than the effective date found to have been specified in the original application.

This section shall have no force or effect after July 1, 1972.

CHAPTER 1082

An act to add Sections 1902.1 and 2101 to, to amend Sections 1125.5, 1604, 1747, 2099, 2100, 3255, 25436, 25437.5, 25438, 25439.5, 25458, and 25485.2 of, and to repeal Section 25439 of the Education Code, relating to community colleges and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 14, 1971. Filed with Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1125.5 of the Education Code is amended to read:

1125.5. (a) Whenever an elementary, high school or unified school district or a portion of any such district is annexed to another school district in which trustee areas have been established the county committee on school district organization of the county having jurisdiction over the annexing district shall study and make recommendations with respect to trustee areas of the annexing district as enlarged. Procedures contained in Section 1122 shall be used for purposes of this section

(b) Recommendations adopted under provisions of subdivision (a), if approved by the electors, shall become effective on the same date that the annexing district as enlarged becomes effective for all purposes.

SEC. 2. Section 1604 of the Education Code is amended to read:

1604. "Component district" means any of the following.

(a) An elementary district which is included within a high school district.

(b) A high school or unified school district which is included within a community college district.

(c) A portion of a high school or unified district which is included within a community college district.

SEC. 3. Section 1747 of the Education Code is amended to read:

1747. Whenever territory is transferred to another district or becomes a part of a district, by means of reorganization, in which trustee areas have been established, the territory being transferred shall become a part of the trustee areas to which it is contiguous. In the event that the territory being transferred is contiguous to more than one trustee area, terms of agreement to the transfer may include provisions for the division of the transferred territory among the trustee areas to which it is contiguous.

SEC. 4. Section 1902.1 is added to the Education Code, to read:

1902.1. When any high school district or unified school district, or a portion of either district, which is not in any community college district, is made a part of a community college district by any procedure authorized by this code and a bonded debt is created pursuant to Section 2099, the combined outstanding bonded indebtedness of the community college district and the bonded indebtedness of the included territory shall be an obligation of the reorganized community college district.

SEC. 5. Section 2099 of the Education Code is amended to read:

2099. An agreement to the annexation of a unified district, or a part of a high school or unified school district, to a com-

munity college district may include as a term or condition for such annexation the authorization and issuance of bonds of the unified district, or of the part of the high school or unified school district, in a specified amount for the purpose of paying an equitable share of the cost of the property owned or held by the community college district. In such event, the county superintendent of schools shall call and conduct a bond election within the unified district, or within the portion of the high school or unified school district to be annexed, to be held concurrently with the election on annexation. The governing board of the unified district or of the high school or unified district of which the territory to be annexed is a part may request the board of supervisors to issue and sell the bonds in the name of the unified district, and may request the county superintendent of schools to transfer to the community college district any funds derived from such sale of bonds. The county superintendent of schools shall order such transfer as requested. Any funds so transferred may, after the annexation becomes effective, be expended for purposes authorized by law, throughout the community college district. Bonds issued pursuant to this section shall not be considered outstanding bonded indebtedness of the unified district or of the high school or unified district of which the territory to be annexed is a part for the purposes of Section 21703; however, such bonds shall be considered bonded indebtedness of the community college district for the purposes of Section 21702.

SEC. 6. Section 2100 of the Education Code is amended to read:

2100. An agreement to the annexation of a high school or unified district, or any portion of such district or districts, to a contiguous community college district may include, as a term or condition for such annexation, the collection of a sum of money upon annexation, from within the area of the annexed district or portion of a district, for capital outlay purposes; and such condition shall be considered an inherent part of the annexation agreement and shall not be construed as a separate proposition. For purposes of raising this sum, the maximum tax rate for community college purposes within any district or portion of any district which has been annexed to a contiguous community college district pursuant to Chapter 3 (commencing with Section 2091) of Division 5 is hereby increased by such amount as will produce within 10 fiscal years the sum included in any annexation agreement between the two districts. Any funds collected from such an increase shall be deposited to the credit of the community college district for expenditure for purposes authorized by law.

In addition to the words to be contained on the ballot pursuant to Section 2098, the ballot used in the election shall contain a statement that the maximum tax rate within the annexed districts or portions of districts will be increased by a specified amount as will produce the sum included in the annexation agreement.

The increase provided by this section shall not exceed fifteen cents (\$.15) for each one hundred dollars (\$100) of the assessed value of the property within the high school or unified district, or portion thereof, and the increase shall be in addition to any other school district tax authorized by law to be levied.

The increase provided by this section shall remain in effect until the 10th consecutive fiscal year following the effective date of the annexation, or until such time as the sums agreed to in the annexation agreement referred to herein have been collected by the community college district, from within the annexed school district, or portion thereof, whichever period occurs first.

This section shall not apply whenever Section 2099 applies

SEC. 7. Section 2101 is added to the Education Code, to read:

2101. Notwithstanding the prohibition established in Section 2100, the conditions of annexation may provide that the amount of bonds authorized pursuant to Section 2099 shall be reduced by the amount of funds raised pursuant to Section 2100. At no time may a tax be levied under both Sections 2099 and 2100 simultaneously.

SEC 8. Section 3255 of the Education Code is amended to read:

3255. In any proposal for reorganization of school districts recommended by a county committee, the committee shall include a provision for the authorization of a maximum tax rate for the proposed new district, and such provision shall be an inherent part of the proposal, and shall not be construed as a separate proposition. If the reorganization is approved by the registered voters of the area, such tax rate shall be the maximum tax rate for the type of new district formed in lieu of any rate specified in Section 20751 until changed by the registered voters of the district in the manner prescribed in Section 20803. Such tax rate established by the county committee shall not be less than the tax rates for the new district provided in Section 20751 nor more than the rate which would produce revenue for the proposed new district equal to: (1) the sum of the revenue of each of the districts proposed to be wholly or partially included therein had the maximum allowable tax rate been in effect in each such district during the school year prior to the fiscal year in which the election for reorganization is held; (2) revenues equal to the amount by which the state equalization aid allowances, if any, computed for the proposed district for the fiscal year are less than the sum of the state equalization aid allowances, if any, made to the component districts during the fiscal year prior to the fiscal year in which the election for reorganization is held; and (3) revenues equal to the amount of the difference between the average certificated and the average classified salary of all the component districts during the school year prior to that in which the election is held and the

average certificated and the average classified salary of the high school district or districts included in the proposal multiplied by the number of employees in each category at the elementary level. In the event the salary schedule of an included elementary district or unified district is higher than that of the high school district, the county committee may for the purpose of determining a tax rate under this section substitute that elementary or unified district salary schedule for the high school district schedule.

In community college district reorganization proposals, the tax rates for non community college district territory included in the reorganization shall be the maximum tax rate for community college districts as specified in Section 20751. Such territory shall not be considered in computation of state equalization aid for purposes of this section. If a portion of a community college district is included in the recommended reorganization, the tax rate and equalization aid shall be at the same rate as the district as a whole. Any tax rate approved pursuant to this section may be decreased by the governing board of the district to not less than the tax rate specified in Section 20751.

The maximum tax rate of the proposed new district shall be printed on the ballot.

SEC. 85. Section 3255 of the Education Code is amended to read:

3255. In any proposal for reorganization of school districts recommended by a county committee, the committee shall include a provision for the authorization of a maximum tax rate for the proposed new district, and such provision shall be an inherent part of the proposal, and shall not be construed as a separate proposition. If the reorganization is approved by the registered voters of the area, such tax rate shall be the maximum tax rate for the type of new district formed in lieu of any rate specified in Section 20751 until changed by the registered voters of the district in the manner prescribed in Section 20803. Such tax rate established by the county committee shall not be less than the tax rates for the new district provided in Section 20751 nor more than the rate which would produce revenue for the proposed new district equal to: (1) the sum of the revenue of each of the districts proposed to be wholly or partially included therein had the maximum allowable tax rate been in effect in each such district during the school year prior to the fiscal year in which the election for reorganization is held; (2) revenues equal to the amount by which the state equalization aid allowances, if any, computed for the proposed district for the fiscal year are less than the sum of the state equalization aid allowances, if any, made to the component districts during the fiscal year prior to the fiscal year in which the election for reorganization is held; and (3) revenues equal to the amount of the difference between the average certificated and the average classified salary of all the component districts during the

school year prior to that in which the election is held and the average certificated and the average classified salary of the high school district or districts included in the proposal multiplied by the number of employees in each category at the elementary level. In the event the salary schedule of an included elementary district or unified district is higher than that of the high school district, the county committee may for the purpose of determining a tax rate under this section substitute that elementary or unified district salary schedule for the high school district schedule.

In community college district reorganization proposals, the tax rates for noncommunity-college-district territory included in the reorganization shall be the maximum tax rate for community college districts as specified in Section 20751. Such territory shall not be considered in computation of state equalization aid for purposes of this section. If a portion of a community college district is included in the recommended reorganization, the tax rate and equalization aid shall be at the same rate as the district as a whole. Any tax rate approved pursuant to this section may be decreased by the governing board of the district to not less than the tax rate specified in Section 20751.

Notwithstanding any provision of the preceding paragraph, the county committee may increase the maximum tax rate established thereunder, to reflect increases occurring in the fiscal year in which the election is held, in the salaries of certificated and classified employees, or any of the component districts.

The maximum tax rate of the proposed new district shall be printed on the ballot.

Additionally, the ballot shall contain a statement by the county committee, of the amount by which the maximum tax rate, as shown on the ballot, of the new district, would be required to be increased in order to produce an amount of revenue equal to the sum of the revenues of each of the districts proposed to be partially or wholly included therein produced by all of the taxes levied, pursuant to statutes authorizing taxes to be levied for particular purposes without compliance with Sections 20751 and 20803, in such districts during the school year prior to the fiscal year in which the election for reorganization was held.

SEC. 9. Section 25436 of the Education Code is amended to read:

25436. A community college district may include all or part of the territory of one high school or unified district or two or more high school or unified districts and may, with the approval of the Board of Governors of the California Community Colleges, include noncontiguous territory; provided, however, that the terms of this section shall not be applicable to any districting proposals initiated prior to March 1, 1967. A districting proposal shall be deemed to have been initiated when the board of trustees of a community college district and the board of trustees of the district seeking

annexation have adopted resolutions ratifying the terms of the annexation agreement.

SEC. 10. Section 25437.5 of the Education Code is amended to read:

25437.5. The Board of Governors shall establish minimum standards for the formation of community college districts.

SEC. 11. Section 25438 of the Education Code is amended to read:

25438. The governing board of any high school district or the governing boards of two or more high school districts, or the governing board of a community college district and the governing board of one or more high school districts, may present to the Board of Governors a petition asking permission to call an election for the formation of a community college district to include all, or a portion of, the territory in the high school district or districts, as the case may be. The petition may include a proposal to form trustee areas in the proposed community college district, and shall state whether five or seven members shall constitute the governing board of the district. The Board of Governors shall make or cause to be made a survey of the proposed community college district and of other high school districts which, in whole or in part, may appropriately be included in the proposed district.

SEC. 12. Section 25439 of the Education Code is repealed.

SEC. 13. Section 25439.5 of the Education Code is amended to read:

25439.5. If the Board of Governors approves the petition, it shall within 30 days after approval notify the superintendent of schools of the county in which the greatest area of the proposed community college district lies.

SEC. 14. Section 25458 of the Education Code is amended to read:

25458. The procedures contained in Chapter 10 (commencing with Section 3100) of Division 5 shall be used in the development of plans and recommendations for the inclusion of territory in community college districts. The terms of the plan for the inclusion of territory may be based on any provision of Division 5 (commencing with Section 1601)

SEC. 15. Section 25485.2 of the Education Code is amended to read:

25485.2. Any part of a community college district may be transferred to another community college district in the manner provided in Article 3 (commencing with Section 2361), or Article 4 (commencing with Section 2391), of Chapter 5 of Division 5 of this code.

SEC. 16. The provisions of this act shall apply to any plan for the inclusion of territory of a high school or unified district in a community college district which was approved by the Board of Governors of the California Community Colleges before this act became effective and which is to be voted on after this act becomes effective.

SEC. 17 Notwithstanding the provisions of Section 3294 of the Education Code, an election on the question of a district organization proposal which is invalid may be postponed until the proposal has become valid.

SEC. 18. It is the intent of the Legislature, if this bill and Assembly Bill No. 2283 are both chaptered and amend Section 3255 of the Education Code, and this bill is chaptered after Assembly Bill No. 2283, that Section 3255 of the Education Code, as amended by Section 8 of this act shall remain operative until the effective date of Assembly Bill No. 2283, and that on the effective date of Assembly Bill No. 2283 Section 3255 of the Education Code, as amended by Section 8 of this act, shall cease to be operative and Section 3255 of the Education Code as amended by Section 8.5 of this act shall become operative to incorporate the changes in Section 3255 proposed by Assembly Bill No. 2283. Therefore, if Assembly Bill No. 2283 is chaptered before this bill and amends Section 3255, Section 8.5 of this act shall become operative on the effective date of Assembly Bill No. 2283.

SEC. 19 This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the reorganization proposal for the territory of the El Monte Union High School District to take effect it is necessary that the election take place on November 2, 1971, which requires that the approved plan be valid no later than that date.

CHAPTER 1083

An act to add Section 5901.5 to the Education Code, relating to vocational training.

[Approved by Governor October 14, 1971 Filed with
Secretary of State October 14, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 5901.5 is added to the Education Code, to read:

5901.5. Pilot programs may be established by school districts to provide for the maintenance on Saturday of classes in vocational training, upon the approval of the Superintendent of Public Instruction. Such vocational training may be a part of, but is not limited to, a program of national defense of the federal government, or any agency thereof.

No apportionments to such districts from state funds based upon average daily attendance in such classes, whether maintained on Saturday or other days, shall be made where the total cost of the classes is borne by the federal government, or any agency thereof.

CHAPTER 1084

An act to add Section 14815 to the Government Code, and to add Section 15954.5 to the Education Code, relating to government purchases.

[Approved by Governor October 14, 1971. Filed with Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 14815 is added to the Government Code, to read:

14815. Each quarter the department shall upon request provide each city, county, city and county, district, local government body or public corporation empowered to expend public funds for the acquisition of consumable materials and supplies and other interested parties with a list of such items available for purchase under Section 14814. The department may supplement the quarterly lists with a monthly supplement of changes, additions and deletions. Terms, conditions and specifications shall be provided upon request.

SEC. 2. Section 15954.5 is added to the Education Code, to read:

15954.5 Nothing in this code shall preclude the governing board of any school district from purchasing materials, equipment or supplies through the Department of General Services pursuant to Government Code Section 14814.

SEC. 3. It is the intent of the Legislature in enacting this act to provide information upon request to interested local agencies about the state cooperative purchasing program.

CHAPTER 1085

An act to amend Sections 21002 and 21005 of the Public Utilities Code, relating to aviation.

[Approved by Governor October 14, 1971. Filed with Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 21002 of the Public Utilities Code is amended to read:

21002. The purpose of this part is to further and protect the public interest in aeronautics and aeronautical progress by the following means:

(a) Encouraging the development of private flying and the general use of air transportation.

(b) Fostering and promoting safety in aeronautics.

(c) Effecting uniformity of the laws and regulations relating to aeronautics consistent with federal aeronautics laws and regulations.

(d) Granting to a state agency such powers and imposing upon it such duties that the state may properly perform its functions relative to aeronautics and effectively exercise its jurisdiction over persons and property, assist in the development of a statewide system of airports, encourage the flow of private capital into aviation facilities, and cooperate with and assist political subdivisions and others engaged in aeronautics in the development and encouragement of aeronautics.

(e) Establishing only those regulations which are essential and clearly within the scope of the authority granted by the Legislature, in order that persons may engage in every phase of aeronautics with the least possible restriction consistent with the safety and the rights of others.

(f) Providing for cooperation with the federal authorities in the development of a national system of civil aviation and for coordination of the aeronautical activities of those authorities and the authorities of this state.

(g) Assuring that persons residing in the vicinity of airports are protected to the greatest possible extent against intrusions by unreasonable levels of aircraft noise

SEC 2. Section 21005 of the Public Utilities Code is amended to read:

21005. This part shall not be construed as limiting any power of the state or a political subdivision to regulate airport hazards by zoning.

It shall be the function of airport land use commissions created pursuant to Article 35 (commencing with Section 21670) of Chapter 4 to achieve by zoning compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of such airports is not already devoted to incompatible uses, and to this end the commissions shall require that all new construction in such areas shall conform to such standards as the department may from time to time adopt.

CHAPTER 1086

An act to amend Sections 20100 and 20101 of the Government Code, relating to Public Employees' Retirement System.

[Approved by Governor October 14, 1971 Filed with
Secretary of State October 14, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 20100 of the Government Code is amended to read:

20100. The board of administration of this system is continued in existence.

It consists of:

(a) One member of the State Personnel Board, selected by and serving at the pleasure of the State Personnel Board.

(b) The Director of Finance.

(c) An official of a life insurer, an officer of a bank, and three persons representing the public, appointed by the Governor.

(d) Four members elected under the supervision of the board as follows:

(1) A member elected by the members of the system from the membership thereof;

(2) A member elected by the state members of the system from the state membership thereof;

(3) A member elected by and from the local members of the system who are employees of a school district or a county superintendent of schools; and

(4) A member elected by and from the local members of the system other than those who are employees of a school district or a county superintendent of schools.

The board membership of the three members representing the public appointed under subdivision (c) shall be limited to service in the administration of the provisions of the State Employees' Medical and Hospital Care Act contained in Part 5 (commencing with Section 22751) of this division, and they shall not participate in board activities or have any voting power or other authority in the administration of the provisions of this part.

SEC. 2. Section 20101 of the Government Code is amended to read:

20101. The term of office of the members specified in subdivision (c) and subparagraphs (1) and (2) of subdivision (d) of Section 20100, other than the three members representing the public, is four years, expiring on January 15th, in the order heretofore fixed by law. The term of the member last elected as provided in subparagraph (3) of subdivision (d) of Section 20100 prior to the amendments to such subparagraph at the 1971 Regular Session shall expire January 15, 1975, and subsequent elections for members under such subparagraph as so amended shall be for the term of four years expiring January 15. The member prescribed in subparagraph (4) of subdivision (d) of Section 20100 shall be elected for a term beginning January 16, 1973, and ending January 15, 1975. The term of such member thereafter shall be four years. The members of the board as of October 1, 1963, representing the public shall so classify themselves by lot, that their terms will expire as follows: (1) one member, January 15, 1964; (2) one member, January 15, 1965; and (3) one member, January 15, 1966. The term of office of members representing the public thereafter shall be four years. The Governor shall fill a vacancy of the members in subdivision (c) of Section 20100 by the appointment of a person having the requisite qualifications for the vacant membership. Such appointment shall be for the unexpired term. In the event a vacancy occurs during the term of an elected member, it shall be filled at a special elec-

tion which the board shall cause to be held ; provided, the term has 15 months or more to run from the time the vacancy occurs; otherwise, the office shall remain vacant until filled at the next regular election. Notwithstanding amendments to Section 20100 at the 1971 Regular Session, the office prescribed in subdivision (c) of such section shall continue until January 15, 1973.

CHAPTER 1087

An act to amend Section 931.5 of the Education Code, relating to school districts.

[Approved by Governor October 14, 1971 Filed with
Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 931.5 of the Education Code is amended to read:

931.5. Notwithstanding any other provisions of law, any person may be permitted by the governing board of any school district to perform the duties specified in Section 13561.1 or 13561.2, or to serve as a nonteaching volunteer aide under the immediate supervision and direction of the certificated personnel of the district to perform noninstructional work which serves to assist such certificated personnel in performance of teaching and administrative responsibilities. Such a nonteaching volunteer aide shall not be an employee of the school district and shall serve without compensation of any type or other benefits accorded to employees of the district, except as provided in Section 1019 of the Education Code and Section 3364.5 of the Labor Code.

No district may abolish any of its classified positions and utilize volunteer aides, as authorized herein, in lieu of classified employees who are laid off as a result of the abolition of a position; nor may a district refuse to employ a person in a vacant classified position and use volunteer aides in lieu thereof.

It is the intent of the Legislature to permit school districts to use volunteer aides to enhance its educational program but not to permit displacement of classified employees nor to allow districts to utilize volunteers in lieu of normal employee requirements.

CHAPTER 1088

An act to amend Section 28003 of the Government Code, relating to pay periods.

[Approved by Governor October 14, 1971 Filed with
Secretary of State October 14, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 28003 of the Government Code is amended to read:

28003. In any county the board of supervisors may by ordinance fix a date or schedule of dates for the payment of salaries of the officers, deputies, clerks, and employees of the several departments and institutions of the county government, including but not limited to the judges and other officers and the employees and attachés of the superior courts, municipal courts and justice courts in the county.

CHAPTER 1089

An act to amend Section 20017.76 of the Government Code, to amend Sections 4800, 4801, 4802 and 4803 of the Labor Code, and to add Section 830.35 to the Penal Code, relating to San Francisco Harbor policemen.

[Approved by Governor October 14, 1971. Filed with Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 20017.76 of the Government Code is amended to read:

20017.76. Notwithstanding the provisions of Section 20017.75, "law enforcement member" shall also include those persons formerly employed by the San Francisco Port Authority and who were transferred to the San Francisco Port Commission whose principal duties consist of active law enforcement and who are peace officers, as defined in Section 830.35 of the Penal Code, but excluding any person whose principal duties do not clearly fall within the scope of active law enforcement even though such person is subject to occasional call, or is called upon occasionally, to perform duties within the scope of active law enforcement.

Notwithstanding the provisions of Section 20602.92, the rate of contribution provided for in Sections 20603.4 and 20604.7 with respect to a person who becomes a "law enforcement member" under this section shall apply only to compensation paid such person on and after the operative date of this section.

SEC. 2. Section 4800 of the Labor Code is amended to read:

4800. Whenever any member of the California Highway Patrol or any member of the Bureau of Narcotic Enforcement, or member of the Bureau of Criminal Identification and Investigation of the Department of Justice falling within the "law enforcement" class is disabled by injury arising out of and in the course of his duties, he shall become entitled, regardless of his period of service with the patrol, narcotics bureau or criminal identification and investigation

bureau to leave of absence while so disabled without loss of salary, in lieu of disability payments under this chapter, for a period of not exceeding one year. This section shall apply only to members of the California Highway Patrol, the Bureau of Narcotic Enforcement and the Bureau of Criminal Identification and Investigation whose principal duties consist of active law enforcement and shall not apply to persons employed in the Department of the California Highway Patrol or the Bureau of Narcotic Enforcement or Criminal Identification and Investigation whose principal duties are those of telephone operator, clerk, stenographer, machinist, mechanic or otherwise clearly not falling within the scope of active law enforcement service, even though such person is subject to occasional call or is occasionally called upon to perform duties within the scope of active law enforcement service.

This section shall apply to harbor policemen employed by the San Francisco Port Commission who are described in Section 20017.76 of the Government Code.

SEC. 3. Section 4801 of the Labor Code is amended to read:

4801. It shall be the duty of the appeals board to determine in the case of members of the California Highway Patrol, upon request of the Department of the California Highway Patrol or Department of Justice, and, in the case of the harbor policemen, upon the request of the San Francisco Port Commission, whether or not the disability referred to in Section 4800 arose out of and in the course of duty. The appeals board shall, also, in any disputed case, determine when such disability ceases.

SEC. 4. Section 4802 of the Labor Code is amended to read:

4802. Any such member of the California Highway Patrol or Bureau of Narcotic Enforcement, or Bureau of Criminal Identification and Investigation, or any such harbor policeman, so disabled is entitled from the date of injury and regardless of retirement under the Public Employees' Retirement System, to the medical, surgical and hospital benefits prescribed by this division as part of the compensation for persons injured in the course of and arising out of their employment, at the expense of the Department of the California Highway Patrol, the Department of Justice, or the San Francisco Port Commission, as the case may be, and such expense shall be charged upon the fund out of which the compensation of the member is paid.

SEC. 5. Section 4803 of the Labor Code is amended to read:

4803. Whenever such disability of such member of the California Highway Patrol, or Bureau of Narcotic Enforcement, or Bureau of Criminal Identification and Investigation, or of such harbor policeman, continues for a period beyond one year, such member or harbor policeman shall thereafter be subject, as to disability indemnity, to the provisions of this division other than Section 4800, which refers to temporary disability only, during the remainder of the disability, except

that such compensation shall be paid out of funds available for the support of the Department of the California Highway Patrol, the Department of Justice, or the San Francisco Port Commission, as the case may be, and the leave of absence shall continue.

SEC. 6. Section 830.35 is added to the Penal Code, to read:

830.35. (a) Policemen of the San Francisco Port Commission are peace officers; provided, that the primary duty of such peace officer shall be the enforcement of statutes and ordinances relating to the San Francisco Harbor.

(b) The authority of any such peace officer extends to any place in the state; provided, that except as otherwise provided in Section 830.3 or Section 830.6, or Section 1509.7 of the Military and Veterans Code, any such peace officer shall be deemed a peace officer only for purposes of his primary duty, and shall not act as a peace officer in enforcing any other law except:

(1) When in pursuit of any offender or suspected offender; or

(2) To make arrests for crimes committed, or which there is probable cause to believe have been committed, in his presence while he is in the course of his employment; or

(3) When, while in uniform, such officer is requested, as a peace officer, to render such assistance as is appropriate under the circumstances to the person making such request, or to act upon his complaint, in the event that no peace officer otherwise authorized to act in such circumstances is apparently and immediately available and capable of rendering such assistance or taking such action.

CHAPTER 1090

An act to amend Section 4582 of the Public Resources Code, relating to forest practice.

[Approved by Governor October 14, 1971. Filed with
Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 4582 of the Public Resources Code is amended to read:

4582. Notwithstanding any of the provisions of this chapter, the Counties of San Mateo, Marin, Napa, and Santa Clara shall have the right, within the reasonable exercise of their police power, to adopt rules and regulations by ordinance or resolution which are stricter than those provided under this chapter and those promulgated by the committee. Such county rules and regulations may include, but are not limited to, matters relating to soil erosion control, water quality and watershed control, flood control, sustained

yield timber production, stand density control, reforestation methods, mass soil movements, submission of logging plans, location and grade of logging roads and skid trails, excavation and fill requirements, fire prevention and control methods, slash and debris disposal, haul routes and schedules, hours and dates of logging, and performance bond requirements.

SEC. 2. The Legislature hereby declares that it is essential to the welfare of the people of the County of Napa that the timberlands of such county be protected and the ecological balance of such timberlands be preserved and that, in view of the proximity of the timberlands to urban centers of expanding population, the unique relationship of the timberlands to other areas of the county, and the unique nature of the timberlands themselves, a general law cannot be made applicable and the enactment of this act as a special law is necessary in order to protect and preserve such lands.

CHAPTER 1091

An act to add Section 10800.1 to the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor October 15, 1971. Filed with Secretary of State October 15, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 10800 1 is added to the Welfare and Institutions Code, to read:

10800.1. The board of supervisors for each county shall prepare and submit by May 15th of each year to the Senate Finance Committee and the Assembly Ways and Means Committee of the State Legislature and the Joint Legislative Budget Committee a report containing the following:

(a) Estimates for the present and forthcoming fiscal years of the average monthly caseloads for the following categories of assistance:

- (1) Aid to the aged.
- (2) Aid to the blind and potentially self-supporting blind.
- (3) Aid to the disabled.
- (4) Aid to families with dependent children—unemployed persons, by family cases and total persons
- (5) Aid to families with dependent children—family groups, by family cases and total persons.
- (6) Aid to families with dependent children—boarding homes and institutions

(b) Estimates for the present and forthcoming fiscal years of the average monthly grant for such fiscal years for each category of aid listed in subdivision (a). Any month in which a cost-of-living adjustment has been or will be made shall be indicated.

(c) Estimates of the total appropriation for:

(1) Homemaker care.

(2) Out-of-home care.

(3) County general relief

(4) Administration of total assistance programs.

(d) The total federal, state and county appropriation for all assistance programs for the current fiscal year.

(e) Estimates of the total federal, state and county expenditures for all assistance programs for the current fiscal year.

(f) Estimates of the recommended total federal, state and county expenditures for all assistance programs for the forthcoming fiscal year.

(g) Estimates for the present and forthcoming fiscal years of the medically needy as follows:

(1) Average monthly caseload of persons covered under Section 14005.2 of this code, by category

(2) Average monthly caseload of persons covered under Section 14005.3 of this code, by category.

(3) Average monthly caseload of persons covered under Section 14005.4 of this code who have no liability and of persons covered under such section who have a liability and the average monthly amount of their liability.

(4) Average monthly caseload of persons covered under Section 14005.6 of this code who have no liability and of persons covered under such section who have a liability and the average monthly amount of their liability

(5) Average monthly caseload of persons covered under Section 14005.7 of this code, by category and the average monthly amount of their liability

The estimates required by this section shall be developed by the local welfare administrator according to the basic assumptions issued by the department. The estimates shall be approved by the chief administrative officer or if no chief administrative officer by the chairman of the board of supervisors. No county estimates are required to be officially adopted by the board of supervisors.

The department shall issue to the counties and the Legislature basic assumptions upon which county estimates shall be based which include but are not limited to considerations such as court decisions, changes in state and federal law and regulations and other matters affecting caseload and costs. Such assumptions shall be issued on or before January 1 and any supplemental assumptions issued prior to April 1 of each year.

Any county disagreeing with the department's assumptions may along with their estimates based on the department's assumption submit the reasons for their disagreements in writing.

In the event that any category listed in subdivision (a) or (e) becomes the complete administrative and fiscal responsibility of a governmental agency other than the county, the county is exempt from submitting estimates on such category.

The Joint Legislative Budget Committee shall issue a report to the Legislature comparing the results from the county estimates and the most recent official data from the department prior to June 30 of each year.

CHAPTER 1092

An act to amend Sections 6261 and 6262 of, and to add Section 6264.5 to, the Education Code, relating to vocational training.

[Approved by Governor October 15, 1971 Filed with
Secretary of State October 15, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 6261 of the Education Code is amended to read:

6261. The California Advisory Council on Vocational Education and Technical Training, hereinafter referred to as the council in this article, is hereby created, consisting of the Director of Human Resources Development or his representative, a member of the Assembly Education Committee appointed by the Speaker of the Assembly, a member of the Senate Education Committee appointed by the Senate Committee on Rules, and 27 members appointed by the Governor. The 19 members originally appointed by the Governor pursuant to the terms of this section as added by Chapter 1555 of the Statutes of 1969, shall serve four-year terms, provided that of the initial appointments by the Governor, four shall serve one year, five shall serve two years, five shall serve three years, and five shall serve four years. Each of the three additional members appointed pursuant to this section as amended at the 1970 Regular Session shall serve for terms of four years. The terms of the five additional members appointed pursuant to this section as amended at the 1971 Regular Session shall be as follows. (a) the person representing the county offices of education shall serve a one-year term; (b) the two persons who are students currently enrolled in a vocational education program shall serve a two-year term; (c) the two persons representing a cross section of industrial, business, professional, agricultural, and health service occupations shall serve a three-year term.

SEC. 2. Section 6262 of the Education Code is amended to read:

6262. The members appointed by the Governor shall include:

(a) One person familiar with the vocational education needs and problems of organized labor.

(b) One person familiar with the vocational needs and problems of management.

(c) One person representing the state industrial and economic development agencies.

(d) Three persons representing the community colleges and other institutions of higher education, area vocational schools, technical institutes, and postsecondary or adult education agencies or institutions which may provide programs of vocational or technical education and training.

(e) One person familiar with the administration of state and local vocational education programs.

(f) One person having special knowledge, expertise, or qualifications with respect to vocational education who is not involved in the administration of state or local vocational education programs.

(g) One person familiar with programs of technical and vocational education, including programs of comprehensive secondary schools.

(h) One person representing local community college agencies.

(i) One person representing local secondary education agencies.

(j) One person representing community college governing boards.

(k) One person representing secondary school governing boards.

(l) One person representing elementary schools or elementary school boards.

(m) One person representing county offices of education.

(n) One person representing the manpower and vocational education agencies in the state and the comprehensive area manpower planning system of the state.

(o) One person representing school districts with large concentrations of academically, socially, economically, and culturally disadvantaged pupils.

(p) One person with special knowledge, experience, or qualifications with respect to the special educational needs of physically or mentally retarded persons

(q) Two persons who are students currently enrolled in a vocational education program.

(r) Two persons representing a cross section of industrial, business, professional, agricultural, and health service occupations.

(s) Two persons representing the general public, one of whom shall represent and be knowledgeable about the disadvantaged, who are not qualified for membership under any of the preceding subdivisions.

(t) Three persons representing private postsecondary education institutions not provided for in subdivision (d).

SEC. 3. Section 6264.5 is added to the Education Code, to read:

6264.5. The State Board of Education and the Board of Governors of the California Community Colleges shall either

accept or reject each recommendation made by the council and shall immediately return to the council any recommendation which has been rejected, together with the reasons for the rejection.

CHAPTER 1093

An act to add Sections 14201.5 and 14201.6 to the Elections Code, relating to procedure at polls.

[Approved by Governor October 15, 1971. Filed with
Secretary of State October 15, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 14201.5 is added to the Elections Code, to read:

14201.5. The precinct board shall post in not less than one conspicuous location in the polling place a facsimile copy of the ballot and that portion of the ballot which contains the ballot measures and ballot instructions shall be printed in Spanish. Such facsimile ballots shall be printed in other languages and posted in the same manner if a significant and substantial need is found by the county clerk.

The precinct board shall provide upon request copies of the facsimile ballot to any voter for use in the voting booth or compartment.

SEC. 2. Section 14201.6 is added to the Elections Code, to read:

14201.6. Translations of the ballot measures and ballot instructions as required by Section 14201.5 shall be provided by a person selected by the clerk from the list of approved translators and interpreters of the superior court of the county or from an institution accredited by the Western Association of Schools and Colleges.

CHAPTER 1094

An act to amend Section 607f of the Civil Code, relating to humane officers.

[Approved by Governor October 18, 1971. Filed with
Secretary of State October 18, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 607f of the Civil Code is amended to read:

607f. Any such corporation incorporated for the purpose of the prevention of cruelty to animals may by resolution of its board of directors or trustees duly entered on its minutes appoint any number of its members, who shall be citizens of

the State of California, as humane officers. Each appointment of a humane officer shall be by separate resolution. Such resolution shall state the full name and place of residence and the business or occupation of the person so appointed and the fact that he is a citizen of the State of California and shall also designate the number of the badge to be allotted to such officer.

The society shall recommend any such appointee to the judge of the superior court in and for the county or city and county in which the appointee resides, and shall deliver to the judge a copy of the resolution appointing such person, duly certified to be correct by the president and secretary of such corporation and attested by its seal, together with the fingerprints of such appointee taken on standard 8- x 8-inch cards.

The judge shall send a copy of the resolution, together with the fingerprints of the appointee, to the Chief of the Division of Criminal Identification and Investigation, who shall thereupon submit to the judge, in writing, a report of the record in his possession, if any, of the appointee. If the chief of the Division of Criminal Identification and Investigation has no record of the appointee, he shall so report to the judge in writing. But in all cases, the Chief of the Division of Criminal Identification and Investigation shall retain the fingerprints submitted by the appointee as a part of his records.

Upon receipt of the report the judge shall review the matter of the appointee's qualifications and fitness to act as a humane officer and, if he reaffirms such appointment, shall so state on a court order confirming the appointment. Said appointee shall thereupon file a certified copy of the reviewed court order in the office of the county clerk of said county or city and county and shall at the same time take and subscribe the oath of office prescribed for constables or other peace officers.

The county clerk shall thereupon immediately enter in a book to be kept in his office and designated "Record of Humane Officers" the name of such officer, the number of his badge, the name of the judge appointing him and the date of such filing. At the time of such filing the county clerk shall collect from such officer a fee of fifty cents (\$0.50), which shall be in full for all services to be performed by the county clerk under the provisions of this section.

All such appointments of humane officers shall automatically expire within three years from the date on which the said certified copy of the court order was filed with the county clerk. Officers whose appointments are about to expire may only be reappointed in the same manner as hereinbefore provided for new appointments.

The corporation appointing such officer may revoke such appointment at any time by filing in the office of the county clerk in which the appointment of such officer is recorded a copy of such revocation in writing under the letterhead of such corporation and duly certified by its executive officer. Upon such filing the county clerk shall enter the fact of such revoca-

tion and the date of the filing thereof opposite the name of such officer in such record of humane officers.

Such humane officers after qualifying as above provided, shall have power at all places within the state lawfully to interfere to prevent the perpetration of any act of cruelty upon any dumb animal and may use such force as may be necessary to prevent the same and to that end may summon to their aid any bystander. They may make arrests for the violation of any penal law of this state relating to or affecting animals in the same manner as a constable or other peace officer. Except as otherwise provided by this section, a humane officer shall serve only in the county in which he is appointed. A humane officer may serve in a county other than that in which he is appointed only if he first informs the sheriff of the county that he intends to serve in such county. A humane officer is authorized to carry weapons while engaged in his duties as a humane officer, upon satisfactory completion of training, as approved by the Commission on Peace Officer Standards and Training, in the use of weapons.

Every humane officer must when making such arrest exhibit and expose a suitable badge to be adopted by the corporation under this title of which he is a member which shall bear its name and a number. Any person resisting a humane officer in the performance of his duty as provided in this section, shall be guilty of a misdemeanor. Any person who has not been appointed and qualified as a humane officer as provided in this section, or whose appointment has been revoked as provided in this section, or whose appointment, having expired, has not been renewed as provided in this section, who shall represent himself to be or shall attempt to act as such officer shall be guilty of a misdemeanor.

The provisions of this section added by amendments at the 1971 Regular Session shall apply only to humane officers appointed or reappointed after the effective date of such amendments.

CHAPTER 1095

An act to amend Section 12303 of, and to add Sections 27157.5 and 27158.5 to, the Vehicle Code, relating to air pollution.

[Approved by Governor October 18, 1971. Filed with Secretary of State October 18, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 12303 of the Vehicle Code is amended to read:

12303. Whenever a licensed installer in a licensed station, in conformity with the instructions of the commissioner inspects or repairs a motor vehicle for pollution control, or in-

stalls a motor vehicle pollution control device, and determines that the vehicle conforms with the requirements of Section 27157 or 27157.5 of the Vehicle Code or Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code, and the rules and regulations of the State Air Resources Board, a certificate of compliance shall be issued to the owner or driver of the vehicle. The certificate of compliance shall contain provisions for the date of issuance, the make and registration number of the vehicle, the name of the owner of the vehicle, and the official designation of the station. It is unlawful for any person, other than a licensed installer in a licensed station, to sign or issue a certificate of compliance required by this chapter.

SEC. 2. Section 27157.5 is added to the Vehicle Code, to read:

27157.5. The State Air Resources Board, after consultation with, and pursuant to the recommendations of, the commissioner, shall adopt such reasonable standards as it determines are necessary for the public health and safety for the emission of air pollutants from the exhaust of motor vehicles of 1955 through 1965 model years. These standards shall be based on the normal emissions of such cars when the timing and carburetor are in proper adjustment and the spark plugs are in proper operating condition.

SEC. 3. Section 27158.5 is added to the Vehicle Code, to read:

27158.5. After notice by a traffic officer that a motor vehicle does not comply with any standard adopted pursuant to Section 27157.5, no person shall operate, and no owner shall permit the operation of, such motor vehicle for more than 30 days thereafter unless a certificate of compliance has been issued for such vehicle in accordance with the provisions of Section 12303. A certificate of compliance issued for such vehicle shall, for a period of one year from date of issue, constitute proof of compliance with the standards determined pursuant to Section 27157.5.

CHAPTER 1096

An act to amend Sections 39180 and 39182 of the Health and Safety Code, relating to air pollution.

[Approved by Governor October 18, 1971. Filed with Secretary of State October 18, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 39180 of the Health and Safety Code is amended to read:

39180. In establishing tests and procedures the board shall adopt standards including, but not limited to, the following:

(a) An accredited exhaust emission control device shall not cost more than eighty-five dollars (\$85), including the cost of installation.

(b) An accredited exhaust emission control device shall not require maintenance more than once each 12,000 miles, and such maintenance shall not cost more than fifteen dollars (\$15), including the cost of parts and labor.

(c) An accredited exhaust control device shall equal or exceed the performance criteria established by the board for devices for new motor vehicles or, in the alternative, have an expected useful life of at least 50,000 miles of operation.

(d) Standards for an accredited fuel system evaporative loss control device shall take into consideration the cost of the device and its installation, its durability, the ease and facility of determining whether the device, when installed on a motor vehicle is properly functioning, and any other factors which, in the opinion of the board, render such a device suitable or unsuitable for the control of motor vehicle air pollution or for the health, safety, and welfare of the public.

(e) An accredited fuel system evaporative loss control device shall equal or exceed the performance criteria established by the board for such new devices required on new motor vehicles, or in the alternative, must have an expected useful life of at least 50,000 miles of operation.

SEC. 2. Section 39180 of the Health and Safety Code is amended to read:

39180. In establishing tests and procedures the board shall adopt standards including, but not limited to, the following:

(a) An accredited exhaust emission control device shall not cost more than eighty-five dollars (\$85), including the cost of installation. If the board certifies and requires more than one device for a single type of vehicle pursuant to Section 39107.5, the total cost, including installation, of all such devices for such vehicle shall not exceed eighty-five dollars (\$85).

(b) An accredited exhaust emission control device shall not require maintenance more than once each 12,000 miles, and such maintenance shall not cost more than fifteen dollars (\$15), including the cost of parts and labor.

(c) An accredited exhaust control device shall equal or exceed the performance criteria established by the board for devices for new motor vehicles or, in the alternative, have an expected useful life of at least 30,000 miles of operation.

(d) Standards for an accredited fuel system evaporative loss control device shall take into consideration the cost of the device and its installation, its durability, the ease and facility of determining whether the device, when installed on a motor vehicle is properly functioning, and any other factors which, in the opinion of the board, render such a device suitable or unsuitable for the control of motor vehicle air pollution or for the health, safety, and welfare of the public.

(e) An accredited fuel system evaporative loss control device shall equal or exceed the performance criteria established

by the board for such new devices required on new motor vehicles, or in the alternative, must have an expected useful life of at least 50,000 miles of operation.

SEC. 3. Section 39182 of the Health and Safety Code is amended to read:

39182. Any manufacturer of a device required by this article shall, as a condition of accreditation of such device by the board, agree that so long as only one such device is accredited by the board such manufacturer shall either: (1) agree to enter into such cross licensing or other agreements as the board determines are necessary to insure adequate competition among manufacturers of such devices to protect the public interest; or (2) agree as a condition to such accreditation that if only one such device from one manufacturer is made available for sale to the public, the board shall, taking into consideration the cost of manufacturing the device and the manufacturer's suggested retail price, and in order to protect the public interest, determine the fair and reasonable retail price of such device and may require, as a condition to continued accreditation of such device, that the retail price of such device, including installation, not exceed such price as determined by the board. In either event the retail price so determined by the board for a device required by Section 39176 shall not exceed eighty-five dollars (\$85) per vehicle.

SEC. 4. It is the intent of the Legislature, if this bill and Senate Bill No. 622 are both chaptered and amend Section 39180 of the Health and Safety Code, and this bill is chaptered after Senate Bill No. 622, that the amendments to Section 39180 proposed by both bills be given effect and incorporated in Section 39180 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 622 are both chaptered, both amend Section 39180, and Senate Bill No. 622 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 1097

An act to amend Section 13892.2 of the Government Code, relating to the Division of Tourism and Visitor Services.

[Approved by Governor October 18, 1971. Filed with Secretary of State October 18, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 13892.2 of the Government Code is amended to read:

13892.2. The office shall prepare, develop, or coordinate the preparation of, literature, pamphlets, maps, or other material designed to encourage and promote the tourist industry of this state, including:

(a) The development of a map of California designed to meet the needs of the pleasure visitor.

The map provided for in this subdivision shall be oriented towards the recreational and environmental values of the state and shall feature the official state scenic highways, roadside rests, vista points and other recreational stopping places. The state expenses incurred in preparing and distributing the map provided for in this section shall be recovered from the proceeds of the sale of the map. The map shall not contain photographs of, or statements by, any elective state officer.

(b) A basic piece of literature suitable for mass distribution by the office and by regional promotion organizations requesting such literature. Such literature shall provide information which will enable visitors to contact regional organizations in areas which they plan to visit. The literature shall not give any special advantage to any region of the state nor shall any advertising or promotional literature use photographs of, or statements by, any elective state officer.

(c) Material for distribution in other countries through the United States Travel Service.

CHAPTER 1098

An act to amend Section 1215.4, to amend and renumber Sections 1215.13 and 1215.14 of, and to add Section 1215.13 to, the Insurance Code, relating to insurance.

[Approved by Governor October 18, 1971. Filed with Secretary of State October 18, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1215.4 of the Insurance Code is amended to read:

1215.4. (a) Every insurer which is authorized to do business in this state and which is a member of an insurance holding company system shall register with the commissioner, except a foreign insurer subject to disclosure requirements and standards adopted by statute or regulation in the jurisdiction of its domicile which are substantially similar to those contained in this section. Such exemption from registration for such foreign insurers shall not apply to any commercially domiciled insurer within this state, as provided in Section 1215.13. Any insurer which is subject to registration under this section shall register within 60 days after the effective date of this article or 15 days after it becomes subject to registration, whichever is later, unless the commissioner for good cause shown extends the time for registration, and then within such extended time. The commissioner may require a holding company system which is not subject to registration under this section to furnish a copy of the registration statement or other

information filed by such insurance company with the insurance regulatory authority of domiciliary jurisdiction.

(b) Every insurer subject to registration shall file a registration statement on a form provided by the commissioner, which shall contain current information about the following:

(1) The capital structure, general financial condition, ownership, and management of the insurer and any person controlling such insurer;

(2) The following agreements in force, relationships subsisting, and transactions currently outstanding between such insurer and its affiliates:

(i) Loans, other investments, or purchases, sales, or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;

(ii) Purchases, sales, or exchanges of assets;

(iii) Transactions not in the ordinary course of business;

(iv) Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;

(v) All management and service contracts and all cost-sharing arrangements, other than cost allocation arrangements based upon generally accepted accounting principles;

(vi) Reinsurance agreements covering all or substantially all of one or more lines of insurance of the ceding company.

(3) Other matters as may be included in registration forms adopted by the National Association of Insurance Commissioners, to the extent required by the commissioner.

(c) No information need be disclosed on the registration statement filed pursuant to subdivision (b) of this section if such information is not material for the purposes of this article. Unless the commissioner by rule, regulation, or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, or investments, involving one-half of 1 percent or less of an insurer's admitted assets, as of the 31st day of December next preceding, shall not be deemed material for purposes of this section.

(d) Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions on amendment forms provided by the commissioner within 15 days after the end of the month in which it learns of each such change or addition. However, subject to this subdivision, each registered insurer shall so report all dividends and other distributions to shareholders promptly upon the declaration thereof.

(e) The commissioner shall terminate the registration of any insurer which demonstrates that it no longer is a member of an insurance holding company system.

(f) The commissioner may require or allow two or more affiliated insurers subject to registration hereunder to file a consolidated registration statement or consolidated reports

amending their consolidated registration statement or their individual registration statements

(g) The commissioner may allow any insurer which is authorized to do business in this state and which is part of an insurance holding company system to register on behalf of any affiliated insurer which is required to register under subdivision (a) of this section and to file all information and material required to be filed under this article

(h) The provisions of this section shall not apply to any insurer, information, or transaction if and to the extent that the commissioner by rule, regulation, or order shall exempt the same from the provisions of this section as not comprehended within the purposes of this section.

(i) Any person may file with the commissioner a disclaimer of affiliation with any authorized insurer or such a disclaimer may be filed by such insurer or any member of an insurance holding company system. The disclaimer shall fully disclose all material relationships and bases for affiliation between such person and such insurer, as well as the basis for disclaiming such affiliation. After a disclaimer has been filed, the insurer shall be relieved of any duty to register or report under this section which may arise out of the insurer's relationship with such person unless and until the commissioner disallows such a disclaimer. The commissioner shall disallow such a disclaimer only after furnishing all parties in interest with notice and opportunity to be heard and after making specific findings of fact to support such disallowance.

(j) The failure to file a registration statement or any amendment thereto required by this section within the time specified for such filing shall be a violation of this article.

SEC. 2. Section 1215 13 of the Insurance Code is amended and renumbered to read:

1215 14. All laws and parts of laws of this state inconsistent with this article are hereby superseded with respect to matters covered by this article.

SEC 3. Section 1215.13 is added to the Insurance Code, to read

1215.13. (a) For the purposes of this article only, every foreign insurer except an insurer described in Article 2 (commencing with Section 12350) of Chapter 1 of Part 6 of Division 2, which is authorized to do business in this state and which, during its three preceding fiscal years taken together, or during any lesser period of time if it has been licensed to transact its business in California only for such lesser period of time, has written an average of more gross premiums in the State of California than it has written in its state of domicile during the same period, and such gross premiums written constitute 33 percent or more of its total gross premiums written everywhere in the United States for such three-year or lesser period, as reported in its three most recent annual state-

ments, shall be deemed a "commercially domiciled insurer" within the State of California.

(b) Every commercially domiciled insurer, as defined in this section, which the commissioner shall find has assets and the evidences of title thereto physically located in California, including evidences of debt wherever located which are secured by recorded deeds of trust or recorded mortgages on real property located in California, in an amount less than five million dollars (\$5,000,000), or whose assets and evidences of title thereto in California are less than its California policyholder liability, whichever sum is lesser, as determined by the commissioner, shall thereafter be subject to all the provisions of this article in the same manner and to the same extent as domestic insurers, and shall be so notified in writing.

(c) The commissioner may exempt from the provisions of this article any commercially domiciled insurer made subject to this article by subdivision (b) if he shall determine that it has a sufficiently large amount of assets and the evidences of title thereto physically located in California, or that the ratio of such assets to its California policyholder liability is sufficiently large, as to justify the conclusion that there is no reasonable danger that the operations or conduct of the business of such insurer could present a danger of loss to California policyholders.

(d) This section shall not, however, be construed to exempt any foreign insurer which is authorized to do business in this state, including a commercially domiciled insurer, from the provisions of any other sections of this article which may be applicable to such insurer.

SEC. 4. Section 1215.14 of the Insurance Code is amended and renumbered to read:

1215.15. If any provision of this article or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and for this purpose the provisions of this article are separable.

CHAPTER 1099

An act to add Article 25 (commencing with Section 53035) to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, relating to local agency property.

[Approved by Governor October 18, 1971. Filed with Secretary of State October 18, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Article 25 (commencing with Section 53035) is added to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 2.5. Disposal of Coastal Property

53035. It is the policy of this state to protect public access to beaches and coastal lands.

53036. No local agency as defined in Section 54951 shall sell, lease, or otherwise transfer real property owned by it and lying between the high water line of the Pacific Ocean and the public street or highway nearest the Pacific Ocean without reserving to the public the right of access over such real property, unless such local agency or its grantee shall make available to the public an alternate route which, in the judgment of the local agency, gives equal or greater public access to the Pacific Ocean in the same immediate vicinity.

CHAPTER 1100

An act to amend Section 25485.2 of the Education Code, relating to community college districts.

[Approved by Governor October 18, 1971. Filed with Secretary of State October 18, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 25485.2 of the Education Code is amended to read:

25485.2. Any part of a community college district may be transferred to another community college district in the manner provided in Article 3 (commencing with Section 2361) of Chapter 5 of Division 5 of this code except that no part of a community college district shall be transferred to another community college district unless the transfer is approved by the governing boards of the community college districts affected.

CHAPTER 1101

An act to amend Section 3247 of the Civil Code, relating to contractor bonds.

[Approved by Governor October 18, 1971. Filed with Secretary of State October 18, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 3247 of the Civil Code is amended to read:

3247. Every original contractor to whom is awarded a contract by a public entity involving an expenditure in excess of ten thousand dollars (\$10,000) for any public work shall, before entering upon the performance of the work, file a pay-

ment bond with and approved by the officer or public entity by whom the contract was awarded

A public entity shall state in its call for bids for any such contract that such a bond is required in the case of such an expenditure.

CHAPTER 1102

An act to amend Section 13467 of the Education Code, relating to certificated employees.

[Approved by Governor October 18, 1971. Filed with
Secretary of State October 18, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 13467 of the Education Code is amended to read:

13467. When a person employed in a position requiring certification qualifications is absent from his duties on account of illness or accident for a period of five school months or less, whether or not the absence arises out of or in the course of the employment of the employee, the amount deducted from the salary due him for any month in which the absence occurs shall not exceed the sum which is actually paid a substitute employee employed to fill his position during his absence or, if no substitute employee was employed, the amount which would have been paid to the substitute had he been employed. The school district shall make every reasonable effort to secure the services of a substitute employee

The governing board of every school district shall adopt a salary schedule for substitute employees. The salary schedule shall indicate a salary for a substitute for all categories or classes of certificated employees of the district.

Excepting in a district the governing board of which has adopted a salary schedule for substitute employees of the district, the amount paid the substitute employee during any month shall be less than the salary due the employee absent from his duties.

When a person employed in a position requiring certification qualifications is absent from his duties on account of illness for a period of more than five school months, or when a person is absent from his duties for a cause other than illness, the amount deducted from the salary due him for the month in which the absence occurs shall be determined according to the rules and regulations established by the governing board of the district. Such rules and regulations shall not conflict with rules and regulations of the State Board of Education.

Nothing in this section shall be construed so as to deprive any district, city, or city and county of the right to make any reasonable rule for the regulation of accident or sick leave

or cumulative accident or sick leave without loss of salary for persons requiring certification qualifications.

This section shall be applicable whether or not the absence from duty is by reason of a leave of absence granted by the governing board of the employing district.

CHAPTER 1103

An act to add Division 13 (commencing with Section 29000) to the Financial Code, and to add Article 5.8 (commencing with Section 778) to Chapter 1 of Part 2 of Division 1 of the Insurance Code, relating to financing insurance premiums.

[Approved by Governor October 18, 1971. Filed with Secretary of State October 18, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Division 13 (commencing with Section 29000) is added to the Financial Code, to read:

DIVISION 13. PREMIUM FINANCING

29000. As used in this division, "premium financing" means engaging in the business of advancing money, directly or indirectly, to an insurer or producer at the request of an insured pursuant to the terms of a premium finance agreement, wherein the insured has assigned the unearned premiums, accrued dividends, or loss payments as security for such advancement in payment of premiums on insurance contracts only, and does not include the financing of insurance contract premiums purchased in connection with the financing of goods and services.

29001. As used in this division, "finance charge" means any amount which the insured agrees to pay in excess of the premium and fees charged by the insurer or producer, and exclusive of the cost of credit life insurance and attorney fees.

29002. As used in this division, "premium finance agreement" means a loan contract, note, agreement, or obligation by which an insured agrees to pay to a lender in installments the principal amount advanced by the lender to an insurer or producer in payment of premium on an insurance contract or contracts, plus charges, with the assignment, as security therefor, of the unearned premiums, accrued dividends, or loss payments.

29003. Any person engaged in premium financing may pay compensation to a licensed insurance agent or broker for arranging, directing or performing services in connection with a premium finance agreement, provided, that the premium financier shall maintain for inspection by the appropriate regulatory authority for a period of three years a statement, in a manner and form approved by the regulatory authority,

setting forth the fees paid to individual insurance agents and brokers who are paid for services in connection with premium financing.

SEC. 2. Article 5.8 (commencing with Section 778) is added to Chapter 1 of Part 2 of Division 1 of the Insurance Code, to read:

Article 5.8. Premium Financing

778. As used in this article, "premium financing" means engaging in the business of advancing money, directly or indirectly, to an insurer or producer at the request of an insured pursuant to the terms of a premium finance agreement, wherein the insured has assigned the unearned premiums, accrued dividends, or loss payments as security for such advancement in payment of premiums on insurance contracts only, and does not include the financing of insurance contract premiums purchased in connection with the financing of goods and services.

778.1. As used in this article "premium finance agreement" means a loan contract, note, agreement, or obligation by which an insured agrees to pay to a lender in installments the principal amount advanced by the lender to an insurer or producer in payment of premium on a insurance contract or contracts, plus charges, with the assignment, as security therefor, of the unearned premiums, accrued dividends, or loss payments.

778.2. (a) Any person engaged in business as an insurance agent or broker and who participates in the arrangement of a premium financing agreement shall, if he accepts compensation for arranging, directing, or performing services in connection with the premium financing agreement, disclose to the insured, in a manner and form established by the commissioner, the amount of compensation he is to receive from the premium financier and maintain for three years and make available to the commissioner a list of accounts in connection with which he has accepted compensation for premium financing services showing the amount of such compensation with respect to each premium financing agreement and with respect to each financing schedule used by the agent or broker.

(b) The commissioner shall hold a hearing and adopt by regulation a standard procedure and form for making the disclosure to the insured required by subdivision (a).

CHAPTER 1104

An act to amend Section 31006 of, and to add Section 31007 to, the Government Code, relating to property tax administration.

The people of the State of California do enact as follows:

SECTION 1 Section 31000.6 of the Government Code is amended to read:

31000.6 Upon request of the assessor of the county, the board of supervisors shall contract with and employ legal counsel to assist the assessor in the performance of his duties in any case where the county counsel or the district attorney would have a conflict of interest in representing the assessor.

In the event that the board of supervisors does not concur with the assessor that a conflict of interest exists, the assessor, after giving notice to the county counsel or the district attorney, may initiate an ex parte proceeding before the presiding judge of the superior court. The county counsel or district attorney may file an affidavit in such proceeding in opposition to, or in support of, the assessor's position. If the presiding judge determines that a conflict of interest does exist, the board of supervisors shall immediately employ legal counsel to assist the assessor.

SEC. 2. Section 31000.7 is added to the Government Code, to read:

31000.7. The same law firm shall not be employed to advise or represent both the assessor and the county board of equalization on any matters relating to hearings before the county board of equalization. This prohibition shall not apply to the county counsel's office. Individual representatives of that office may represent the assessor and the county board of equalization, as long as the same individual does not represent both parties.

CHAPTER 1105

An act to amend Sections 65553, 65566, 65567, and 65600 of, to add Section 65673 to, and to repeal Section 65675 of the Agricultural Code, relating to table grapes.

[Approved by Governor October 18, 1971. Filed with Secretary of State October 18, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 65553 of the Agricultural Code is amended to read:

65553 The members of the commission shall be natural persons, each of whom shall be a citizen and resident of this state over the age of 25 years, and each of whom, as an individual, partner or employee of a producer or producers, is and has been actively engaged in growing fresh grapes within this state for a period of at least five years and is producing grapes subject to the provisions of this chapter at the time of the election. Not more than two members shall be persons employed by, or connected in a proprietary capacity with, the

same corporation, firm, partnership, association or business organization; provided further, that not more than one member in any one district shall be so employed or connected. The qualifications of members of the commission, as herein set forth, must continue during their term of office.

SEC. 2. Section 65566 of the Agricultural Code is amended to read:

65566. Subsequent to the first election after the effective date of this chapter, persons to be appointed to the office of commissioner by the Director of Agriculture shall be selected pursuant to such nomination and appointment procedures as may be established by the rules and regulations adopted by the commission in accordance with the provisions of this chapter and approved by the director.

SEC. 3. Section 65567 of the Agricultural Code is amended to read:

65567. In the event the office of a commissioner becomes vacant due to failure to qualify, resignation, disqualification, death or for any other reason, such position shall be filled by an election held by the commission. Nominations shall be received by the commission from the remaining commissioners in the district where the vacancy exists. An election shall then be held by the commission and a majority vote shall elect a commissioner, subject to appointment by the director, to fill out the unexpired term for which such election is being held. Vacancies occurring within six months prior to a regular district election may remain vacant until the next regular election. Commission members elected at special elections shall serve the unexpired term of the office to which they are appointed.

SEC. 4. Section 65600 of the Agricultural Code is amended to read:

65600. There is hereby levied and imposed upon all fresh grapes shipped during the marketing season, commencing May 1, 1967, and ending April 30, 1968, and in each marketing season thereafter, an assessment as fixed by the commission at that amount determined by the commission as reasonably necessary to pay all obligations incurred or to be incurred in accordance with this chapter and as reasonably necessary to carry out the objects and purposes of this chapter; provided, that during the first marketing season such assessment shall not exceed \$0.000577 per pound (\$0.0577 per 100 pounds) net weight when shipped, whether in bulk or loose in boxes or any other container or packed in any style package, and in subsequent marketing seasons such assessment shall not exceed \$0.001924 per pound (\$0.1924 per 100 pounds), computed on net weight when shipped, whether in bulk or loose in boxes or in any other container or packed in any style package.

There shall be exempt from such assessments all shipments of 150 pounds or less of fresh grapes sold or shipped by a producer direct to the consumer.

SEC. 5. Section 65675 of the Agricultural Code is repealed.

SEC. 6. Section 65675 is added to the Agricultural Code, to read:

65675. Between January 1 and March 31 of each fifth calendar year commencing with the year 1972, the director shall cause a referendum to be conducted by the commission among producers in the manner prescribed in Section 65573 to determine whether the operations of the provisions of this chapter shall be reapproved and continued effective. The vote for approval and continuation shall be the same as used for the original approval of the provisions of this chapter. If the commission finds that a favorable vote has been given, it shall so certify to the director and all provisions of this chapter shall remain effective. If the commission finds that a favorable vote has not been given, it shall so certify to the director who shall declare the operation of the provisions of this chapter and the commission suspended upon the expiration of the current marketing season ending April 30. Thereupon, the operations of the commission shall be wound up and funds distributed in the manner provided in Sections 65662 and 65663. No bond or security shall be required for any such referendum.

CHAPTER 1106

An act to amend Section 29007.5 of, and to add Section 5992.5 to, the Education Code, and to amend Section 1295 of, to add Section 1391.1 to, and to repeal Section 1295.5 of, the Labor Code, relating to vocational training and employment of minors.

[Approved by Governor October 18, 1971. Filed with Secretary of State October 18, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5992.5 is added to the Education Code, to read:

5992.5 Sections 1292, 1293, and 1294 of the Labor Code shall not apply to work experience education programs established pursuant to this article, provided that the work experience coordinator determines that the students have been sufficiently trained in the employment or work otherwise prohibited, if parental approval is obtained, and the principal or the counselor of the student has determined that the progress of the student toward graduation will not be impaired.

SEC. 2. Section 29007.5 of the Education Code is amended to read:

29007.5 Except as otherwise provided for in this code, no course of education or training leading to an educational, technological, professional or vocational objective shall be offered, and no diploma or honorary degree shall be issued or conferred, by any person, firm, association, partnership, or

corporation which has not been approved by the Superintendent of Public Instruction. Application for such approval shall be made in writing on application forms provided by the Department of Education. Pending final approval of new or added courses of instruction, the Superintendent of Public Instruction shall issue a temporary approval upon submission of the complete application. Courses offered for adults by any parochial or denominational school, or persons, firms, associations, partnerships, or corporations that have met the requirements of other sections of this division, or are offered solely for avocational or recreational purposes, will not be required to be approved under this section.

The Superintendent of Public Instruction may approve the application for recognition of such courses for a period of one year and shall grant subsequent approvals for periods of three years when an institution is found by the Department of Education to meet the following criteria:

(1) The courses, curriculum, and instruction are consistent in quality, content, and length with similar courses in public schools or other private schools, or both, in the state, with recognized accepted standards; or that the course, curriculum, and instruction meet recognized accepted standards for reaching the professed or claimed objective for that particular course

(2) There is in the institution adequate space, equipment, instructional material, and instructor personnel to provide training of the quality needed to attain the objective of that particular course.

(3) Educational and experience qualifications of directors, administrators, and instructors are adequate.

(4) The institution maintains written records of the student's previous education and training with recognition where applicable.

(5) A copy of the course outline, schedule of tuition, fees and other charges, regulations pertaining to tardiness, absence, grading policy and rules of operation and conduct is available to students upon enrollment.

(6) The institution maintains adequate records to show attendance, progress, and grades.

(7) The institution complies with all local city, county, municipal, state and federal regulations such as fire, building, and sanitation codes. The Department of Education may require evidence of compliance.

(8) The institution is financially capable of fulfilling its commitments for its approved courses.

(9) The institution does not utilize advertising of any type which is erroneous or misleading, either by actual statement, omission, or intimation. With respect to a school having courses approved by the Superintendent of Public Instruction, the school can advertise to the effect that the particular course has been approved by the Superintendent of Public Instruction.

(10) The institution does not exceed enrollment facilities and equipment.

(11) The institution's administrator, director, owner, and instructors are of good reputation and character.

(12) The institution has and maintains a policy in reference to refund of the unused portion of tuition fees and other charges in the event the student fails to enter the course, or withdraws therefrom at any time prior to completion of the course.

Upon completion of training, the institution may award an appropriate written document to the student indicating the training and attendance completed.

The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the Superintendent of Public Instruction made pursuant to this section.

Sections 1292, 1293, and 1294 of the Labor Code shall not apply to work experience education programs established pursuant to this section, provided there is continuous and competent supervision by a qualified person.

SEC. 3. Section 1295 of the Labor Code is amended to read:

1295. The provisions of Sections 1292, 1293, and 1294 shall not apply to:

(a) Courses of training in vocational or manual training schools or in state institutions.

(b) Apprenticeship training provided in an apprenticeship training program established pursuant to Chapter 4 (commencing with Section 3070) of Division 3.

(c) Work experience education programs conducted pursuant to either or both Section 29007.5 and Article 5.5 (commencing with Section 5985) of Chapter 6 of Division 6 of the Education Code, provided that the work experience coordinator determines that the students have been sufficiently trained in the employment or work otherwise prohibited by such sections, if parental approval is obtained, and the principal or the counselor of the student has determined that the progress of the student toward graduation will not be impaired.

SEC. 4. Section 1295.5 of the Labor Code is repealed.

SEC. 5. Section 1391.1 is added to the Labor Code, to read:

1391.1. Minors 16 years of age or older and under the age of 18 years enrolled in work experience education programs approved by the State Department of Education may work after 10 p.m. but not later than 12:30 a.m., providing such employment is not detrimental to the health, education, or welfare of the minor and the approval of the parent and the work experience coordinator has been obtained. However, if any such minor works any time during the hours from 10 p.m. to 12:30 a.m., he shall be paid for work during that time at a rate which is not less than the minimum wage paid to adults.

CHAPTER 1107

An act to amend Sections 135, 601, 626, 627, 628, 633, 637, 638, 641, 642, 675, 676, 702, 704, 707, 709, 710, 926, 930, 976, 976.5, 980, 980.5, 993, 1025, 1027, 1029, 1267, 1277, 1277.5, 1279, and 1335, and to amend Sections 1456 and 1457, as proposed by Assembly Bill No. 271 of the 1971 Regular Session, of, to add Sections 125.3, 125.4, 125.5, 135.1, 142.5, 455.5, 455.7, 603.5, 605.1, 608, 609, 610, 634.5, 642.5, 646, 647, 648, 677, 702.1, 710.1, 710.2, 710.5, 711.1, 1253.3, and 2606.2 to, and Article 15 (commencing with Section 621) and Article 5 (commencing with Section 801) to Chapter 3 of Part 1 of Division 1 of, and to repeal Sections 630, 634, 637.1, 677, 679, 711, 713, 976.1, 976.6, and 1272 of, the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 18, 1971. Filed with Secretary of State October 18, 1971.]

The people of the State of California do enact as follows:

SECTION 1 Section 125.3 is added to the Unemployment Insurance Code, to read:

125.3. "American aircraft" means an aircraft registered under the laws of the United States.

SEC 2. Section 125.4 is added to the Unemployment Insurance Code, to read:

125.4. "American employer" means a person who is any of the following:

(a) An individual who is a resident of the United States.

(b) A partnership, if two-thirds or more of the partners are residents of the United States.

(c) A trust, if all of the trustees are residents of the United States.

(d) A corporation organized under the laws of the United States or of any state.

SEC. 3. Section 125.5 is added to the Unemployment Insurance Code, to read:

125.5. "American vessel" means any vessel documented or numbered under the laws of the United States, and includes any vessel which is neither documented or numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any state.

SEC. 4. Section 135 of the Unemployment Insurance Code is amended to read:

135. "Employing unit" means any individual or type of organization, including, but not limited to, a joint venture, partnership, association, trust, estate, joint stock company, insurance company, corporation whether domestic or foreign, community chest, fund, foundation, public housing administra-

tion agency, whether operated by state or local governmental subdivisions, the State of California with respect to service performed by a blind individual and an otherwise handicapped individual in connection with his employment pursuant to Section 605.5, the State of California (including the Trustees of the California State Colleges) and any instrumentality of this state (including the Regents of the University of California) or of this state and one or more other states with respect to service performed for a hospital or institution of higher education located in this state, any instrumentality of the United States required to make payments under this division, and the receiver, trustee in bankruptcy, trustee or successor thereof, and the legal representative of a deceased person, which has in its employ one or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit which maintains two or more separate establishments within this state shall be deemed to be employed by a single employing unit for all the purposes of this division.

SEC. 4.5 Section 135.1 is added to the Unemployment Insurance Code, to read:

135.1 "Employing unit" also means any individual or type of organization or public entity which elects coverage pursuant to any provision of this division.

SEC. 5 Section 142.5 is added to the Unemployment Insurance Code, to read:

142.5 "United States" includes the states, the District of Columbia, and the Commonwealth of Puerto Rico. An individual who is a citizen of the Commonwealth of Puerto Rico (but not otherwise a citizen of the United States) shall be considered as a citizen of the United States.

SEC. 6. Section 455.5 is added to the Unemployment Insurance Code, to read:

455.5. This state shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment covered under this division with his wages and employment covered under the unemployment compensation law of other states which are approved by the Secretary of Labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations. Any such arrangement shall include provisions for both of the following:

(a) Applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two or more state laws.

(b) Avoiding duplicate use of wages and employment by reason of such combining.

SEC. 7. Section 455.7 is added to the Unemployment Insurance Code, to read:

455.7. Notwithstanding any other provision of this division, benefits shall not be denied or reduced to an individual

solely because he files a claim in another state, or a contiguous country with which the United States has an agreement with respect to unemployment compensation, or because he resides in another state or such a contiguous country at the time he files a claim for unemployment compensation.

SEC. 8. Section 601 of the Unemployment Insurance Code is amended to read:

601 "Employment" means service, including service in interstate commerce, performed by an employee for wages or under any contract of hire, written or oral, express or implied.

SEC. 9. Section 603.5 is added to the Unemployment Insurance Code, to read:

603.5. "Employment" includes an individual's entire service, wherever performed within the United States, the Virgin Islands or Canada, if such service is not covered under the unemployment compensation law of any other state, the Virgin Islands or Canada, and the place from which the service is directed or controlled is in this state.

SEC. 10. Section 605.1 is added to the Unemployment Insurance Code, to read:

605.1. "Employment" for the purposes of this part and Parts 3 (commencing with Section 3501) and 4 (commencing with Section 4001) of this division, except as provided by Section 634.5, includes all service performed in the employ of the State of California, or any instrumentality of this state or of this state and one or more other states, for a hospital or institution of higher education located in this state, if such service is excluded from "employment" under the Federal Unemployment Tax Act solely by reason of paragraph (7) of Section 3306(c) of that act. As used in this section, "State of California", "instrumentality of this state", and "this state" include the Regents of the University of California and the Trustees of the California State Colleges. For purposes of this section, "institution of higher education" means an educational institution which is a college or university or which:

(a) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate

(b) Is legally authorized within this state to provide a program of education beyond high school.

(c) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, or offers a program of training to prepare students for gainful employment in a recognized occupation; and

(d) Is a public or other nonprofit institution.

SEC. 11. Section 608 is added to the Unemployment Insurance Code, to read:

608 "Employment", except as provided by Section 634.5, includes service excluded from "employment" under the Federal Unemployment Tax Act solely by reason of paragraph (8) of Section 3306(c) of that act because it is service per-

formed in the employ of a religious, charitable, educational, or other nonprofit organization described in Section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from income tax under Section 501(a) of that code.

SEC. 12 Section 609 is added to the Unemployment Insurance Code, to read:

609. (a) "Employment" includes service performed for an employing unit on or in connection with an American vessel operating on navigable waters within or within and without the United States or on or in connection with an American aircraft operating within or within and without the United States, if the employing unit maintains in this state an operating office from which the operations of the American vessel or American aircraft are ordinarily and regularly supervised, managed, directed, and controlled, and such services are included in "employment" under the Federal Unemployment Tax Act.

(b) All of the provisions of this division shall be applicable to an employing unit and to service performed in "employment" under this section in the same manner and to the same extent as to all other employers, and the wage credits given to, and the payment of benefits to, any employee of an employing unit under this section shall be in the same amount, on the same terms, and subject to the same conditions as applied to employees of other employers under this division.

SEC. 13. Section 610 is added to the Unemployment Insurance Code, to read:

610. "Employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States (except in Canada or the Virgin Islands), after December 31, 1971, in the employ of an American employer as defined in Section 125.4 other than service which is deemed "employment" under Section 602 or 603 or the equivalent provisions of another state's unemployment compensation law, if:

(a) The employer's principal place of business in the United States is located in this state; or

(b) The employer has no place of business in the United States, but:

(1) The employer is an individual who is a resident of this state; or

(2) The employer is a corporation which is organized under the laws of this state; or

(3) The employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any one other state; or

(c) None of the criteria of subdivisions (a) and (b) of this section is met but the employer has elected coverage in this state or, the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under this division.

SEC. 14. Article 1.5 (commencing with Section 621) is added to Chapter 3 of Part 1 of Division 1 of the Unemployment Insurance Code, to read:

Article 1.5. Employee

621. "Employee" means all of the following:

(a) Any officer of a corporation.

(b) Any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee.

(c) (1) Any individual, other than an individual who is an employee under subdivision (a) or (b), who performs services for remuneration for any employing unit if the contract of service contemplates that substantially all of such services are to be performed personally by such individual either:

(A) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or drycleaning services, for his principal.

(B) As a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations.

(2) An individual shall not be included in the term "employee" under the provisions of this subdivision if such individual has a substantial investment in facilities used in connection with the performance of such services, other than in facilities for transportation, or if the services are in the nature of a single transaction not part of a continuing relationship with the employing unit for whom the services are performed.

(d) Any individual who is an employee pursuant to Section 601.5.

622. (a) "Employee" does not include a director of a corporation or association performing services in his capacity as a director. This section shall not apply to service included in "employment" pursuant to Sections 605.1, 608, and 710.2.

(b) "Services in his capacity as a director" includes either:

(1) Presence at meetings of the board of directors, even though no further service is performed at the meeting.

(2) Services customarily performed by directors in attending meetings of the board of directors such as prescribing, regulating, and guiding the policies and administration of the corporation or association.

(c) "Services in his capacity as a director" does not include services performed by a director in addition to, or other than those described in subdivision (b) of this section. For example, services performed as an officer of the corporation or

association, or as a member of a committee which executes the policies and administrative decisions adopted by the board of directors such as advisory, appraisal, auditing, credit, examining, executive, loan or similar committees are not "services in his capacity as a director".

SEC. 15. Section 626 of the Unemployment Insurance Code is amended to read:

626. Agricultural labor includes all services performed on a farm in the employ of any person:

(a) In connection with the preparation, care and treatment of farmland, including leveling for agricultural purposes, plowing, disking, and fertilizing the soil.

(b) In connection with the sowing and planting of any agricultural or horticultural commodity.

(c) In connection with the care of any agricultural or horticultural commodity. As used in this subdivision "care" includes, but is not limited to, cultivation, weed control, thinning, heating, fumigating, spraying, and dusting, but does not include irrigation.

(d) In connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit except as provided by subdivision (c) of Section 627, used exclusively for supplying and storing water for agricultural or horticultural purposes, and includes such services when performed off a farm.

(e) In connection with the harvesting of any agricultural or horticultural commodity. As used in this subdivision "harvesting" includes, but is not limited to, picking, cutting, threshing, knocking off, field chopping, bunching, baling (including hay baling), field packing, and placing in field containers or in the vehicle in which the commodity will be hauled on the farm or to the place of first processing. By way of illustration, the placing of cotton in picking bags or other containers or vehicles, the field packing of berries and table and shipping grapes, the field packing of lettuce and other vegetables, the sacking of grain and the sewing of such sacks of grain, are included within the term "harvesting" as used in this subdivision.

(f) In connection with the assembly and storage of any agricultural or horticultural commodity. As used in this subdivision "assembly and storage" includes, but is not limited to, loading, roadsiding, banking, stacking, binning, and piling.

(g) In connection with the raising, feeding and management of livestock, mink, poultry, rabbits and bees, including, but not limited to, herding, housing, hatching, milking, shearing, handling eggs and extracting honey.

SEC. 16. Section 627 of the Unemployment Insurance Code is amended to read:

627. Agricultural labor includes all services performed in the employ of the owner or tenant in possession of a farm and engaged in the operation of such farm:

(a) In connection with the handling, drying, packing, packaging, processing, freezing, grading, storing, marketing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity the major part of which was produced by such owner or tenant.

(b) In connection with the operation, management, conservation, improvement or maintenance of such farm and its tools and equipment if the major part of such services are performed on a farm in connection with ordinary farming operations.

(c) In connection with irrigation or the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water, the major part of which is used by such owner or tenant for the agricultural or horticultural purposes of such farm.

(d) The provisions of subdivisions (a) and (b) are not applicable with respect to services performed in connection with commercial canning or commercial freezing operations or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption, or to manufacturing or commercial operations as distinguished from ordinary farming operations.

SEC. 17. Section 628 of the Unemployment Insurance Code is amended to read:

628. As used in Sections 626 and 627, the term "farm" includes, among others, stock, mink, rabbit, dairy, poultry, fruit and truck farms, plantations, ranches, ranges, apiaries, orchards, vineyards, nurseries, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities.

SEC. 18. Section 630 of the Unemployment Insurance Code is repealed.

SEC. 19. Section 633 of the Unemployment Insurance Code is amended to read:

633. Except as provided in Sections 603.5, 605, 605.1, 605.5, 709, 710, 710.2, and 710.5, and in Chapter 5.5 (commencing with Section 1451) of this part, "employment" does not include service performed in the employ of a state, a political subdivision thereof, or an instrumentality of one or more states or political subdivisions.

SEC. 20. Section 634 of the Unemployment Insurance Code is repealed.

SEC. 21. Section 634.5 is added to the Unemployment Insurance Code, to read:

634.5. Notwithstanding any other provision of this division, no provision of this article excluding service from "employment" shall apply to any employing unit described by Section 605.1 or 608, except as provided by this section. With respect to any employing unit described by Section 605.1 or 608, "employment" does not include service excluded under

Sections 625 to 629, inclusive, 631, 635, and 639 to 649, inclusive, or service performed in any of the following:

(a) In the employ of (1) a church or convention or association of churches or (2) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches.

(b) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order.

(c) In the employ of a school which is not an institution of higher education.

(d) By an individual receiving such rehabilitation or remunerative work in a facility conducted for the purpose of carrying out a program of either:

(1) Rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury;

(2) Providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market.

(e) As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training.

(f) For a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution.

SEC. 22. Section 637 of the Unemployment Insurance Code is amended to read:

637. "Employment" does not include service performed by the officers and director of a corporation who are the sole shareholders of the corporation and it is not subject to the Federal Unemployment Tax Act.

SEC. 23. Section 637.1 of the Unemployment Insurance Code is repealed.

SEC. 24. Section 638 of the Unemployment Insurance Code is amended to read:

638. Sections 639 to 648, inclusive, shall be operative only during such time as the respective type or types of service set forth in those sections are similarly excluded from the definition of "employment," in the Federal Unemployment Tax Act.

SEC. 24.5. Section 641 of the Unemployment Insurance Code is amended to read:

641. "Employment" does not include service performed in any calendar quarter in the employ of any organization exempt from federal income tax under Section 501(a) of the Internal Revenue Code of 1954, as amended (other than an organization described in Section 401(a) of that code), or under Section 521

of the Internal Revenue Code of 1954, as amended, if the remuneration for such service is less than fifty dollars (\$50).

SEC. 25. Section 642 of the Unemployment Insurance Code is amended to read:

642. "Employment" does not include service performed in the employ of a school, college, or university, if such service is performed:

(a) By a student who is enrolled and is regularly attending classes at such school, college, or university, or

(b) By the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that:

(1) The employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and

(2) Such employment will not be covered by any program of unemployment insurance or disability compensation.

SEC. 25.5. Section 642.5 is added to the Unemployment Insurance Code, to read:

642.5. "Employment" does not include service performed in the employ of an organization described in Section 509(a)(3) of the Internal Revenue Code of 1954, but only if such organization is organized, and at all times thereafter is operated, exclusively for the benefit of, to perform the functions of, or to carry out the purposes of a school, college, or university and is operated, supervised, or controlled by or in connection with such school, college, or university, if such service is performed:

(a) By a student who is enrolled and is regularly attending classes at such school, college, or university, or

(b) By the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that:

(1) The employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and

(2) Such employment will not be covered by any program of unemployment insurance or disability compensation.

SEC. 26. Section 646 is added to the Unemployment Insurance Code, to read:

646. "Employment" does not include service performed by an individual under the age of 22 who is enrolled at a non-profit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this section shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

SEC. 27. Section 647 is added to the Unemployment Insurance Code, to read:

647. "Employment" does not include service performed in the employ of a hospital, if such service is performed by a patient of such hospital.

SEC. 28. Section 648 is added to the Unemployment Insurance Code, to read:

648. "Employment" does not include service performed on or in connection with a vessel or aircraft not an American vessel or an American aircraft, if the employee is employed on and in connection with such vessel or aircraft when outside the United States.

SEC. 29. Section 675 of the Unemployment Insurance Code is amended to read:

675. "Employer" means any employing unit, which for some portion of a day, has within the current calendar year or had within the preceding calendar year in employment one or more employees and pays wages for employment in excess of one hundred dollars (\$100) during any calendar quarter.

SEC. 30. Section 676 of the Unemployment Insurance Code is amended to read:

676. "Employer" also means any employing unit, for which services are performed that are included in "employment" solely for the purposes of Part 2 (commencing with Section 2601) of this division, which for some portion of a day, has within the current calendar year or had within the preceding calendar year one or more employees performing such services, and pays wages for such service in excess of one hundred dollars (\$100) during any calendar quarter.

SEC. 31. Section 677 of the Unemployment Insurance Code is repealed.

SEC. 32. Section 677 is added to the Unemployment Insurance Code, to read:

677. "Employer" also means any employing unit for which service is performed in "employment" as defined by Section 605.1.

SEC. 33. Section 679 of the Unemployment Insurance Code is repealed.

SEC. 34. Section 702 of the Unemployment Insurance Code is amended to read:

702. Except as provided by Sections 702.1, 710, 710.2, and 710.5, any employing unit for which services that do not constitute employment are performed, may file with the director a written election that all such services performed by individuals in its employ in one or more distinct establishments or places of business shall be deemed to constitute employment by an employer for all the purposes of this division for not less than two calendar years. Upon the written approval of the election by the director, such services shall be deemed to constitute employment subject to this division from and after the date stated in the approval.

SEC. 35. Section 702.1 is added to the Unemployment Insurance Code, to read:

702.1. (a) As used in this section, "nonprofit organization" means any corporation, community chest, fund, or foundation for which services that constitute employment under Section 608 are performed and for which other services that do not constitute employment are performed, or any nonprofit organization described in Section 608 for which all services performed do not constitute employment.

(b) No election filed by a nonprofit organization under Section 702 shall be effective for service performed after December 31, 1971. All elections for coverage filed by a nonprofit organization under Section 702 prior to January 1, 1972, shall be terminated effective December 31, 1971.

(c) Any nonprofit organization for which any services that do not constitute employment are performed may, when requested by a written petition signed by a majority of its employees to be covered by the election, file with the director a written election that the services performed in one or more distinct establishments or places of business and to be covered by the election shall be deemed to constitute employment by an employer for all the purposes of this division for not less than two calendar years. If the director finds that a majority of the employees to be covered by the election have signed the petition, a nonprofit organization shall, upon the written approval of the director, become an employer with respect to such services subject to this division to the same extent as other employers, and services performed by its employees covered by the election, shall constitute employment subject to this division. Beginning at that time it shall withhold from the wages of employees covered by the election the contributions required for unemployment compensation disability benefits.

(d) A nonprofit organization may exclude from coverage under an election pursuant to this section any service excluded under Section 634.5.

(e) Notwithstanding the provisions of subdivision (d), a nonprofit organization shall not exclude from unemployment compensation disability coverage under an election pursuant to this section any service that is included in "employment" for the purposes of Part 2 (commencing with Section 2601) of this division.

(f) In lieu of the contributions required of employers, each nonprofit organization that has elected coverage under this section may elect any method of financing coverage by an election under this section that is permitted under Section 803. Subdivision (c) of Section 801 shall apply to any such election under Section 803.

(g) Except as inconsistent with the provisions of this section, the provisions of this division and authorized regulations shall apply to any matter arising pursuant to this section.

SEC. 36. Section 704 of the Unemployment Insurance Code is amended to read:

704. The director shall not approve an election under Section 701, 702, 702.1, 703, 708, or 708.5 until it has been established to his satisfaction that the employing unit or self-employed individual is normally and continuously engaged in a regular trade, business or occupation.

SEC. 37. Section 707 of the Unemployment Insurance Code is amended to read:

707. Every employing unit which files an election to become an employer pursuant to Section 701, 702, 702.1, 703, 710, or 710.5 or an application for termination pursuant to Section 705, shall post and maintain printed notices of such election or application on his premises, as prescribed by authorized regulation. Individuals in the employ of any employing unit which files an election to become an employer shall be given a reasonable opportunity to file objections or to be heard in the matter prior to the director's approval of the election.

SEC. 38. Section 709 of the Unemployment Insurance Code is amended to read:

709. The state may file with the director a written election to become an employer subject to this division for not less than two calendar years, or to have any of its departments or units become employers subject to this division for not less than two calendar years, and to have the services performed by its employees constitute employment subject to this division for such period. It shall post and maintain printed notices of such election on its premises, as prescribed by authorized regulations. If the director finds that a majority of the employees to be affected by the election to become an employer have voted in favor thereof, such state or department or unit thereof shall, upon the written approval of the election by the director, become an employer subject to this division to the same extent as other employers, and services performed by its employees shall constitute employment subject to this division.

This section shall not apply to employees holding civil service or permanent tenure positions, nor to any services for which an election may be filed under Section 710.5.

SEC. 39. Section 710 of the Unemployment Insurance Code is amended to read:

710. (a) For the purpose of this section, "governmental entity" means political subdivisions or instrumentalities of this state or instrumentalities of this state and of one or more other states or instrumentalities of one or more political subdivisions or departments or units thereof. "Governmental entity" does not include the state.

(b) Except as provided by Sections 710.1 and 710.2, a governmental entity may, when requested by a written petition signed by a majority of the employees (including those with civil service or tenure positions) elect to become an employer subject to this division for not less than two calendar years with respect to all of its employees, and may file its writ-

ten election with the director. If the director finds that a majority of the employees to be affected by the election to become an employer have signed the petition, the governmental entity shall, upon the written approval of the director, become an employer subject to this division to the same extent as other employers, and services performed by its employees, including those with civil service or tenure positions, shall constitute employment subject to this division. Beginning at that time it shall withhold from the wages of employees the contributions required for unemployment compensation disability benefits.

(c) In lieu of the contributions required of employers, each governmental entity that has elected coverage under this section may elect any method of financing coverage by an election under this section that is permitted under Section 803. Any such election under Section 803 shall be terminated on the effective date of the termination of an election for coverage under this section.

(d) The director may require from each governmental entity, such employment, financial, statistical, or other information and reports, properly verified, as may be deemed necessary by the director to carry out his duties under this division, which shall be filed with the director at the time and in the manner prescribed by him.

(e) The director may tabulate and publish information obtained pursuant to this section in statistical form and may divulge the name of the governmental entity.

(f) Each governmental entity shall keep such work records as may be prescribed by the director for the proper administration of this division.

(g) Except as inconsistent with the provisions of this section, the provisions of this division and authorized regulations shall apply to any matter arising pursuant to this section.

SEC. 40. Section 710.1 is added to the Unemployment Insurance Code, to read:

710.1. No election filed under Section 710 shall be effective for service performed after December 31, 1971, in the employ of any instrumentality of this state or of this state and one or more other states for a hospital or institution of higher education located in this state, if such service is excluded from "employment" under the Federal Unemployment Tax Act solely by reason of paragraph (7) of Section 3306(c) of that act. All elections for coverage filed by any such governmental entity under Section 710 prior to January 1, 1972, relating to such service shall be terminated effective December 31, 1971, except that elections to reimburse the additional cost of benefits shall continue in effect, subject to Section 803, unless terminated by the governmental entity, and it shall remain liable for its proportionate share of the additional cost of benefits paid (including extended duration benefits and federal-state extended benefits), which are based on wages paid for services during the period of the election to reimburse benefits.

SEC. 41. Section 710.2 is added to the Unemployment Insurance Code, to read:

710.2. (a) Any political subdivision of this state for which services are performed in a hospital or institution of higher education, as defined in Section 605.1, located in this state, may elect to become an employer subject to this part and Part 3 (commencing with Section 3501) and Part 4 (commencing with Section 4001) of this division for not less than two calendar years with respect to such services, and to have such services performed by its employees constitute employment subject to this part and Part 3 (commencing with Section 3501) and Part 4 (commencing with Section 4001) of this division for such period. Any election under this section shall include all services of all employees of all hospitals and all institutions of higher education, as defined in Section 605.1, operated in this state by the political subdivision, except as provided by subdivision (b) of this section. If an election is filed, the political subdivision shall become an employer subject to this part and Part 3 (commencing with Section 3501) and Part 4 (commencing with Section 4001) of this division with respect to the services covered to the same extent as other employers, and such services performed by its employees, including those with civil service or tenure positions, shall constitute employment subject to this part and Part 3 (commencing with Section 3501) and Part 4 (commencing with Section 4001) of this division effective on the first day of the calendar quarter following the quarter in which the election is filed. It may also include in any such election coverage under Part 2 (commencing with Section 2601) of this division, and, if it so elects, beginning at that time it shall withhold from the wages of employees the contributions required for unemployment compensation disability benefits.

(b) The political subdivision may exclude from coverage under an election pursuant to this section any service described in Section 634.5.

(c) In lieu of the contributions required of employers, a political subdivision that has elected coverage under this section shall elect any method of financing coverage by an election under this section that is permitted under Section 803, or shall elect payments in lieu of contributions by the payment of amounts equivalent to the contributions it would make if it were an employer subject to compulsory coverage under this part. Subdivision (b) of Section 802 shall apply to any such election under Section 803, except that any such election under Section 803 shall be terminated on the effective date of the termination of an election for coverage under this section.

(d) The director may require from each political subdivision, such employment, financial, statistical, or other information and reports, properly verified, as may be deemed necessary by the director to carry out his duties under this division, which shall be filed with the director at the time and in the manner prescribed by him.

(e) The director may tabulate and publish information obtained pursuant to this section in statistical form and may divulge the name of the political subdivision.

(f) Each political subdivision shall keep such work records as may be prescribed by the director for the proper administration of this division.

(g) Except as inconsistent with the provisions of this section, the provisions of this division and authorized regulations shall apply to any matter arising pursuant to this section.

SEC. 42. Section 710.5 is added to the Unemployment Insurance Code, to read:

710.5. (a) The State of California or any instrumentality of this state or of this state and one or more other states for which services that do constitute employment under Section 605.1 are performed and for which other services for a hospital or institution of higher education, as defined in Section 605.1, located in this state that do not constitute employment are performed may elect to become an employer subject to this part and Parts 3 (commencing with Section 3501) and 4 (commencing with Section 4001) of this division for not less than two calendar years with respect to such other services and to have such other services performed by its employees constitute employment subject to this part and such Parts 3 and 4 for such period. If an election is filed, this state or the instrumentality shall become an employer subject to this part and such Parts 3 and 4 with respect to the services covered to the same extent as other employers, and such services performed by its employees, including those with civil service or tenure positions, shall constitute employment subject to this part and such Parts 3 and 4 effective on the first day of the calendar quarter following the quarter in which the election is filed.

(b) The state or instrumentality may exclude from coverage under an election pursuant to this section any service excluded under Section 634.5, or any employees who are not members of the Public Employees' Retirement System or the University of California Retirement System.

(c) In lieu of the contributions required of employers, the state or an instrumentality that has elected coverage under this section may elect any method of financing coverage by an election under this section that is permitted under Section 803. Subdivision (b) of Section 802 shall apply to any such election under Section 803, except that any such election under Section 803 shall be terminated on the effective date of the termination of an election for coverage under this section.

(d) The director may require from the state and each instrumentality such employment, financial, statistical, or other information and reports, properly verified, as may be deemed necessary by the director to carry out his duties under this division, which shall be filed with the director at the time and in the manner prescribed by him.

(e) The director may tabulate and publish information obtained pursuant to this section in statistical form and may

divulge the name of the state or instrumentality.

(f) The state and each instrumentality shall keep such work records as may be prescribed by the director for the proper administration of this division.

(g) Except as inconsistent with the provisions of this section, the provisions of this division and authorized regulations shall apply to any matter arising pursuant to this section.

SEC. 43. Section 711 of the Unemployment Insurance Code is repealed.

SEC. 44. Section 711.1 is added to the Unemployment Insurance Code, to read:

711.1. No election filed under Section 711 shall be effective for service performed after December 31, 1971 and included in "employment" pursuant to Section 608. All such elections for coverage filed under Section 711 prior to January 1, 1972, shall be terminated effective December 31, 1971, except that elections to reimburse benefits shall continue in effect, subject to Section 803, unless terminated by the nonprofit organization, and it shall remain liable for its proportionate share of the additional cost of benefits paid, or of the cost of benefits (including extended duration benefits and federal-state extended benefits) paid and charged to its account in the manner provided by Section 1026 which are based on wages paid for services during the period of any election for reimbursement of benefits.

SEC. 45. Section 713 of the Unemployment Insurance Code is repealed.

SEC. 46. Article 5 (commencing with Section 801) is added to Chapter 3, Part 1, Division 1 of the Unemployment Insurance Code, to read:

Article 5. Elections for Financing Unemployment Insurance Coverage

801. (a) As used in this section, "nonprofit organization" means any corporation, community chest, fund, or foundation for which services are performed that do constitute employment by compulsory coverage under Section 608.

(b) A nonprofit organization may, in lieu of the contributions required of employers, elect to finance its liability for unemployment compensation benefits, extended duration benefits, and federal-state extended benefits coverage under this division by any method of financing coverage that is permitted under Section 803.

(c) Any election under Section 803 of a method for financing coverage under this section shall, upon the written approval of the director, take effect with respect to services performed from and after the first day of the calendar quarter in which the election is filed with the director, and shall continue in effect for not less than two full calendar years. Thereafter the election under Section 803 may be terminated as of Janu-

any 1 of any calendar year only if the nonprofit organization, on or before the 31st day of January of that year, has filed with the director a written application for termination. The director may for good cause waive the requirement that a written application for termination shall be filed on or before the 31st day of January. In no event shall the director approve any method of financing coverage by an election under Section 803 that would establish any different method of financing coverage for any calendar quarter where an election for coverage made by a nonprofit organization under Section 702.1 elects a method of financing coverage permitted under Section 803.

(d) Except as inconsistent with the provisions of this section, the provisions of this division and authorized regulations shall apply to any matter arising pursuant to this section.

802. (a) The State of California, or any instrumentality of this state or of this state and one or more other states for which services are performed that do constitute employment under Section 605, 605.1, or 605.5 may, in lieu of the contributions required of employers, elect to finance its liability for unemployment compensation benefits, extended duration benefits, and federal-state extended benefits with respect to such services by any method of financing coverage that is permitted under Section 803.

(b) Any election under Section 803 for financing coverage under this section shall take effect with respect to services performed from and after the first day of the calendar quarter in which the election is filed with the director, and shall continue in effect for not less than two full calendar years. Thereafter the election under Section 803 may be terminated as of January 1 of any calendar year only if the state or instrumentality, on or before the 31st day of January of that year, has filed with the director a written application for termination. The director may for good cause waive the requirement that a written application for termination shall be filed on or before the 31st day of January. In no event shall any method of financing coverage by an election under Section 803 be valid that would establish any different method of financing coverage for any calendar quarter where an election for coverage has also been made by the state or any instrumentality under any provision of Article 4 (commencing with Section 701) of this chapter.

(c) The director may require from the state and each instrumentality, such employment, financial, statistical, or other information and reports, properly verified, as may be deemed necessary by the director to carry out his duties under this division, which shall be filed with the director at the time and in the manner prescribed by him.

(d) The director may tabulate and publish information obtained pursuant to this section in statistical form and may divulge the name of the state or instrumentality.

(e) The state and each instrumentality shall keep such work records as may be prescribed by the director for the proper administration of this division.

(f) Except as inconsistent with the provisions of this section, the provisions of this division and authorized regulations shall apply to any matter arising pursuant to this section.

803. (a) As used in this section "entity" means any employing unit that is authorized or required by any provision of Article 4 (commencing with Section 701) of this chapter or by Section 801 or 802 to elect a method of financing coverage permitted by this section.

(b) In lieu of the contributions required of employers, an entity may elect any one of the following:

(1) To pay into the Unemployment Fund in the State Treasury at the times and in the manner provided in subdivision (c) of this section, an amount equal to the additional cost to the Unemployment Fund of the benefits, including extended duration benefits and federal-state extended benefits, paid based on base period wages with respect to employment for the entity. Benefits otherwise payable irrespective of this section shall be charged to employers' accounts in accordance with other sections of this division, but the additional cost to the Unemployment Fund of the benefits paid based on base period wages with respect to employment for an entity pursuant to this section shall be borne solely by the appropriate entity. If benefits are based on wages paid during a base period by two or more entities, the benefits shall be borne by each of the entities in the proportion that the total wages paid to the individual in employment by each entity during the base period bears to the total wages paid to the individual in employment by all entities during the base period. "Total wages paid" as used in this subdivision, include taxable wages as well as wages which would be taxable except for the limitation on taxable wages provided under Section 930. The director may by authorized regulations prescribe a method of providing a good and sufficient bond to guarantee payment of contributions under this subdivision.

(2) To pay into the Unemployment Fund the cost of benefits, including extended duration benefits and federal-state extended benefits, paid based on base period wages with respect to employment for the entity and charged to its account in the manner provided by Section 1026, pursuant to authorized regulations which shall prescribe the rate or amount, time, manner, and method of payment or advance payment or providing a good and sufficient bond to guarantee payment of contributions.

(3) Two or more entities that have elected a method of financing under this section may, pursuant to authorized regulations, file an application with the director for the establishment of a joint account for the purpose of determining the rate of contributions they shall pay into the Unemployment Fund to reimburse the fund for benefits paid with respect to

employment for such entities. The members of the joint account may elect either to share the additional cost to the Unemployment Fund of the benefits, including extended duration benefits and federal-state extended benefits, paid based on base period wages with respect to employment for such members, or to share the cost of benefits, including extended duration benefits and federal-state extended benefits, paid based on the base period wages with respect to employment for such members and charged to the joint account in the manner provided by Section 1026. The director shall prescribe authorized regulations for the establishment, maintenance, and dissolution of joint accounts, and for the rate or amount, time, manner, and method of payment or advance payment or providing a good and sufficient bond to guarantee payment of contributions by the members of joint accounts, on an additional cost basis and on the alternative basis of the cost of benefits charged in the manner provided by Section 1026.

(c) Sections 1030, 1030.5, 1031, 1032, and 1032.5, and any provision of this division for the noncharging of benefits to the account of an employer shall not apply to an election under subdivision (b) of this section.

(d) In making the payments prescribed by subdivision (b) of this section there shall be paid or credited to the Unemployment Fund, either in advance or by way of reimbursement, as may be determined by the director, such sums as he estimates the Unemployment Fund will be entitled to receive from each entity for each calendar quarter, reduced or increased by any sum by which he finds that his estimates for any prior calendar quarter were greater or less than the amounts which should have been paid to the fund. Such estimates may be made upon the basis of such statistical sampling, or other method as may be determined by the director.

Upon making such determination, the director shall give notice of the determination by certified mail to the entity. The director may cancel any contributions or portion thereof which he finds has been erroneously determined. The director shall charge to any special fund, which is responsible for the salary of any employee of an entity, the amount determined by the director for which the fund is liable pursuant to this section. The contributions due from the entity shall be paid from the liable special fund, the General Fund, or other liable fund to the Unemployment Fund by the Controller or other officer or person responsible for disbursements on behalf of the entity within 30 days of the date of mailing of the director's notice of determination to the entity. The director for good cause may extend for not to exceed 60 days the time for paying without penalty the amount determined and required to be paid. Contributions are due upon the date of mailing of the notice of determination and are delinquent if not paid on or before the 30th day following the date of mailing of such notice. Any entity which fails to pay the contributions required within the time required shall be liable for interest on

the contributions at the rate of $\frac{1}{2}$ percent per month or fraction thereof from and after the date of delinquency until paid, and any entity which without good cause fails to pay any contributions required within the time required shall pay a penalty of 10 percent of the amount of such contributions. If the entity fails to pay the contributions required on or before the delinquency date, the director may assess the entity for the amount required by the notice of determination. The provisions of Article 8 (commencing with Section 1126) of Chapter 4 of Part 1 of this division with respect to the assessment of contributions, and the provisions of Chapter 7 (commencing with Section 1701) of Part 1 of this division with respect to the collection of contributions, shall apply to the assessments provided by this section. The provisions of Sections 1177 to 1184, inclusive, relating to refunds and overpayments, shall apply to amounts paid to the Unemployment Fund pursuant to this section.

(e) To the extent permitted by federal law, no contributions shall be due from any entity other than a nonprofit organization which has elected a method of financing under subdivision (b) of this section and which has previously made contributions required of employers pursuant to an elective coverage agreement or under compulsory coverage until the additional cost of benefits paid and reimbursable by or the cost of benefits paid and reimbursable by the entity under this section together with the benefits charged and chargeable to the reserve account of the entity as a result of its prior election or compulsory coverage exceed the contributions made by the entity and credited to its reserve account pursuant to its prior election or compulsory coverage.

(f) Except with respect to a political subdivision electing coverage pursuant to Section 710.2, the director may terminate the election of any entity for any method of financing under this section if the entity is delinquent in the payment of advances or reimbursements required by the director under this section. After any such termination the entity may again make an election pursuant to this section but only if it is not delinquent in the payment of contributions and not delinquent in the payment of advances or reimbursements required by the director under this section.

(g) Notwithstanding any other provision of this section, no entity shall be liable for that portion of any extended duration benefits or federal-state extended benefits which is reimbursed or reimbursable by the federal government to the State of California.

(h) After the termination of any election under this section, the entity shall remain liable for its proportionate share of the additional cost of benefits paid, or of the cost of benefits paid and charged to its account in the manner provided by Section 1026, which are based on wages paid for services during the period of the election. Any such liability may be charged against any remaining balance of a prior reserve

account used by the entity pursuant to Section 712. Any portion of such remaining balance shall be included in the reserve account of the entity following any termination of an election under this section which occurs prior to the expiration of a period of three consecutive years commencing with the effective date of such election. For purposes of Section 982, the period of an election under Section 803 shall, to the extent permitted by federal law, be included as a period during which a reserve account has been subject to benefit charges.

SEC. 47. Section 923 of the Unemployment Insurance Code is amended to read:

926. Except as otherwise provided in this article "wages" means all remuneration payable to an employee for personal services, whether by private agreement or consent or by force of statute, including commissions and bonuses, and the reasonable cash value of all remuneration payable to an employee in any medium other than cash.

SEC. 48. Section 930 of the Unemployment Insurance Code is amended to read:

930. "Wages" does not include remuneration in excess of four thousand two hundred dollars (\$4,200) paid to an individual by an employer during any calendar year, with respect to employment.

SEC. 49. Section 976 of the Unemployment Insurance Code is amended to read:

976. (a) Employer contributions to the Unemployment Fund shall accrue and become payable by every employer, except an employer as defined by Section 676, for each calendar year with respect to wages paid for employment. The contributions are due and shall be paid to the department for the Unemployment Fund by each employer in accordance with this division and shall not be deducted in whole or in part from the wages of individuals in his employ.

(b) Notwithstanding any other provision of this division, payments in lieu of employer contributions with respect to service to which Section 3309(a)(1)(A) of the Internal Revenue Code of 1954 applies may be made into the Unemployment Fund on the basis set forth in Section 3309(a)(2) of the Internal Revenue Code of 1954, pursuant to subdivision (c) of Section 710.2 and Section 803.

SEC. 50. Section 973.1 of the Unemployment Insurance Code is repealed.

SEC. 51. Section 973.5 of the Unemployment Insurance Code is amended to read:

976.5. (a) In addition to other contributions required by this division, every employer, except an employer as defined by Section 676, and except as provided in subdivision (b) of this section, shall pay into the Unemployment Fund contributions at a rate which shall be based upon the charges and credits to the balancing account during the 36-month period ending upon the computation date immediately preceding the beginning of the calendar year. If as of the computation date the charges

to the balancing account are as a percentage of the credits to such account equal to or greater than the percentage in column 1 but less than the percentage in column 2, the rate shall be the figure appearing on the same line in column 3.

Line	Column 1	Column 2	Column 3
1 -----	80%	No limitation	1%
2 -----	60%	80%	0.8%
3 -----	40%	60%	0.6%
4 -----	20%	40%	0.4%
5 -----	0%	20%	0.2%

(b) In lieu of contributions required by subdivision (a) of this section, an employer, except an employer as defined by Section 676, whose reserve account has not been subject to benefit charges during the period of four complete consecutive calendar quarters ending on the computation date, or whose average base payroll has increased on a computation date 25 percent or more above his average base payroll on the preceding computation date, shall pay into the Unemployment Fund contributions with respect to wages paid for employment at the rate of two-tenths of one percent (0.2%) less than the rate applicable to other employers for the calendar year under subdivision (a) of this section but not less than two-tenths of one percent (0.2%).

SEC. 52. Section 976.6 of the Unemployment Insurance Code is repealed.

SEC. 53. Section 980 of the Unemployment Insurance Code is amended to read:

980. (a) In determining the balance in the Unemployment Fund for the purpose of Section 977 or 978 there shall be excluded:

(1) Any amount credited to this state's account in the Unemployment Trust Fund pursuant to Section 903 of the Social Security Act, as amended, which has been appropriated for expenses of administration other than for capital assets, whether or not such amount has been withdrawn from such fund.

(2) Any unexpended advance from the federal unemployment account in the Unemployment Trust Fund received in accordance with Section 323 of this division and Title XII of the Social Security Act as amended.

(3) Any amount paid in advance into the Unemployment Fund by an employer under an elective coverage agreement which provides for the payment into the Unemployment Fund of the additional cost of benefits paid under such election in lieu of the contributions required of employers, or by an employer under any other type of coverage pursuant to which reimbursement of benefits is permitted or required in lieu of the contributions required of employers.

(4) Any amount paid in advance into the Unemployment Fund by the federal government under the provisions of any federal law that requires or permits this state to pay benefits from the Unemployment Fund and provides for advances by the federal government for reimbursement of all or part of such benefits.

(b) In determining the balance in the Unemployment Fund for the purpose of Section 977 or 978, there shall also be excluded any estimated or other contributions not legally due and payable with respect to the final calendar quarter of the calendar year, except any payment of contributions made under Section 1137 and except any payment of contributions by employers terminating business during any calendar quarter.

SEC. 54. Section 980.5 of the Unemployment Insurance Code is amended to read:

980.5. In determining the balance in the Unemployment Fund for the purpose of Section 977 or 978 there shall be included:

(a) The unreimbursed balance of all benefits paid from the Unemployment Fund to claimants when such benefits are based upon wages in employment under an elective coverage agreement which provides for the payment into the Unemployment Fund of the additional cost of benefits paid under such election in lieu of the contributions required of employers, or under any other type of coverage pursuant to which reimbursement of benefits is permitted or required in lieu of the contributions required of employers, whether or not the director has certified such benefits to the employer as due or payable.

(b) The unreimbursed balance of all benefits paid from the Unemployment Fund to claimants when and to the extent that such benefits are subject to reimbursement by the federal government under the provisions of any federal law that requires or permits this state to pay benefits from the Unemployment Fund and provides for reimbursement by the federal government of all or part of such benefits.

SEC. 55. Section 993 of the Unemployment Insurance Code is amended to read:

993. Every employer who is subject to the tax provided for by Section 3301 of the Federal Unemployment Tax Act, shall, subject to Section 992, pay into the Unemployment Fund in addition to the amounts required by other provisions of this division an amount equal to five-tenths of 1 percent of all wages paid by him in employment and included in the measure of the contributions allowed as the credit against the tax imposed by Section 3301 of the Federal Unemployment Tax Act.

SEC. 55.5. Section 1025 of the Unemployment Insurance Code is amended to read:

1025. The director shall keep separate records of the amounts paid into the fund by each employer in his own behalf, or chargeable to him as benefits; but nothing in this divi-

sion shall be construed to grant any employer or his employees prior claims or rights to the amount contributed by him to the fund, either on his own account or on behalf of his employees. The amount of employer contributions, payments in lieu of contributions, reimbursements under Article 5 (commencing with Section 801) of Chapter 3 of this part, and all other amounts payable to the fund, shall be pooled and available to pay unemployment compensation benefits to any employee entitled thereto, regardless of the source of contributions or any other amounts.

SEC. 56. Section 1027 of the Unemployment Insurance Code is amended to read:

1027. The director shall maintain a balancing account.

(a) Except as provided by Section 803, the balancing account shall be credited with:

(1) Contributions paid pursuant to Section 976.5.

(2) Positive balances in reserve accounts canceled pursuant to Section 1029.

(3) Other items of income not included in active employer reserve accounts.

(b) Except as provided by Section 803, the balancing account shall be charged with:

(1) The amount of negative reserve balances accrued to the computation date for each year.

(2) Benefit payments not charged pursuant to Section 1032.

(3) Extended duration benefits paid pursuant to Part 3 (commencing with Section 3501) of this division, but only to the extent that such extended duration benefits are not reimbursed or reimbursable by the federal government to the State of California.

(4) Federal-state extended benefits paid pursuant to Part 4 (commencing with Section 4001) of this division, but only to the extent that such federal-state extended benefits are not reimbursed or reimbursable by the federal government to the State of California.

(5) Other items of expense not included in active employer reserve accounts.

SEC. 57. Section 1029 of the Unemployment Insurance Code is amended to read:

1029. (a) Whenever an employer ceases to pay wages in employment the reserve account of the employer, unless it has been transferred under Article 5 (commencing with Section 1051) of this chapter, shall be canceled on the records of the department after a period of three consecutive years has elapsed following the latest calendar quarter in which the employer paid wages in employment.

(b) Whenever a period of three consecutive years has elapsed commencing with the effective date of an election by any entity to finance benefits pursuant to Section 803, any portion of the reserve account of the entity which has not been subject to use pursuant to Section 712, unless such portion has been reacquired by the entity by termination of the election

under Section 803 prior to the expiration of such three-year period, shall be canceled on the records of the department. Section 982 shall apply to any such entity.

SEC. 58. Section 1253.3 is added to the Unemployment Insurance Code, to read:

1253.3. (a) Notwithstanding any other provision of this division, unemployment compensation benefits, extended duration benefits, and federal-state extended benefits are payable on the basis of service to which Section 3309(a)(1) of the Internal Revenue Code of 1954 applies, in the same amount, on the same terms, and subject to the same conditions as such benefits payable on the basis of other service subject to this division, except as provided by subdivision (b) and (c) of this section.

(b) Benefits specified by subdivision (a) of this section based on service performed in the employ of a nonprofit organization, or of the State of California, or of any political subdivision of this state, or any instrumentality of this state or of this state and one or more other states, with respect to service in an instructional, research, or principal administrative capacity for an institution of higher education, as defined in Section 605.1 located in this state shall not be payable to any individual with respect to any week which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for any institution or institutions of higher education for both such academic years or both such terms.

(c) For purposes of this section, if the time for services performed during the period of and pursuant to any contract for any academic year or term by an individual for any employing unit as specified in subdivision (b) constitute one-half or more of the time in total service performed for the employing unit by the individual during that same period for remuneration, all the services of the individual for the employing unit for that period shall be deemed subject to the benefit payment restriction provisions of this section.

SEC. 59. Section 1267 of the Unemployment Insurance Code is amended to read:

1267. Notwithstanding any other provision of this division, with respect to an unemployed individual otherwise eligible for benefits, such benefits shall not be denied to an individual for any week because he is in training or retraining with the approval of the department, or because of the application, to any such week in training or retraining, of any provisions of the law of this state relating to availability for work, active search for work, or refusal to accept work or for leaving his most recent work if continuing the most recent work would require him to terminate his retraining course of instruction.

As used in this article, "individual" includes an exhaustee as defined in Section 3503, and any individual claiming federal-state extended benefits under Part 4 (commencing with Section 4001) of this division.

SEC. 60. Section 1272 of the Unemployment Insurance Code is repealed.

SEC. 61. Section 1277 of the Unemployment Insurance Code is amended to read:

1277. Wages paid prior to the filing of a valid claim and not used in the computation of the award may be used for the purpose of computing the amount of any other award only if within the 12-month period following the date of the filing of the valid claim the individual was paid sufficient wages to meet the eligibility requirement under Section 1281 and had some work. For the purpose of this section only the term "wages" includes any and all compensation for personal services performed as an employee for the purpose of meeting the eligibility requirement under Section 1281. This section is not applicable to the computation of an award for disability benefits but the establishment of a valid claim for disability benefits shall not constitute a valid claim for unemployment compensation benefits unless the claimant was paid sufficient wages and performed some work to entitle the claimant to an award under this section.

SEC. 62. Section 1277.5 of the Unemployment Insurance Code is amended to read:

1277.5. In determining, under Section 1277, whether wages paid prior to the filing of a valid claim may be used in computing the amount of any other award, if the individual had some work during the 12-month period following the filing of the valid claim, then twice the amount which an individual was entitled to receive under Part 2 (commencing with Section 2601) of this division or under Division 4 (commencing with Section 3201) of the Labor Code during the 12-month period following the filing of the valid claim, shall be considered as wages paid to the individual during that 12-month period for purposes of meeting the eligibility requirements of Section 1281. The amounts so included shall not be considered wages for the purpose of computing the weekly benefit amount of the individual under Section 1280.

SEC. 63. Section 1279 of the Unemployment Insurance Code is amended to read:

1279. Each individual eligible under this chapter who is unemployed in any week shall be paid with respect to that week an unemployment compensation benefit in an amount equal to his weekly benefit amount less the amount of wages in excess of twelve dollars (\$12) payable to him for services rendered during that week. The benefit payment, if not a multiple of one dollar (\$1), shall be computed to the next higher multiple of one dollar (\$1). For the purpose of this section only "wages" includes any and all compensation for personal services whether performed as an employee or as an inde-

pendent contractor, but does not include any payments, regardless of their designation, made by a city of this state to an elected official thereof as an incident to such public office.

SEC. 64. Section 1335 of the Unemployment Insurance Code is amended to read:

1335. If an appeal is filed, benefits with respect to the period prior to the final decision on the appeal shall be paid only after such decision, except that:

(a) If benefits for any week are payable in accordance with a determination by the department irrespective of any decision on the issues set forth in the appeal, such benefits shall be promptly paid regardless of such appeal.

(b) If a referee affirms a determination allowing benefits, such benefits shall be promptly paid regardless of any appeal which may thereafter be taken, and regardless of any action taken under Section 1336 or otherwise by the director, Appeals Board, or other administrative body or by any court.

If such determination is finally reversed, no employer's account shall be charged with benefits paid because of that determination.

(c) If benefits for any week are payable in accordance with a determination by the department, or a referee issues a decision allowing benefits, such benefits shall be promptly paid regardless of any appeal. If the determination of the department or the decision of the referee is finally reversed, no employer's reserve account shall be charged with benefits paid pursuant to this subdivision.

SEC. 65. Section 1456 of the Unemployment Insurance Code, as proposed by Assembly Bill No. 271 of the 1971 Regular Session, is amended to read:

1456. (a) In lieu of the contributions required of employers, the State of California shall pay into the Unemployment Fund in the State Treasury at the times and in the manner provided in subdivision (b), an amount equal to the additional cost to the Unemployment Fund of the benefits (including extended duration benefits and federal-state extended benefits) paid based on base period state wages or state base period state wages with respect to employment of state employees. Benefits otherwise payable, irrespective of this chapter, shall be charged to employers' reserve accounts in accordance with other sections of this part and shall be the liability of governmental entities or nonprofit organizations pursuant to Section 803, but the additional cost to the Unemployment Fund of the benefits paid based on base period state wages or state base period state wages pursuant to this chapter shall be borne solely by the State of California.

(b) In making the payments prescribed by subdivision (a), there shall be paid or credited to the Unemployment Fund, either in advance or by way of reimbursement, as may be determined by the director, such sums as he estimates the Unemployment Fund will be entitled to receive from the State of California under this section for each calendar quarter, re-

duced or increased by any sum by which he finds that his estimates for any prior calendar quarter were greater or less than the amounts which should have been paid to the fund. Such estimates may be made upon the basis of statistical sampling, or other method as may be determined by the director.

Upon making such determination, the director shall certify to the Controller the amount determined with respect to the State of California. The Controller shall pay to the Unemployment Fund the contributions due from the State of California. The director shall charge to any special fund, which is responsible for the salary of any employee, the amount of additional cost to the Unemployment Fund of the benefits paid with respect to that state employee.

(c) The director may require from each state agency such employment, wage, financial, statistical, or other information and reports, properly verified, as may be deemed necessary by the director to carry out his duties under this chapter, which shall be filed with the director at the time and in the manner prescribed by him.

(d) The director may tabulate and publish information obtained pursuant to this chapter in statistical form and may divulge the name of the employing unit.

(e) Each state agency shall keep such work records as may be prescribed by the director for the proper administration of this chapter.

(f) Notwithstanding any other provision of law, the State of California shall not be liable for that portion of any extended duration benefits or federal-state extended benefits which is reimbursed or reimbursable by the federal government to the State of California.

SEC. 66. Section 1457 of the Unemployment Insurance Code, as proposed by Assembly Bill No. 271 of the 1971 Regular Session, is amended to read:

1457. (a) Sections 1452 and 1455 and subdivision (a) of Section 1453 shall not apply to service included in "employment" pursuant to Section 605.1 or 710.5, nor shall such provisions apply to any new claim for benefits filed with an effective date beginning on or after January 1, 1972, which includes in the base period or state base period any state wages paid with respect to such service.

(b) Subdivision (b) of Section 1453 shall not apply to service performed by any employee who does not have permanent or probationary civil service status in employment by this state and whose service is included in "employment" pursuant to Section 605.1 or 710.5.

SEC. 67. Section 2606.2 is added to the Unemployment Insurance Code, to read:

2606.2. Notwithstanding the provisions of subdivision (a) of Section 2606, "employment" for the purposes of this part does not include service performed in the employ of the State of California, or any instrumentality of this state or of

this state and one or more other states, for a hospital or institution of higher education located in this state.

SEC. 68. The provisions of Sections 603.5, 605.1, 608, 609, 610, 634.5, 648, 677, 702.1, 710.2, and 710.5, and of Article 5 (commencing with Section 801) of Chapter 3, Part 1, Division 1, as added to the Unemployment Insurance Code by this act, the provisions of Sections 633, 702, 710, and 976 of such code as amended by this act, and the repeal of Sections 630, 634, and 711 of such code by this act shall be operative with respect to service performed after December 31, 1971. The provisions of Sections 630, 633, 634, 702, 710, 711, and 976 of such code as in effect prior to the amendments and repeals made by this act shall remain applicable to service performed on or before December 31, 1971.

SEC. 69. The provisions of Article 1.5 (commencing with Section 621) of Chapter 3, Part 1, Division 1 of the Unemployment Insurance Code and of Sections 646 and 647 of such code as added by this act, the provisions of Sections 626, 627, 637, and 642 of such code as amended by this act, and the repeal of Section 637.1 of such code by this act shall be operative with respect to remuneration paid after December 31, 1971 for service performed after December 31, 1971. The provisions of Sections 626, 627, 637, 637.1, and 642 of such code as they existed prior to the amendments and repeals made by this act shall remain applicable to remuneration paid on or before December 31, 1971 for services performed on or before December 31, 1971.

SEC. 70. The provisions of Sections 455.5, 455.7, and 1253.3 of the Unemployment Insurance Code as added by this act and the provisions of Sections 930, 1277, and 1277.5 of such code as amended by this act shall be operative on January 1, 1972. The provisions of Sections 1277 and 1277.5 of such code as in effect prior to the amendments made by this act shall remain applicable to new claims filed with an effective date beginning prior to January 1, 1972.

SEC. 71. No right or cause of action founded upon any provision of law amended or repealed by this act as the provision existed prior to such amendment or repeal shall be abolished or impaired by this act.

SEC. 72. Sections 65 and 66 of this act shall become operative only if Assembly Bill No. 271 is chaptered, in which event Sections 65 and 66 of this act shall become operative on the effective date of this act. If this bill is chaptered, and Assembly Bill No. 271 is not chaptered, Sections 65 and 66 of this act shall not become operative.

SEC. 73. There is hereby appropriated the sum of three million four hundred thirty-five thousand dollars (\$3,435,000) for support of the Department of Human Resources Development, for the purchase of electronic data-processing equipment, payable from moneys credited to this state's account in the Unemployment Trust Fund and made available to this

state under Section 903 of the Social Security Act, as amended, provided that:

(a) Such money is requisitioned from the Unemployment Trust Fund pursuant to Section 1528.5 of the Unemployment Insurance Code.

(b) The period within which such money may be obligated is specifically limited to the period beginning on the effective date of this act and ending June 30, 1972.

(c) The total amount obligated pursuant to this item during the 1971-72 fiscal year shall not exceed the amount by which

(1) The aggregate of the amounts credited to the account of this state pursuant to Section 903 of the Social Security Act during such fiscal year and the 14 preceding fiscal years, exceeds

(2) The aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this state during such 15 fiscal years.

SEC. 74. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

To insure that this act becomes effective not later than December 31, 1971, in order to comply with and conform to paramount federal law on the subject, it is necessary that this act take effect immediately.

CHAPTER 1108

An act to amend Section 8734 of the Streets and Highways Code, relating to assessments.

[Approved by Governor October 18, 1971. Filed with Secretary of State October 18, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 8734 of the Streets and Highways Code is amended to read:

8734. The clerk shall file the amended assessment as confirmed or modified by the legislative body with the auditor, who shall annually thereafter enter upon the assessment roll the installments becoming due on each component part of the original parcel opposite a description of the respective parcels so assessed. The amount charged for fees and costs as shown on the amended assessment as to each parcel shall be entered upon the assessment roll and shall be collected along with the first installment of the amended assessment. The street superintendent shall deposit all such costs and fees in the general fund of the treasury.

When a city is conducting the proceedings and collections upon the assessments are made by county officials the city clerk shall transmit a copy of the amended assessment to the county auditor.

The amended assessment shall be accompanied by an amended map or plat prepared pursuant to Section 8731. Such amended map or plat shall be designated "amended assessment diagram amending Assessment No. __, Assessment District __, State of California." The amended map or plat shall substantially conform to the requirements and specifications provided for in Section 3114, and shall be recorded by the clerk in the office of the county recorder. The county recorder may charge an appropriate fee for the expense incurred in recording the amended map or plat. The map or plat shall be cross-indexed by the recorder to the original assessment diagram which it amends.

The amended map or plat shall include on its face that it amends the assessment diagram for (here insert name or number of assessment district or both name and number of assessment district, together with city or county or both city and county), State of California prior recorded at Book __ of Maps of Assessment Districts at Page __, in the office of the County Recorder for the County of _____, State of California.

CHAPTER 1109

An act to amend Section 3113 of the Streets and Highways Code, relating to special assessments.

[Approved by Governor October 18, 1971. Filed with Secretary of State October 18, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 3113 of the Streets and Highways Code is amended to read:

3113. The legislative body shall not order a modification in the boundaries of an assessment district shown on a previously filed map of the assessment district unless it shall describe such proposed modification by reference to an amended map of the assessment district boundary. The amended map shall be approved by resolution adopted by the legislative body and the clerk of the legislative body shall file the amended map showing the modification of boundaries of the district with the county recorder not later than 10 days after the resolution of the legislative body approving the amended boundary. The map shall also contain the legends provided for in Section 3110.

The county recorder shall endorse upon the modified or amended boundary map the time and date of the filing and shall fasten the same securely in a book of maps of assessment

districts which he keeps in his office pursuant to Section 3112. He shall cross-index the amended boundary map by reference to page and book of maps of assessment districts in which the original boundary map of the affected district was filed.

The amended boundary map shall include on its face that it amends the boundary map for (here insert name or number of assessment district or both name and number of assessment district, together with city or county, or both city and county), State of California, prior recorded at Book -- of Maps of Assessment Districts at page --, in the office of the County Recorder for the County of -----, State of California.

CHAPTER 1110

An act to add Section 26301.5 to the Vehicle Code, relating to vehicle equipment.

[Approved by Governor October 18, 1971 Filed with
Secretary of State October 18, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 26301.5 is added to the Vehicle Code, to read:

26301.5. Every passenger vehicle manufactured and first registered after January 1, 1973, except motorcycles, shall be equipped with an emergency brake system so constructed that rupture or leakage-type failure of any single pressure component of the service brake system, except structural failures of the brake master cylinder body or effectiveness indicator body, shall not result in complete loss of function of the vehicle's brakes when force on the brake pedal is continued.

CHAPTER 1111

An act to amend Section 51295 of the Government Code, relating to the California Land Conservation Act of 1965.

[Approved by Governor October 18, 1971 Filed with
Secretary of State October 18, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 51295 of the Government Code is amended to read:

51295. When any action in eminent domain for the condemnation of the fee title of an entire parcel of land subject to a contract is filed or when such land is acquired in lieu of eminent domain for a public improvement by a public agency or person or whenever there is any such action or acquisition by the federal government or any person, instrumentality or

agency acting under authority or power of the federal government, such contract shall be deemed null and void as to the land actually being condemned or so acquired as of the date the action is filed and for the purposes of establishing the value of such land, the contract shall be deemed never to have existed.

Upon the termination of such a proceeding, the contract shall be null and void for all land actually taken or acquired.

When such an action to condemn or acquire less than all of a parcel of land subject to a contract is commenced, the contract shall be deemed null and void as to the land actually condemned or acquired and shall be disregarded in the valuation process only as to the land actually being taken, unless the remaining land subject to contract will be adversely affected by the condemnation, in which case the value of that damage shall be computed without regard to the contract.

When such an action to condemn or acquire an interest which is less than the fee title of an entire parcel or any portion thereof, of land subject to a contract is commenced, the contract shall be deemed null and void as to such interest and for the purpose of establishing the value of such interest only shall be deemed never to have existed, unless the remaining interests in any of the land subject to the contract will be adversely affected, in which case the value of that damage shall be computed without regard to the contract.

The land actually taken shall be removed from the contract. Under no circumstances shall land be removed that is not actually taken, except that when only a portion of the land or less than a fee interest in the land is taken or acquired, the contract may be canceled with respect to the remaining portion or interest upon petition of either party and pursuant to the provisions of Article 5 (commencing with Section 51280) of this chapter.

For the purposes of this section, a finding by the board or council that no authorized use may be made of the land if the contract is continued on the remaining portion or interest in the land may satisfy the requirements of subdivisions (a) and (b) of Section 51282.

SEC. 2. When it meets all other requirements under the California Land Conservation Act of 1965 provided for in Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5 of the Government Code, a contract, which at the time of its execution contained any or all of the phrases quoted in this section, shall be deemed an enforceable restriction pursuant to Section 422 of the Revenue and Taxation Code.

(a) If such contract provides for its nullification upon the filing of a "condemnation of an interest in all or any part of the subject property" or a "condemnation of all or a portion of subject property" and the board of supervisors of the county or city council of the city having jurisdiction over the land subject to such contract passes an ordinance stating that

in administering such portion of the contract it will apply Section 51295 of the Government Code; or

(b) If such contract provides that the remaining portion of land after an action or acquisition by condemnation is determined by the board of supervisors of the county or city council of the city having jurisdiction over the land subject to the contract to be "impaired to such extent as to make it unsuitable for those uses legally available to the owner under terms of his contract" or provides that "such remaining land would no longer be eligible for contract under Section 51242 of the Government Code" and the board of supervisors of the county or city council of the city having jurisdiction over the land subject to such contracts passes an ordinance stating that in administering such portion of a contract it will apply Section 51295 of the Government Code; or

(c) If such contract provides for any waiver of a cancellation payment "provided that such waiver is in the best interest of the program to conserve agricultural land" and the board of supervisors of the county or city council of the city having jurisdiction over the land subject to such contract passes an ordinance stating that in administering such portion of a contract, it will apply subdivision (c) of Section 51283 of the Government Code.

(d) Each landowner affected by an ordinance referred to in subdivisions (a) to (c), inclusive, of this section shall be given personal notice of such ordinance by registered mail, or if mail is not delivered to such person, by notice posted on the affected property.

CHAPTER 1112

An act to amend Section 1277.5 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor October 18, 1971. Filed with Secretary of State October 18, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1277.5 of the Unemployment Insurance Code is amended to read:

1277.5. In determining, under Section 1277, whether wages paid prior to the filing of a valid claim may be used in computing the amount of any other award, twice the amount which an individual was entitled to receive under Part 2 (commencing with Section 2601) of this division or under Division 4 (commencing with Section 3201) of the Labor Code, or under any workmen's compensation law, employer's liability law, or disability insurance law of any other state or of the federal government, during the 12-month period following the filing of the valid claim, shall be considered as wages paid to the individual during that 12-month period for purposes of meeting the eligibility requirements of Section 1281. The amounts

so included shall not be considered wages for the purpose of computing the weekly benefit amount of the individual under Section 1280.

Sec. 2. Section 1277.5 of the Unemployment Insurance Code is amended to read:

1277.5. In determining, under Section 1277, whether wages paid prior to the filing of a valid claim may be used in computing the amount of any other award, if the individual had some work during the 12-month period following the filing of the valid claim, then twice the amount which an individual was entitled to receive under Part 2 (commencing with Section 2601) of this division or under Division 4 (commencing with Section 3201) of the Labor Code, or under any workmen's compensation law, employer's liability law, or disability insurance law of any other state or of the federal government, during the 12-month period following the filing of the valid claim, shall be considered as wages paid to the individual during that 12-month period for purposes of meeting the eligibility requirements of Section 1281. The amounts so included shall not be considered wages for the purpose of computing the weekly benefit amount of the individual under Section 1280.

Sec. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 1503 are both chaptered and amend Section 1277.5 of the Unemployment Insurance Code, and this bill is chaptered after Assembly Bill No. 1503, that the amendments to Section 1277.5 proposed by both bills be given effect and incorporated in Section 1277.5 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 1503 are both chaptered, both amend Section 1277.5, and Assembly Bill No. 1503 is chaptered before this bill, in which case Section 1 of this act shall not become operative. The provisions of Section 1277.5 of the Unemployment Insurance Code as so amended in effect prior to the amendments made by Section 2 of this act shall remain applicable to new claims filed with an effective date prior to January 1, 1972.

CHAPTER 1113

An act to amend Section 7451 of the Education Code, relating to regional occupational centers.

[Approved by Governor October 19, 1971. Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 7451 of the Education Code is amended to read:

7451. The county superintendent of schools of each county, with the consent of the State Board of Education, may estab-

lish and maintain, or with one or more counties may establish and maintain, at least one regional occupational center, or regional occupational program, in the county to provide education and training in vocational courses. The governing boards of any school districts maintaining high schools in the county may, with the consent of the State Board of Education and of the county superintendent of schools, cooperate in the establishment and maintenance of a regional occupational center, or regional occupational program, except that if such a school district also maintains five hundred (500) or more schools its governing board may establish and maintain one or more regional occupational centers, or regional occupational programs, without such restrictions. The establishment and maintenance of a regional occupational center, or regional occupational program, by two or more school districts may be undertaken pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code. If a school district or school districts establish and maintain such a regional occupational center, or regional occupational program, pursuant to this chapter, the county superintendent of schools may, with the consent of the State Board of Education, establish and maintain a separate regional occupational center or centers, or regional occupational program or programs.

Notwithstanding other provisions of this section, a single school district located in a class 1 county, as defined in Section 756, and having an average daily attendance of 50,000 or more, may apply to the State Board of Education through the county superintendent of schools for permission to establish a regional occupational center. The State Board of Education shall, within 90 days of receipt of an application, prescribe a procedure whereby the district may establish a center in accordance with its application and in compliance with the provisions of the State Plan for Vocational Education. The county superintendent of schools shall supervise establishment of the center.

SEC. 2. Section 7451 of the Education Code is amended to read:

7451. The county superintendent of schools of each county, with the consent of the State Board of Education, may establish and maintain, or with one or more counties may establish and maintain, at least one regional occupational center, or regional occupational program, in the county to provide education and training in vocational courses. The governing boards of any school districts maintaining high schools in the county may, with the consent of the State Board of Education and of the county superintendent of schools, cooperate in the establishment and maintenance of a regional occupational center, or regional occupational program, except that if such a school district also maintains five hundred (500) or more schools its governing board may establish and maintain one or more regional occupational centers, or regional occupational pro-

grams, without such restrictions. A regional occupation center or regional occupation program may be established by two or more school districts maintaining high schools through the use of the staff and facilities of a community college or community colleges serving the same geographic area as the school districts maintaining the high schools, with the consent of the State Board of Education and the county superintendent of schools. The establishment and maintenance of a regional occupational center, or regional occupational program, by two or more school districts may be undertaken pursuant to Article 1 (commencing with Section 6503) of Chapter 5 of Division 7 of Title 1 of the Government Code. If a school district or school districts establish and maintain such a regional occupational center, or regional occupational program, pursuant to this chapter, the county superintendent of schools may, with the consent of the State Board of Education, establish and maintain a separate regional occupational center or centers, or regional occupational program or programs.

Notwithstanding other provisions of this section, a single school district located in a class 1 county, as defined in Section 756, and having an average daily attendance of 50,000 or more, may apply to the State Board of Education through the county superintendent of schools for permission to establish a regional occupational center. The State Board of Education shall, within 90 days of receipt of an application, prescribe a procedure whereby the district may establish a center in accordance with its application and in compliance with the provisions of the State Plan for Vocational Education. The county superintendent of schools shall supervise establishment of the center.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 2613 are both chaptered and amend Section 7451 of the Education Code, and this bill is chaptered after Assembly Bill No. 2613, that the amendments to Section 7451 proposed by both bills be given effect and incorporated in Section 7451 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 2613 are both chaptered, both amend Section 7451, and Assembly Bill No. 2613 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 1114

An act to add Section 3012 to the Fish and Game Code, relating to birds and mammals.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 3012 is added to the Fish and Game Code, to read:

3012. It is unlawful to use any recorded or electrically amplified bird or mammal calls or sounds, or recorded or electrically amplified imitations of bird or mammal calls or sounds, to assist in taking any bird or mammal, except nongame birds and nongame mammals as permitted by regulations of the commission.

SEC. 2. This act shall become operative on July 1, 1972.

CHAPTER 1115

An act to amend Section 5751 of the Welfare and Institutions Code, relating to mental hygiene.

[Approved by Governor October 19, 1971 Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5751 of the Welfare and Institutions Code is amended to read:

5751. The State Director of Mental Hygiene, after approval by the California Conference of Local Mental Health Directors, shall by regulation establish standards of education and experience for professional and technical personnel employed in mental health services and for the organization and operation of mental health services. Regulations pertaining to the qualifications of directors of local mental health services shall be administered in accordance with Section 5607. In regulations pertaining to the position of director of local mental health services the person, where the local director is other than the local health officer or medical administrator of the county hospitals, shall be a psychiatrist, psychologist, or clinical social worker, hospital administrator, who meets the standards of education and experience established by the State Director of Mental Hygiene. Where the duties of the director include direct medical care of patients, the supervision of medical care or the provision of medical consultation concerning patients, he shall be a psychiatrist licensed to practice medicine in this state.

Where the director of the local program is not a psychiatrist, the program shall have a medically qualified person whose duties shall include the provision of supervision and consultation concerning patients with regard to all medical services within the county program and who shall be a psychiatrist licensed to practice medicine in this state and meet the standard of education and experience established by the Director of Mental Hygiene. Such standards may include the maintenance of records of services, finances and expenditures, which shall be reported to the State Department of Mental Hygiene in a manner and at such times as it may specify.

The regulations shall be adopted in accordance with the Administrative Procedure Act, Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of the Government Code.

CHAPTER 1116

An act to amend Section 18252.4 of, and to add Section 53 to, the Education Code, and to add Section 223 to the Vehicle Code, relating to driver education courses of instruction.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 53 is added to the Education Code, to read:

53. Any reference in this code to automobile driver training shall be deemed to refer to the laboratory phase of driver education described by Section 18252.4.

SEC. 2. Section 18252.4 of the Education Code is amended to read:

18252.4. A course of instruction in the laboratory phase of driver education shall include, for each student enrolled in the class, instruction under one of the following plans:

(a) Plan One. A minimum of 12 hours allocated as follows:

(1) A minimum of six hours of on-street behind-the-wheel practice driving instruction in a dual-control automobile with a qualified instructor.

(2) A minimum of six hours in a dual-control automobile with a qualified instructor for the purposes of observation. Practice driving on an off street multiple-car driving range approved by the department under the supervision of a qualified instructor may be substituted for all or part of the observation time.

(b) Plan Two. A minimum of 24 hours allocated as follows:

(1) Three hours of on-street behind-the-wheel practice driving instruction in a dual-control automobile with a qualified instructor.

(2) Six hours in a dual-control automobile with a qualified instructor for the purposes of observation. Practice driving on an off-street multiple-car driving range approved by the department under the supervision of a qualified instructor may be substituted for all or part of the observation time.

(3) Twelve hours of instruction by a qualified instructor in a driving simulator approved by the department.

(4) At least three additional hours of instruction specified in one or more of paragraphs 1 through 3 of this subdivision.

(c) Plan Three. A minimum of 24 hours allocated as follows:

(1) Three hours of on-street behind-the-wheel practice driving instruction in a dual-control automobile with a qualified instructor.

(2) Six hours in a dual-control automobile with a qualified instructor for the purpose of observation.

(3) Twelve hours of instruction by a qualified instructor on an off-street multiple-car driving range.

(4) At least three additional hours of instruction specified in one or more of paragraphs 1 through 3 of this subdivision.

(d) Plan Four. A minimum of 24 hours allocated as follows:

(1) Two hours of on-street behind-the-wheel practice driving instruction in a dual-control automobile with a qualified instructor.

(2) Four hours in a dual-control automobile with a qualified instructor for the purpose of observation.

(3) Eighteen hours of instruction by a qualified instructor in a driving simulator approved by the department and on an off-street multiple-car driving range. The governing board of the district shall establish the proportion of time to be utilized in simulators and on the off-street multiple-car driving range.

For purposes of this section, one hour means 60 minutes including passing time.

Any deviation from the standard use of a simulator or off-street multiple-car driving range, or both, shall have prior approval by the State Department of Education before the school district, county superintendent of schools, the California Youth Authority, or the State Department of Education can be reimbursed for the students trained.

SEC. 3. Section 223 is added to the Vehicle Code, to read:

223. Any reference in this code to "automobile driver training" shall be deemed to refer to the laboratory phase of driver education described by Section 18252.4 of the Education Code.

CHAPTER 1117

An act to amend Section 4011.6 of the Penal Code, relating to mental health.

[Approved by Governor October 19, 1971. Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 4011.6 of the Penal Code is amended to read:

4011.6. In any case in which it appears to the person in charge of a county or city jail or any judge of a court in the county in which the jail is located that a person in custody in such jail may be mentally disordered, he may cause such

inmate to be taken to a facility for 72-hour treatment and evaluation pursuant to Section 5150 of the Welfare and Institutions Code. Thereupon the provisions of Article 1 (commencing with Section 5150), Article 4 (commencing with Section 5250), Article 4.5 (commencing with Section 5260), Article 5 (commencing with Section 5275), Article 6 (commencing with Section 5300), and Article 7 (commencing with Section 5325) of Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code shall apply to the prisoner.

If the prisoner is detained in, or remanded to, a facility pursuant to such articles of the Welfare and Institutions Code, the time passed therein shall count as part of the prisoner's sentence. When the prisoner is so detained or remanded, the person in charge of the jail shall advise the professional person in charge of the facility of the expiration date of the prisoner's sentence. If the prisoner is to be released from the facility before such expiration date, the professional person in charge shall notify the person in charge of the jail, who shall send for, take, and receive the prisoner back into the jail.

CHAPTER 1118

An act relating to rehabilitation.

[Approved by Governor October 19, 1971. Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. If Assembly Bill No. 698 is chaptered, Section 103 of Chapter 1 (commencing with Section 100) of Part 1, Division 1 of the Health and Safety Code, transferring the Department of Rehabilitation's Alcoholic Rehabilitation Program to the Department of Health, shall not become operative if the United States Department of Health, Education, and Welfare issues a formal ruling that the transfer does not meet federal requirements.

SEC. 3. Notwithstanding the provisions contained in Item 253 of the Budget Act of 1971, the Director of Finance, upon the request of the Department of Rehabilitation, may transfer funds appropriated in Item 253 from one program to another as provided in Section 27 of the Budget Act of 1971.

CHAPTER 1119

An act to amend Sections 14000, 14002, 14003, 14011, 14013, 14017 and to repeal Section 14016 of the Penal Code, relating to California Crime Technological Research Foundation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 19, 1971. Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 14000 of the Penal Code is amended to read:

14000. The benefits of scientific and technological advances which have with accelerating abundance enriched the lives of our citizenry have also with cunning rapidity been adapted for use by criminals. If our society is to stem and reverse the increasing incidence of crime, it is essential that scientific and technological improvements, as they are perfected, be utilized to the fullest extent in the prevention and detection of crime. In addition, there is need for basic research involving combinations of various scientific disciplines into the nature of crime, criminals, and methods of detection, apprehension, and treatment. It is therefore declared to be the policy of the state to encourage scientific and technological research, development, and education in the field of the prevention and detection of crime and the apprehension and treatment of criminals, in order to promote the general welfare of the people.

SEC. 2. Section 14002 of the Penal Code is amended to read:

14002. The foundation shall encourage and promote the development and application of science and technology for the prevention and detection of crime, the apprehension and treatment of criminals, and the improvement of administration of criminal justice in the state. The foundation shall also assist criminal justice to determine the kind and quality of scientific, technological, and management processes and equipment which would improve the effectiveness of criminal justice operations.

SEC. 3. Section 14003 of the Penal Code is amended to read:

14003. The foundation shall be governed and all of its corporate powers exercised by a board of directors, which shall consist of the following members appointed by the Governor, to serve at his pleasure, and confirmed by the Senate: a representative from the Department of Justice nominated by the Attorney General, a representative from the Department of the Youth Authority, a representative from the Department of Corrections, a representative nominated by the Judicial Council, a representative nominated by the State Bar of California, one district attorney, one chief of police, one sheriff, a faculty member of a college or university qualified in the subject of criminology or police science, seven persons qualified in the field of scientific research, development, or system technology, and four public members interested in the prevention and control of crime.

SEC. 4. Section 14011 of the Penal Code is amended to read:

14011. The foundation shall make an annual report to the Governor and the Legislature not later than the first day of March of each year.

SEC. 5. Section 14013 of the Penal Code is amended to read:

14013. Nothing in this title shall be construed as authorizing the foundation to undertake direct operational criminal justice responsibilities.

SEC. 6. Section 14016 of the Penal Code is repealed.

SEC. 7. Section 14017 of the Penal Code is amended to read:

14017. The existence of the foundation shall terminate on the 61st day after adjournment of the 1975 Regular Session of the Legislature.

SEC. 8. There is hereby appropriated to the California Crime Technological Research Foundation the sum of fifty-six thousand two hundred fifty dollars (\$56,250) from the General Fund for the purposes of this act.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Present budget allocations for the California Crime Technological Research Foundation are insufficient to support the foundation for more than two months. In order to permit the foundation to operate without disruption, it is necessary that this act take effect immediately.

CHAPTER 1120

An act to amend Section 1203 of the Health and Safety Code, relating to clinics.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1203 of the Health and Safety Code is amended to read:

1203. No clinics are eligible for licensure under this chapter, except the classes as defined in the following:

(a) A community clinic is a clinic operated by a nonprofit corporation, supported and maintained in whole or in part by donations, bequests, gifts, grants, fees, or contributions. In a community clinic any charges for advice, diagnosis, treatment, medicines, drugs, appliances, or apparatus concerning bodily and mental disease and injuries are based on ability

of the patient to pay or such services are given without charge. No corporation, other than a nonprofit corporation, no part of the net earnings of which inure, or may lawfully inure, to the benefit of any private shareholder or individual, shall operate a community clinic. No natural person or persons shall operate a community clinic.

(b) A teaching and research clinic is a clinic operated by or affiliated with any institution of learning which teaches a recognized healing art and which is approved by the state agency having regulation of the practice of that healing art.

(c) An employer's clinic is a clinic operated by an employer, or jointly by two or more employers, without profit to them, for the prevention and treatment of accidental injuries to, and the care of the health of, their employees only.

(d) An employees' clinic is a clinic operated by a group of employees or jointly by employees and employers, without profit to the operators thereof or to any other person, for the prevention and treatment of accidental injuries to, and the care of the health of, the employees comprising such group.

CHAPTER 1121

An act to amend Sections 3365 and 3701 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 3365 of the Revenue and Taxation Code is amended to read:

3365. After the first publication of the notice of intent to deed to the state and not less than 21 nor more than 35 days before the date of deeding, when tax-sold property is to be deeded, the tax collector shall send by registered mail to the last assessee of the tax-sold property at his last known address either a copy of the publication or a notice of intent to deed the property to the state. The tax collector shall make a reasonable effort to ascertain the address of the last assessee of the tax-sold property, including, but not limited to, an examination of the assessment of this property on the rolls beginning with the year of delinquency to and including that of the last equalized roll, an examination of the most recent telephone books in the county in which the tax-sold property is located, and an examination of the telephone book covering the area of the last known address of the last assessee.

The failure of the tax collector to make a reasonable effort to ascertain the address of the last assessee as required by this section shall not affect the validity of the deed to the state.

SEC. 2. Section 3701 of the Revenue and Taxation Code is amended to read:

3701. After receiving the written authorization of the Controller and not less than 21 nor more than 28 days, before the proposed sale the tax collector shall send a notice by registered mail of the intended sale to the last assessee of each portion of the property at his last known address. The tax collector shall make a reasonable effort to ascertain the address of the last assessee of the tax-owed property, including, but not limited to, an examination of the assessment of this property on the rolls beginning with the year of delinquency to and including that of the last equalized roll.

The failure of the tax collector to make a reasonable effort to ascertain the address of the last assessee as required by this section shall not affect the validity of the sale.

CHAPTER 1122

An act to add Section 830.11 to the Penal Code, relating to peace officers.

[Approved by Governor October 19, 1971. Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 830.11 is added to the Penal Code, to read:

830.11. (a) Any welfare fraud investigator or inspector, regularly employed and paid as such by the county welfare department, is a peace officer when individually designated as such by local ordinance or resolution, provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of the Welfare and Institutions Code as set forth in the enforcement sections of such code. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, such welfare fraud investigators or inspectors are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or resolution.

(b) The authority of any such peace officer extends to any place in the state; provided, that except as otherwise provided in Section 830.3, Section 830.6, or Section 1509.7 of the Military and Veterans Code, any such peace officer shall be deemed a peace officer only for purposes of his primary duty, and shall not act as a peace officer in enforcing any other law except:

(1) When in pursuit of any offender or suspected offender;
or

(2) To make arrests for crimes committed, or which there is probable cause to believe have been committed, in his presence while he is in the course of his employment; or

(3) When, while in uniform, such officer is requested, as a peace officer, to render such assistance as is appropriate under the circumstances to the person making such request, or to act upon his complaint, in the event that no peace officer otherwise authorized to act in such circumstances is apparently and immediately available and capable of rendering such assistance or taking such action.

SEC. 2. It is the intent of the Legislature that the changes effected by this legislation shall serve only to define peace officers, the extent of their jurisdiction, and the nature and scope of their authority, powers and duties, and that there be no change in the status of individual peace officers or classes of peace officers for purposes of retirement, workmen's compensation or similar injury or death benefits, or other employee benefits.

CHAPTER 1123

An act to add Sections 10039 and 10069 to the Health and Safety Code, relating to vital statistics.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 10039 is added to the Health and Safety Code, to read:

10039. Notwithstanding any other provisions of law relating to retention of public records, the State Registrar may cause the preliminary reports required to be reported under Chapter 6.5 (commencing with Section 10360) of this division to be disposed of after five years from the date of filing of the initial complaint or petition, providing the final decree of dissolution of marriage, decree of legal separation, decree of declaration of nullity, or judgment of dismissal has been filed as required.

SEC. 2. Section 10069 is added to the Health and Safety Code, to read:

10069. Notwithstanding any other provision of law relating to retention of public records, the clerk of the court's copy of the information required to be filed with the State Registrar pursuant to Chapter 6.5 (commencing with Section 10360) of this division may be disposed of after five years from the date of the filing of the original complaint or petition, provided a certificate of registry of a final decree of dissolution of marriage, decree of legal separation, decree of declaration of nullity, or judgment of dismissal has been filed with the State Registrar as required.

SEC. 3. This act shall become operative January 1, 1972.

CHAPTER 1124

An act to amend Section 3306 of, and to add Sections 3307, 3308, 3309, 3310 and 3311 to, the Welfare and Institutions Code, relating to work furlough release.

[Approved by Governor October 19, 1971 Filed with
Secretary of State October 19, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 3306 of the Welfare and Institutions Code is amended to read:

3306. The Director of Corrections may authorize the temporary removal from the California Rehabilitation Center or any of its branches under the jurisdiction of the Department of Corrections of any person confined therein. The director may require that such temporary removal be under custody. Unless the person is removed for medical treatment, the removal shall not be for a period longer than three days. The director may require the person to reimburse the state, in whole or in part, for expenses incurred by the state in connection with such temporary removal other than for medical treatment.

Under specific regulations established by the director for the selection of confined persons, the director may authorize assignment to conservation camp programs.

SEC. 2. Section 3307 is added to the Welfare and Institutions Code, to read:

3307. The Director of Corrections may establish and operate facilities to be known as community correctional centers.

SEC. 3. Section 3308 is added to the Welfare and Institutions Code, to read:

3308. The primary purpose of such facilities is to provide housing, supervision, counseling, and other correctional programs for persons committed to the Director of Corrections.

SEC. 4. Section 3309 is added to the Welfare and Institutions Code, to read:

3309. The Director of Corrections shall make rules and regulations for the government of the community correctional centers in the management of their affairs.

SEC. 5. Section 3310 is added to the Welfare and Institutions Code, to read:

3310. The Director of Corrections may transfer persons confined in the California Rehabilitation Center, or branches thereof, to community correctional centers and place persons on outpatient status in community correctional centers.

SEC. 6. Section 3311 is added to the Welfare and Institutions Code, to read:

3311. The Director of Corrections may grant furloughs to residents of community correctional centers for the purpose of

employment, education, including vocational training, or arranging a suitable employment and residence program.

SEC. 7. Section 1 of this act shall become operative January 1, 1972.

CHAPTER 1125

An act to add Section 9501.1 to the Corporations Code, relating to charitable corporations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 9501.1 is added to the Corporations Code, to read:

9501.1. Every nonprofit corporation, during any period or periods such corporation is deemed to be a "private foundation" as defined in Section 509 of the Internal Revenue Code of 1954 as amended by Section 101 of the Tax Reform Act of 1969 (all references in this section to the Internal Revenue Code shall refer to such code as amended by such act), shall distribute its income for each taxable year (and principal, if necessary) at such time and in such manner as not to subject such corporation to tax under Section 4942 of such code (as modified by paragraph (3) of subsection (l) of Section 101 of the Tax Reform Act of 1969), and such corporation shall not engage in any act of self-dealing as defined in subsection (d) of Section 4941 of such code (as modified by paragraph (2) of subsection (l) of Section 101 of the Tax Reform Act of 1969), retain any excess business holdings as defined in subsection (e) of Section 4943 of such code, make any investments in such manner as to subject such corporation to tax under Section 4944 of such code, or make any taxable expenditure as defined in subsection (d) of Section 4945 of such code (as modified by paragraph (5) of subsection (l) of Section 101 of the Tax Reform Act of 1969).

This section shall apply to any such corporation and any provision contained in its articles of incorporation or other governing instrument inconsistent with this section or to the contrary thereof shall be without effect.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Federal Tax Reform Act of 1969 (P.L. 91-172) and regulations issued thereunder require that all private foundations cause certain amendments to be made to their governing

instruments no later than December 31, 1971, in order to retain their tax-exempt status, unless a state statute accomplishes the same result. This act will eliminate the need for judicial or corporate action in most such cases. Its immediate operation is necessary to avoid an intolerable burden on foundations seeking to comply with the provisions of the Tax Reform Act.

CHAPTER 1126

An act to amend Section 68092.5 of the Government Code, relating to expert witness fees.

[Approved by Governor October 19, 1971. Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 68092.5 of the Government Code is amended to read:

68092.5. (a) A person who is not a party to the action and who is required to testify before any court or tribunal, or in the taking of a deposition, in any civil action or proceeding, solely as to any expert opinion which he holds upon the basis of his special knowledge, skill, experience, training or education, and who is qualified as an expert witness shall receive reasonable compensation for his entire time required to travel to and from the place where the court or other tribunal, or in the taking of a deposition, the place of taking such deposition, is located and while he is required to remain at such place pursuant to subpoena. The court may fix the compensation for such appearance, in addition to such witness fees otherwise allowed by law, at such amount as seems reasonable to the court, upon motion by any party to the action or by the person required to testify and such fees shall be paid by the party requiring such witness to attend, but such fees shall not be allowable costs or disbursements.

(b) In the event the proceeding at which the expert witness has been notified his attendance is required is continued or canceled in advance of the time for which it is scheduled, such witness shall be notified of the continuance or cancellation by the party requiring his attendance by the quickest and most reliable means of giving notice under the circumstances. In the event such party fails to give notice as required by this subdivision, then the expert witness shall be entitled to receive the compensation specified in subdivision (a) of this section, notwithstanding his failure to give any testimony.

(c) An express contract entered into between a person and the party requesting or requiring him to testify, relating to compensation, shall be enforceable and shall prevail over the provisions of this section.

CHAPTER 1127

An act to amend Section 1167 of the Code of Civil Procedure, relating to unlawful detainer proceedings.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1167 of the Code of Civil Procedure is amended to read:

1167. The summons shall be in the form specified in Section 412.20 except that the defendant's time to respond to the complaint is five days after the summons is served upon him.

In all other respects the summons shall be issued and served and returned in the same manner as a summons in a civil action.

CHAPTER 1128

An act to amend Section 8009 of the Welfare and Institutions Code, relating to public guardians.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 8009 of the Welfare and Institutions Code is amended to read:

8009. All funds coming into the custody of the public guardian shall be deposited in the county treasury and disbursed by proper warrant issued pursuant to Chapter 5 (commencing with Section 29800) of Division 3 of Title 3 of the Government Code, or shall be deposited in one or more insured banks authorized to do business in the county or invested in one or more insured savings and loan associations authorized to do business in the county, and if there are no such insured banks or such insured savings and loan associations in the county, then the public guardian may deposit such funds in any insured bank or invest such funds in any insured savings and loan association in the state. The public guardian is not legally responsible for funds coming into his custody while such funds are deposited in an insured bank or invested in an insured savings and loan association. Money deposited with the county treasurer or with an insured bank or invested in an account or accounts in an insured savings and loan association may be withdrawn only upon an order of the public guardian.

CHAPTER 1129

An act to add Section 2188.5 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 2188.5 is added to the Revenue and Taxation Code, to read:

2188.5. (a) Subject to the limitations set forth in subdivision (b), whenever real property has been divided into planned developments as defined in Sections 11003 and 11003.1 of the Business and Professions Code, the interests therein shall be presumed to be the value of each separately owned lot, parcel or area, and such assessment shall reflect such value which includes the following:

(1) The assessment attributable to the value of the separately owned lot, parcel or area and the improvements thereon; and

(2) The assessment attributable to the share in the common area reserved as an appurtenance of the separately owned lot, parcel or area.

For the purposes of this section, "common area" shall mean the land and improvements within a lot, parcel or area, the beneficial use and enjoyment of which is reserved in whole or in part as an appurtenance to the separately owned lots, parcels or areas, whether such common area is held in common or through ownership of shares of stock or membership in an owners' association as defined in Section 11003.1 of the Business and Professions Code. The tax on each separately owned lot, parcel or area shall constitute a lien solely thereon and upon the proportionate interest in the common area appurtenant thereto.

(b) Assessment in accordance with the provisions of subdivision (a) shall only be required with respect to those planned developments:

(1) Which are located entirely within a single tax code area;

(2) In which the separately owned lots, parcels or areas are used or held for use for residential purposes by owners, tenants, lessees, invitees or licensees; and

(3) In which the entire beneficial ownership of the common area is reserved as an appurtenance to the separately owned lots, parcels or areas.

CHAPTER 1130

An act to amend Sections 74702, 74703, 74705, 74708 and 74709 of the Government Code, relating to Sonoma County courts.

[Approved by Governor October 19, 1971 Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 74702 of the Government Code is amended to read:

74702. There shall be one clerk in each district who shall receive a minimum salary of nine hundred twenty-seven dollars (\$927) monthly with a six-month increment of forty-seven dollars (\$47), with annual increments thereafter of forty-nine dollars (\$49), fifty-one dollars (\$51), and fifty-three dollars (\$53) to a maximum of one thousand one hundred twenty-seven dollars (\$1,127) monthly.

SEC. 2. Section 74703 of the Government Code is amended to read:

74703. Assistant clerks, executive secretaries and deputy clerks shall receive salaries as follows:

(a) Assistant clerks and executive secretaries shall receive a minimum salary of six hundred forty-four dollars (\$644) monthly with a six-month increment of thirty-two dollars (\$32), with annual increments thereafter of thirty-four dollars (\$34), thirty-five dollars (\$35), and thirty-seven dollars (\$37), to a maximum of seven hundred eighty-two dollars (\$782) monthly.

(b) Deputy clerks, grade IV, shall receive a minimum salary of five hundred fifty-six dollars (\$556) monthly with a six-month increment of twenty-eight dollars (\$28), with annual increments thereafter of twenty-nine dollars (\$29), thirty-one dollars (\$31), and thirty-two dollars (\$32) to a maximum of six hundred seventy-six dollars (\$676) monthly.

(c) Deputy clerks, grade III, shall receive a minimum salary of five hundred five dollars (\$505) monthly with a six-month increment of twenty-five dollars (\$25), with annual increments thereafter of twenty-six dollars (\$26), twenty-eight dollars (\$28), and twenty-nine dollars (\$29) to a maximum of six hundred thirteen dollars (\$613) monthly.

(d) Deputy clerks, grade II, shall receive a minimum salary of four hundred thirty-six dollars (\$436) monthly with a six-month increment of twenty-two dollars (\$22), with annual increments thereafter of twenty-three dollars (\$23), twenty-four dollars (\$24), and twenty-five dollars (\$25), to a maximum of five hundred thirty dollars (\$530) monthly.

(e) Deputy clerks, grade I, shall receive a minimum salary of three hundred ninety-five dollars (\$395) monthly with a six-month increment of twenty dollars (\$20), with annual in-

crements thereafter of twenty-one dollars (\$21), twenty-two dollars (\$22), and twenty-three dollars (\$23), to a maximum of four hundred eighty-one dollars (\$481) monthly.

SEC. 3. Section 74705 of the Government Code is amended to read:

74705. Certain classes of employment in the municipal courts are deemed to be equivalent in job and salary level to certain classes in the service of the County of Sonoma, and, whenever the salary of those classes in the service of the County of Sonoma is adjusted by the board of supervisors, the salary of the comparable classes in the municipal courts shall be adjusted a like extent. Such adjustment shall be effective on the same date as the effective date of the action by the board of supervisors, as it applies to the classes in the service of the county, but such adjustments shall be effective only until the 61st day after the adjournment of the next regular session of the Legislature which commences thereafter.

(a) The class of clerk of the municipal court is equivalent in job and salary level to the class of assistant county clerk.

(b) The classes of assistant clerk, municipal court, and executive secretary, municipal court, are equivalent in job and salary level to the class of executive secretary.

(c) The class of deputy clerk IV is equivalent in job and salary level to the class of clerk-typist IV.

(d) The class of deputy clerk III is equivalent in job and salary level to the class of clerk-typist III.

(e) The class of deputy clerk II is equivalent in job and salary level to the class of clerk-typist II.

(f) The class of deputy clerk I is the equivalent in job and salary level to the class of clerk-typist I.

SEC. 4. Section 74708 of the Government Code is amended to read:

74708. In the municipal court established in the district embracing the Cities of Santa Rosa, Sebastopol, Rohnert Park, Cotati, Healdsburg and Cloverdale, designated as the Central Judicial District of Sonoma County, there shall be the following personnel:

(a) There shall be three judges, who may appoint one executive secretary.

(b) There shall be one clerk who may appoint:

(1) One assistant clerk.

(2) Four deputy clerks grade IV.

(3) Eight deputy clerks grade III.

(4) Five deputy clerks grade II.

(5) One deputy clerk grade I.

SEC. 5. Section 74709 of the Government Code is amended to read:

74709. In the municipal court established in a district embracing the Cities of Sonoma and Petaluma designated as the Southern Sonoma County Judicial District, there shall be the following personnel:

(a) There shall be one judge.

- (b) There shall be one clerk who may appoint:
- (1) One assistant clerk.
 - (2) One deputy clerk grade IV.
 - (3) Two deputy clerks grade III.
 - (4) Four deputy clerks grade II.

SEC. 6. In the event that on or after January 1, 1972, the Southern Sonoma County Judicial District is annexed to the Central Judicial District of Sonoma County, the number of judges in the Central Judicial District of Sonoma County shall be increased from three to four. The judges shall have interim authority to authorize such additional clerical personnel as may be required pending action by the State Legislature during the 1972 Regular Session.

CHAPTER 1131

An act to amend Section 3041 of the Business and Professions Code, relating to optometry.

[Approved by Governor October 19, 1971 Filed with
Secretary of State October 19, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 3041 of the Business and Professions Code is amended to read:

3041. The practice of optometry is the doing, without the use of drugs, of any or all of the following acts, either singly or in combination with others:

(a) The measurement of the powers or range of human vision or the determination of the accommodative and refractive states of the human eye or the scope of its functions in general or the adaptation of lenses or frames for the aid thereof.

(b) The prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training, or orthoptics.

(c) The prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye, including lenses which may be classified as drugs by any law of the United States or of this state.

CHAPTER 1132

An act to add Chapter 9 (commencing with Section 4060) to Part 1 of Division 5 of the Health and Safety Code, relating to operators of water treatment facilities.

[Approved by Governor October 19, 1971 Filed with
Secretary of State October 19, 1971]

The people of the State of California do enact as follows:

SECTION 1. Chapter 9 (commencing with Section 4060) is added to Part 1 of Division 5 of the Health and Safety Code, to read:

CHAPTER 9. OPERATORS OF WATER TREATMENT
FACILITIES

Article 1. Definitions

4060. Unless the context otherwise requires, the definitions in this article govern the interpretation of this chapter.

4061. "Advisory committee" means the committee established by Section 4070.

4062. "Certificate" means a certificate of competency issued by the director stating that the operator has met the requirements for a specific operator classification of the certification program.

4063. "Operator" means any person who is responsible for the operation of a water treatment plant.

4064. "Water treatment plant" means a group or assemblage of structures, equipment and processes which treat or condition a water supply, affecting the physical, chemical, or bacteriological quality of water distributed or otherwise offered to the public for domestic use.

Article 2. Administration

4070. There is in the state department an advisory committee which consists of five members appointed by the Governor.

4071. The advisory committee shall consist of the following five members:

(a) One person who is an employed waterworks operator.

(b) One person who is a professional engineer whose major field is related to water supply and treatment.

(c) Three persons who shall represent the governing bodies of water purveyors one of whom shall represent the governing body of a water purveyor providing service to less than 200 domestic service connections.

4072. Each member of the advisory committee shall be appointed for a four-year term except that the initial members appointed to the advisory committee shall serve for the following terms:

(a) One member designated by the Governor who is a representative of the governing body of a water purveyor shall be appointed for a two-year term.

(b) The member who is a waterworks operator and one member designated by the Governor who is a representative of the governing body of a water purveyor shall be appointed for a three-year term.

(c) The member who is a professional engineer and one member designated by the Governor who is a representative of the governing body of a water purveyor shall be appointed for a four-year term.

After the expiration of such initial terms all appointments shall be for a four-year term.

The Governor shall fill vacancies in unexpired terms by appointment.

4073. The members of the advisory committee shall serve without compensation of any kind, including reimbursement for any expenses incurred as a member of such committee.

4074. The director, with the approval of the advisory committee, shall adopt rules and regulations and certification standards necessary to carry out the provisions of this chapter, pursuant to Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, and shall submit such rules and regulations to the board for its review and approval.

Article 3. Certification

4080. The state department shall, upon recommendation of the advisory committee, certify persons as to their qualifications to supervise or operate water treatment plants. The certification shall indicate the classification of water treatment plant which the person is qualified to operate.

4081. After consulting with the advisory committee as to time and place, the state department shall hold at least one examination each year for the purpose of examining candidates for certification.

4082. All persons responsible for the operation of water treatment plants shall possess a certificate of appropriate grade in accordance with the rules and regulations referred to in Section 4074.

4083. It is the intent of the Legislature that the program authorized pursuant to this chapter be entirely self-supporting, and for this purpose the board is authorized to establish fee schedules for the issuance and renewal of certificates which shall provide revenues which shall not exceed the amount necessary, but shall be sufficient, to recover all costs incurred in the administration of this chapter.

4084. A person employed as a water treatment plant operator on the effective date of this chapter shall be issued an appropriate certificate provided that he gives evidence of competence, training, education, experience, or a combination of the qualifications acceptable to the director as prescribed by the rules and regulations referred to in Section 4074.

Article 4. Operators Training

4090. The director, with the approval of the advisory committee and after consultation with the California Public Service Education and Training Advisory Council, shall establish

the criteria and standards for education and training of existing and prospective water treatment plant operators and shall provide such criteria and standards for use in statewide technical education and training programs.

4091. All preentry and postentry educational programs shall be tailored to the needs of all segments of the population without respect to race, color, or creed.

Article 5. Facility Classification

4095. The state department, with the approval of the advisory committee, shall establish and publish criteria to classify the type of water treatment plants with regard to plant size, character of water and required degree of treatment, and other physical conditions affecting treatment plants. The state department, with the approval of the advisory committee, shall establish the level of skill, knowledge, and experience necessary to supervise or operate successfully water treatment facilities to protect the public health.

CHAPTER 1133

An act to amend Section 6796 of the Business and Professions Code, relating to professional engineers.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 6796 of the Business and Professions Code is amended to read:

6796. Except as otherwise provided in this article, certificates of registration as a professional engineer, and certificates of authority may be renewed at any time within five years after expiration on filing of application for renewal on a form prescribed by the board and payment of the renewal fee in effect on the last preceding regular renewal date. If the certificate is renewed more than 30 days after its expiration, the certificate holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the certificate shall continue in effect through the date provided in Section 6795 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

CHAPTER 1134

An act to amend Section 6795 of the Business and Professions Code, relating to professional engineers.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 6795 of the Business and Professions Code is amended to read:

6795. Certificates of registration as a professional engineer, and certificates of authority expire at 12 p.m. on June 30 of each even-numbered year, if not renewed. To renew an unexpired certificate, the certificate holder shall, on or before June 30 of each even-numbered year, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

CHAPTER 1135

An act to amend Sections 36005, 36400, and 36605 of the Vehicle Code, relating to implements of husbandry.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 36005 of the Vehicle Code is amended to read:

36005. Implement of husbandry includes, but is not limited to:

(a) A lift-carrier or other vehicle designed and used exclusively for the lifting and carrying of implements of husbandry or tools used exclusively for the production or harvesting of agricultural products, when operated or moved upon a highway.

(b) A trailer of the tip-bed type when used exclusively in the transportation of other implements of husbandry or tools used exclusively for the production or harvesting of agricultural products.

(c) A one-axle trailer of the tip-bed type when used exclusively in the transportation of other implements of husbandry or tools used exclusively for the production or harvesting of agricultural products.

(d) A two-wheeled trailer having no bed, and designed and used solely for transporting a hay loader.

(e) A spray or fertilizer applicator rig designed and used exclusively for spraying or fertilizing in the conduct of agricultural operations.

(f) A nurse rig or equipment auxiliary to the use of and designed or modified for the fueling, repairing, or loading of a spray rig or an airplane used for the dusting, spraying, fertilizing, or seeding of crops.

(g) A row duster.

(h) A wagon or van used exclusively for carrying products of farming from one part of a farm to another part thereof, or from one farm to another farm, and used solely for agricultural purposes, including any van used in harvesting alfalfa or cotton, which is only incidentally operated or moved on a highway as a trailer.

(i) A wagon or portable house on wheels used solely by shepherds as a permanent residence in connection with sheep-raising operations and moved from one part of a ranch to another part thereof or from one ranch to another ranch, which is only incidentally operated or moved on a highway as a trailer.

(j) A trap wagon moved from one part of a ranch to another part of the same ranch or from one ranch to another, which is only incidentally operated or moved on a highway.

(k) Any vehicle which is operated upon a highway only for the purpose of transporting agricultural products across a highway and is in no event operated along a highway for a greater distance than one-quarter mile.

(l) A portable honey-extracting trailer or semitrailer.

(m) A non-self-propelled fertilizer nurse tank or trailer moved unladen on the highway and auxiliary to the use of a spray or fertilizer applicator rig.

(n) Any cotton trailer when used on the highways for the exclusive purpose of transporting cotton from a farm to a cotton gin, and returning the empty trailer to such farm, except that Section 36125 shall apply to such trailers.

SEC. 2. Section 36400 of the Vehicle Code is amended to read:

36400. No person shall move or drive a lift-carrier or other vehicle designed and used exclusively for the lifting and carrying of implements of husbandry or tools used exclusively for the production or harvesting of agricultural products at a speed in excess of 35 miles per hour.

SEC. 3. Section 36605 of the Vehicle Code is amended to read:

36605. The limitations as to width, as set forth in Chapter 2 (commencing with Section 35100) of Division 15 of this code, do not apply to any trailer or semitrailer, including lift-carriers and tip-bed trailers, used exclusively for the transportation of implements of husbandry or tools used exclusively for the production or harvesting of agricultural products by farmers or implement dealers, except that these vehicles or the load thereon when such load consists of tools shall not exceed a width of 120 inches.

This section shall have no application to highways which are a part of the national system of interstate and defense highways (as referred to in Section 108 of the Federal-aid Highway Act of 1956) when such application would prevent this state from receiving any federal funds for highway purposes.

CHAPTER 1136

An act to amend Sections 3703 and 3704 of, and to add Section 3704.5 to, the Penal Code, relating to mentally disordered persons.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 3703 of the Penal Code is amended to read:

3703. The verdict of the jury must be entered upon the minutes, and thereupon the court must make and cause to be entered an order reciting the fact of such inquiry and the result thereof, and when it is found that the defendant is insane, the order must direct that he be taken to a medical facility of the Department of Corrections, and there kept in safe confinement until his reason is restored.

SEC. 2. Section 3704 of the Penal Code is amended to read:

3704. If it is found that the defendant is sane, the warden must proceed to execute the judgment as specified in the warrant; if it is found that the defendant is insane, the warden must suspend the execution and transmit a certified copy of the order mentioned in the last section to the Governor, and deliver the defendant, together with a certified copy of such order, to the superintendent of the medical facility named in such order. When the defendant recovers his sanity, the superintendent of such medical facility must certify that fact to the judge of the superior court from which the defendant was committed as insane, who must thereupon fix a date upon which, after 10 days' written notice to the defendant and the district attorney of the county from which the defendant was originally sentenced and the district attorney of the county from which he was committed to the medical facility, a hearing shall be had before said judge sitting without a jury to determine whether or not the defendant has in fact recovered his sanity. If the defendant appears without counsel, the court shall appoint counsel to represent him at said hearing. If the judge should determine that the defendant has recovered his sanity he must certify that fact to the Governor, who must thereupon issue to the warden his warrant appointing a day for the execution of the judgment, and the warden shall there-

upon return the defendant to the state prison pending the execution of the judgment. If, however, the judge should determine that the defendant has not recovered his sanity he shall direct the return of the defendant to a medical facility of the Department of Corrections, to be there kept in safe confinement until his sanity is restored.

SEC. 3. Section 3704.5 is added to the Penal Code, to read:

3704.5. Any defendant who, on the effective date of this section is in a state hospital under court order pursuant to Penal Code Section 3703, as that section read immediately preceding such effective date, shall be transferred to a medical facility of the Department of Corrections, designated by the director of such department, and there kept in safe confinement until his reason is restored. The provisions of Penal Code Section 3704 shall apply when such a defendant recovers his sanity.

CHAPTER 1137

An act to add Section 54902.5 to the Government Code, relating to district boundaries.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 54902.5 is added to the Government Code, to read:

54902.5. Notwithstanding the provisions of Section 6103, the State Board of Equalization shall establish a schedule of fees for filing and processing the statements and maps or plats which are required to be filed with the State Board of Equalization pursuant to Section 54902. Such schedule shall not include any fee which exceeds the reasonably anticipated cost to the State Board of Equalization of performing the work to which the fee relates.

SEC. 2. This act shall become operative on January 1, 1972.

CHAPTER 1138

An act to amend Sections 200.1, 200.10, 911, 1003, 1010.1, 1828.5, 1830, 2197, 3203.1, 1760.1, 17609, 20211, 20751, 20910, 21703, 25414, 25500, 25502, and 25541.5 of, and to repeal Sections 1977, 3259.5, 17609.1, 17609.2, 20205.1, 20205.2, 20211.1, 20813, 20814, 25414.6, 25501.5, and 25506.5 of, and to repeal Article 5.7 (commencing with Section 16231) of Chapter 2 of Division 12 of, and Article 4 (commencing with Section 17451) of Chapter 2 of Division 14 of, the Education Code, relating to community colleges.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 200.1 of the Education Code is amended to read:

200.1. As used in this article, "board of governors" means the Board of Governors of the California Community Colleges. "District governing board" means the governing board of a community college district. "District" means a community college district.

SEC. 2. Section 200.10 of the Education Code is amended to read:

200.10. The board of governors shall approve, upon the submission of district governing boards, individual classes for adults that are eligible for state apportionments and are not part of an educational program as defined in Section 25515.5.

SEC. 3. Section 911 of the Education Code is amended to read:

911. The first governing board of any new district shall, at the first meeting of the board or as soon as practicable thereafter, name the district.

The name of an elementary district shall be in the form of "----- District (using the name of the district), of ----- County" (using the name of the county in which the district is situated). The name of an elementary district shall not include a number or the word "elementary."

The name of a unified school district shall be in the form of "----- (using the name of the district) Unified School District." A number shall not be used as a part of the designation of any unified school district.

Any union high school district or joint union high school district shall be so designated as part of its name.

SEC. 4. Section 1003 of the Education Code is amended to read:

1003. The governing board of each unified school district shall have the same powers and duties as are by law granted to the governing boards of the elementary school districts, the high school districts, and the community college districts.

SEC. 5. Section 1010.1 of the Education Code is amended to read:

1010.1. As used in this article, "board of governors" means the Board of Governors of the California Community Colleges. "District governing board" means the governing board of a community college district. "District" means a community college district.

SEC. 6. Section 1828.5 of the Education Code is amended to read:

1828.5. When a community college district is formed to include territory in four or more counties, and the new district thereby acquires property of a former community college district which ceases to exist by virtue of its inclusion in the

new district, no tax levy shall be made under the provisions of Article 10 (commencing with Section 1900) of this chapter against the assessed valuation within the territory of the former community college district, for the redemption of bond principal or payment of interest on indebtedness which was originally a liability against territory other than that of the former community college district until present or future bonds equal to the appraised value of the property acquired have been redeemed through the payment of principal and interest from revenue derived from a tax levy against the assessed valuation of all of the territory of the new district except the territory of the former community college district from which the property was acquired.

SEC. 7. Section 1830 of the Education Code is amended to read:

1830. When any school district is wholly annexed to another district or is included in a new district, pursuant to proceeding taken under Division 5 or Division 18.5 (commencing with Section 25410) of this code, all property, funds and obligations of the former district, except for bonded indebtedness, shall accrue to the annexing district or to the new district, as the case may be. Any funds derived from the sale of the school bonds issued by the former district shall be used for the acquisition, construction, or improvement of school property only in the territory which comprised the former district or to discharge bonded indebtedness of the former district, except that if the bond debt is assumed by the new district as provided in this article the funds may be used in any area of the new district for the purposes for which the bonds were originally voted.

This section does not apply to an annexed district which becomes a component district of its annexing district or the new district.

SEC. 8. Section 1977 of the Education Code is repealed.

SEC. 9. Section 2197 of the Education Code is amended to read:

2197. After hearing those who present themselves to speak on the petition, the State Board of Education or the Board of Governors of the California Community Colleges, whichever is appropriate shall approve or disapprove the proposed transfer of the component district. Before approving or disapproving, the board of governors shall hear the findings and recommendations of the office of the Chancellor of the California Community Colleges. If the appropriate board approves the transfer, it shall determine whether the election shall be held only in the component district proposed to be transferred or whether the election shall be held in the whole of the high school or community college district from which the component district would be removed.

SEC. 10. Section 3259.5 of the Education Code is repealed.

SEC. 11. Section 3293.1 of the Education Code is amended to read:

3293.1. Proposals of the county committee on school district organization or proposals of the State Department of Education or of the Board of Governors of the California Community Colleges made pursuant to Chapter 9 (commencing with Section 3001), and Chapter 10 (commencing with Section 3100) of this division, and Chapter 2 (commencing with Section 25431) of Division 18.5, approved at an election held under provisions of this chapter or Chapter 9 (commencing with Section 3001) of this division, or Chapter 2 (commencing with Section 25431) of Division 18.5, shall supersede any previous actions to organize or reorganize the districts of the territory.

SEC. 12. Article 5.7 (commencing with Section 16231) of Chapter 2 of Division 12 of the Education Code is repealed.

SEC. 13. Article 4 (commencing with Section 17451) of Chapter 2 of Division 14 of the Education Code is repealed.

SEC. 14. Section 17601 of the Education Code is amended to read:

17601. For the purposes of computing allowances and apportionments from the State School Fund for the advance apportionment, first principal apportionment, and second principal apportionment on the basis of average daily attendance:

(a) Each elementary school district shall be deemed to comprise the kindergartens and grades 1 to 8, inclusive, maintained by the district, and the seventh and eighth grades of the district not maintained by the district because of the attendance upon a junior high school of pupils who would otherwise attend upon seventh and eighth grades maintained by the district.

(b) Each high school district shall be deemed to comprise all of grades 9 to 12, inclusive, maintained within the high school district whether maintained by a high school district or by a community college district.

(c) Each community college district shall be deemed to comprise the 13th and 14th grades maintained by the district.

(d) Each unified school district shall be deemed to be an elementary school district comprising the kindergartens and grades 1 to 8, inclusive, maintained by the district and the seventh and eighth grades of the district not maintained by the district in elementary schools because of the attendance upon a junior high school of pupils who would otherwise attend the seventh and eighth grades maintained in elementary schools by the district, and a high school district comprising all of grades 9 to 12, inclusive, and a community college district comprising the 13th and 14th grades maintained by the district.

SEC. 15. Section 17609 of the Education Code is amended to read:

17609. For the purposes of computation of allowances and apportionments from the State School Fund, under effective

sections of this code, each elementary school district as defined by Section 17608, and each high school district merged or otherwise included within a unified school district shall be deemed a separate and independent district, but all apportionments from the State School Fund on account of any district merged or otherwise included within a unified school district shall be made to the unified school district and shall be available for expenditure by the unified school district for all schools and classes of the district.

SEC. 16. Section 17609.1 of the Education Code is repealed.

SEC. 17. Section 17609.2 of the Education Code is repealed.

SEC. 18. Section 20205.1 of the Education Code is repealed.

SEC. 19. Section 20205.2 of the Education Code is repealed.

SEC. 20. Section 20211 of the Education Code is amended to read:

20211. The special tax required by Section 20202 to be levied shall not be levied upon taxable property in any territory included in a newly formed community college district, during the first fiscal year for which the district is effective for all purposes, or in any territory annexed to a community college district, during the first fiscal year for which the annexation is effective for all purposes, if the rate of community college district tax levied upon taxable property in such territory during such year for all community college purposes exclusive of bond interest and redemption, equals or exceeds the rate of tax which would be levied on taxable property in such territory under Section 20202 if this section were not in existence. The county auditor shall, on or before September 25th of such year, determine and report to the county superintendent of schools the amount which would be raised if the tax prescribed by Section 20202 were levied in such territory during such year. The county superintendent of schools shall forthwith report the amount to the Superintendent of Public Instruction, who shall forthwith certify such amount to the State Controller. The State Controller shall, on or before November 25th of such year, draw his warrant upon the General Fund, in the amount certified, payable to the county treasurer from the money appropriated by this section for such year. The county treasurer shall deposit the amount in the community college tuition fund, and the amount shall be apportioned under this article (commencing at Section 20201) in the same manner as if it were the proceeds of the tax levied under Section 20202.

If the rate of the community college district tax levied upon taxable property in such territory during such year for all community college purposes, exclusive of bond interest and redemption, is less than the rate of tax which would be levied on taxable property in such territory in such year under Section 20202 if this section were not in existence, the board of supervisors at the time of levying the tax prescribed by Section 20202, shall levy in such territory, in lieu of the special tax prescribed by Section 20202, a special tax at a rate equal

to the difference between the rate of tax levied under Section 20202 and the rate of district tax levied in the territory for all community college purposes, exclusive of bond interest and redemption. When collected the tax shall be paid into the county treasury and placed in the community college tuition fund. The county auditor shall, on or before September 25th of such year, determine and report to the county superintendent of schools the difference between the amount which would have been raised in such territory in such year if a special tax had been levied in such territory pursuant to Section 20202, and the amount which actually was or will be raised in such year from the levy of the special tax required by this paragraph. The county superintendent of schools shall forthwith report the amount to the Superintendent of Public Instruction, who shall forthwith certify such amount to the State Controller. The State Controller shall, on or before November 25th of such year, draw his warrant upon the General Fund, in the amount certified, payable to the county treasurer from the money appropriated by this section for such year. The county treasurer shall deposit the amount in the community college tuition fund and the amount shall be apportioned under this article (commencing at Section 20201) in the same manner as if it were the proceeds of the tax levied under Section 20202.

There is hereby appropriated from the General Fund each year, commencing with the 1959-1960 fiscal year, to the Superintendent of Public Instruction, the total of the amounts reported to him by each county superintendent of schools pursuant to this section, to be expended pursuant to this section.

SEC. 21. Section 20211.1 of the Education Code is repealed.

SEC. 22. Section 20751 of the Education Code is amended to read:

20751. (1) Except as otherwise provided in this code, the maximum rate of school district tax which may be levied for all school purposes, exclusive of bond interest and redemption, for any school district in any school year on each one hundred dollars (\$100) of assessed valuation within the district shall be as follows:

(a) Except as provided in subdivision (b) of this section, in any separate elementary school district, eighty cents (\$.80) for elementary school purposes, or ninety cents (\$.90) for combined kindergarten and elementary school purposes.

(b) In any separate elementary school district whose current expenses of education for the 1963-1964 or 1964-1965 fiscal year were less than twice the amount of the foundation program applicable to the district, one dollar and twenty-five cents (\$1.25) for elementary school purposes, or one dollar and thirty-five cents (\$1.35) for combined kindergarten and elementary school purposes.

(c) Except as provided in subdivision (d) of this section, in any separate high school district, seventy-five cents (\$.75)

for high school purposes, and ten cents (\$0.10) for adult education purposes.

(d) In any separate high school district whose current expenses of education for the high school purposes for the 1963-64 fiscal year were less than twice the amount of the foundation program computed for high school purposes, eighty-five cents (\$0.85) for high school purposes and ten cents (\$0.10) for adult education purposes.

(e) In any separate college district, thirty-five cents (\$0.35) for college purposes, and ten cents (\$0.10) for adult education purposes.

(f) In any unified school district one dollar and fifty-five cents (\$1.55) for combined elementary school and high school purposes; or one dollar and sixty-five cents (\$1.65) for combined kindergarten, elementary school, and high school purposes; or one dollar and sixty-five cents (\$1.65) for combined kindergarten, elementary school, and high school purposes, and ten cents (\$0.10) for adult education purposes.

(g) Any unified school district whose current expenses of education per unit of average daily attendance for the 1963-64 fiscal year were less than six hundred dollars (\$600), two dollars and ten cents (\$2.10) for combined elementary school and high school purposes; two dollars and twenty cents (\$2.20) for combined kindergarten, elementary school, and high school purposes; or two dollars and twenty cents (\$2.20) for combined kindergarten, elementary school, and high school purposes, and ten cents (\$0.10) for adult education purposes.

(h) As used in this section "adult education purposes" means all current expenses of the district for which district taxes may be levied, excluding the expenses for which district taxes may be levied under Sections 14214, 14657, 20801.5, 20802.6 and 20806 of this code and Section 20532 of the Government Code, for adult classes as provided for in Chapter 5.5 (commencing with Section 5701), Division 6 of this code. "Adult education purposes" includes classes for adults authorized under Articles 4, 5 and 6, inclusive of Chapter 5.5 (commencing with Section 5701) of Division 6 of this code.

(2) If the maximum tax rate of a school district in effect on the effective date of the amendment to this section adopted at the 1964 First Extraordinary Session of the Legislature is, because of an increase adopted by the district electors pursuant to Section 20803, more than the applicable rate prescribed in subdivision (1) of this section, the maximum tax rate of such district shall continue to be the maximum rate prescribed by this section prior to such 1964 amendment plus the amount of the increase over such rate adopted by the district electors pursuant to Section 20803 prior to the 1964 amendment to this section, for the period for which such increase was adopted by the voters, and upon the expiration of such period, the maximum tax rate of such district shall be the applicable rate prescribed in subdivision (1) of this section.

If any such voted increase in effect on such effective date results in a maximum rate which is less than that prescribed in subdivision (1) of this section as so amended in 1964, the maximum rate of such district shall be that prescribed in subdivision (1) of this section as so amended or as subsequently amended. Nothing in this section shall be construed to prevent a change in the maximum tax rate of a school district subject to and in the manner prescribed by Section 20803.

SEC. 23. Section 20813 of the Education Code is repealed.

SEC. 24. Section 20814 of the Education Code is repealed.

SEC. 25. Section 20910 of the Education Code is amended to read:

20910 For purposes of this chapter:

(a) Each elementary school district shall be deemed to comprise the kindergartens and grades 1 to 8, inclusive, maintained by the district, and the seventh and eighth grades of the district not maintained by the district because of the attendance upon a junior high school of pupils who would otherwise attend upon seventh and eighth grades maintained by the district.

(b) Each high school district shall be deemed to comprise all of grades 9 to 12, inclusive, maintained within the high school district whether maintained by a high school district or by a community college district.

(c) Each unified school district shall be deemed to be an elementary school district comprising the kindergartens and grades 1 to 8, inclusive, maintained by the district and the seventh and eighth grades of the district not maintained by the district in elementary schools because of the attendance upon a junior high school of pupils who would otherwise attend the seventh and eighth grades maintained in elementary schools by the district, and a high school district comprising all of grades 9 to 12, inclusive.

(d) In determining to which particular districts apportionments shall be made, the rules prescribed by Sections 17608, 17609, and 17610 for purposes of apportionments from the State School Fund shall be utilized.

SEC. 26. Section 21703 of the Education Code is amended to read:

21703. Any unified school district may issue bonds not to exceed 10 percent of the taxable property of the district as shown by such equalized assessment of the county or counties in which the district is located.

In computing the outstanding bonded indebtedness of any unified school district for all purposes of this section, except as provided in subdivision (b) of this section, any outstanding bonds shall be deemed to have been issued for elementary school purposes, and high school purposes, respectively, in the respective amounts that the proceeds of the sale of such outstanding bonds, excluding any premium and accrued interest received on said sale, were or have been allocated by the governing board of such unified school district to each of said purposes respectively.

(a) For the purposes of the State School Building Aid Law of 1952 (commencing with Section 19551) with respect to applications for apportionments and apportionments filed or made prior to the effective date of the amendment to Section 21802 made at the 1967 Regular Session and to the repayment thereof, Sections 19401 to 19486, inclusive, only, any unified school district shall be considered to have a bonding capacity in the amount permitted by law for an elementary school district and a bonding capacity in the amount permitted by law for a high school district.

(b) Except as provided in subdivision (a) of this section, for the purposes of the State School Building Aid Law of 1952 (commencing with Section 19551) only, in computing the outstanding bonded indebtedness of a unified district maintaining a community college, outstanding bonds shall be deemed to have been issued for either (1) community college purposes or (2) both elementary school and high school purposes, together as a single purpose, in the respective amounts that the proceeds of the sale of the outstanding bonds, excluding any premium or accrued interest received on such sale, were or have been allocated by the governing board of the unified district to each of the two purposes and no separate allocation shall be made as between elementary school purposes and high school purposes. For the purposes of such law in computing the outstanding bonded indebtedness of a unified district which does not maintain a community college, all of such indebtedness shall be deemed to have been issued for elementary and high school purposes which shall constitute a single purpose, without allocation between elementary schools and high schools.

(c) For purposes of computing the bonding capacity of a school district under the preceding subdivisions of this section, the taxable property of the district as shown by the last equalized assessment of the county shall be modified pursuant to Section 17262.

SEC. 27. Section 25414 of the Education Code is amended to read:

25414. Governing board members may be recalled in the manner provided in Article 3 (commencing with Section 1131) of Chapter 4 of Division 4, except that where the governing board member, whose recall is being sought, is elected from a ward pursuant to Section 25410.5, the required number of signatures on the recall petition set forth in Section 1136 shall be obtained from only the electors in the ward from which he was elected. Only those electors residing within the ward shall be eligible to vote in the recall election.

SEC. 28. Section 25414.6 of the Education Code is repealed.

SEC. 29. Section 25500 of the Education Code is amended to read:

25500. Community colleges shall be established and maintained in community college districts pursuant to Sections

25500 to 25504.5, inclusive, Sections 25506 to 25506.5, inclusive, Sections 25507.5 to 25511.5, inclusive, and Sections 25540 to 25541, inclusive.

SEC. 30. Section 25501.5 of the Education Code is repealed.

SEC. 31. Section 25502 of the Education Code is amended to read:

25502. Community colleges may be maintained as separate day or evening community colleges. Evening community colleges may be designated as adult schools.

SEC. 32. Section 25506.5 of the Education Code is repealed.

SEC. 33. Section 25541.5 of the Education Code is amended to read:

25541.5. The maximum rate of tax of any community college district is hereby increased by such amount as will produce the amount proposed to be expended by the district pursuant to any interdistrict attendance agreement and is hereby increased by such amount and will produce the amount proposed to be expended by the district pursuant to any lease agreement for plant and equipment as shown by the budget as finally adopted by the governing board of the district for the current fiscal year, less any unencumbered balances remaining at the end of the preceding fiscal year derived from the increase in the rate of tax provided by this section.

The increase provided by this section shall not exceed the rate of tax levied in the county pursuant to Section 20202 during the fiscal year next preceding the formation of the district for all purposes, or ten cents (\$.10) per each one hundred dollars (\$100) of the assessed value of the property within the district, whichever is the greater.

If the district is situated in two or more counties, the increase provided by this section shall not exceed the highest rate of tax levied in any of the counties in which the district is situated pursuant to Section 20202 during the fiscal year next preceding the formation of the district for all purposes, or ten cents (\$.10) per each one hundred dollars (\$100) of the assessed value of property within the district, whichever is the greater.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for the payment of any obligation incurred under the terms of an interdistrict attendance agreement for such school year.

The increases provided by this section to produce the amounts proposed to be expended pursuant to this section shall remain in effect until the end of the third consecutive fiscal year following the date of the first election at which the first district bond issue for community college purposes is passed, or until the end of any four-year period in which no bond issue is submitted to the voters

CHAPTER 1139

An act to amend Section 2808 of the Streets and Highways Code, relating to special assessment proceedings.

[Approved by Governor October 19, 1971 Filed with
Secretary of State October 19 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 2808 of the Streets and Highways Code is amended to read:

2808. None of the provisions of this division shall apply to proceedings heretofore or hereafter commenced for the construction or acquisition, or the construction and acquisition, of sanitary sewers, sewage disposal works, and storm water drains, including the acquisition of sewer and storm water drain rights-of-way and easements necessary in connection with such improvement, when such proceedings have been recommended by the health officer of the city or county in which such proceedings are instituted as necessary as a health measure, if such recommendation is given in writing and spread upon the minutes of the legislative body conducting such proceedings, and such necessity is found to exist by resolution adopted by the affirmative vote of four-fifths of the members thereof. The findings and determinations made by the legislative body pursuant to this section shall be final and conclusive upon all persons in the absence of actual fraud.

CHAPTER 1140

An act to amend Sections 8687 and 8756 of the Streets and Highways Code, relating to improvement bonds.

[Approved by Governor October 19, 1971 Filed with
Secretary of State October 19, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 8687 of the Streets and Highways Code is amended to read:

8687. Any assessment may be paid by depositing with the treasurer the total unpaid balance due on the assessment together with the total interest which would become due on the assessment if it were paid in the regular way. If the amount of the payment, along with prepayments of other assessments, is sufficient to provide surplus moneys with which to redeem any bond outstanding and not due on the next succeeding second day of July, the treasurer shall then give the proper notice for redeeming such bond, by advancing its maturity in accordance with the provisions of Part 11 upon which redemption the person paying the assessment shall be entitled to

credit and reimbursement for the par value of any coupons thereon which shall be canceled but not paid less any accrued interest paid thereon and less the premium paid on the bond, and less any costs incurred for administering the retirement of the bond.

SEC. 2. Section 8756 of the Streets and Highways Code is amended to read:

8756. In selecting bonds for retirement, the treasurer shall follow the procedure set forth in Section 8768. The decision of the treasurer in selecting bonds for retirement shall be conclusive in the absence of fraud. The treasurer shall make provision for returning to owners releasing unpaid assessments under Part 8 all interest not accrued less the premium and interest paid on the bonds retired and the cost of administering retirement of the bonds.

CHAPTER 1141

An act to amend Section 408 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 408 of the Revenue and Taxation Code is amended to read:

408. (a) Except as otherwise provided in subdivisions (b) and (c) any information and records in the assessor's office which are not required by law to be kept or prepared by the assessor are not public documents and shall not be open to public inspection.

(b) The assessor may provide any appraisal data in his possession to the assessor of any county and shall provide any market data in his possession to an assessee of property or his designated representative upon request. The assessor shall permit an assessee of property or his designated representative to inspect at the assessor's office any information and records, whether or not required to be kept or prepared by the assessor, relating to the appraisal and the assessment of his property. An assessee or his designated representative, however, shall not be provided or permitted to inspect information and records, other than market data, which also relate to the property or business affairs of another person, unless such disclosure is ordered by a competent court in a proceeding initiated by a taxpayer seeking to challenge the legality of his assessment.

(c) The assessor shall disclose information, furnish abstracts or permit access to all records in his office to law enforcement agencies, the county grand jury, the board of supervisors or their duly authorized agents, employees or rep-

representatives when conducting an investigation of the assessor's office pursuant to Section 25303 of the Government Code, the State Board of Equalization and other duly authorized legislative or administrative bodies of the state pursuant to their authorization to examine such records.

(d) For purposes of this section, "market data" means any information in the assessor's possession, whether or not required to be prepared or kept by him, relating to the sale of any property comparable to the property of the assessee, if the assessor bases his assessment of the assessee's property, in whole or in part, on such comparable sale or sales. The assessor shall provide the names of the seller and buyer of each property on which the comparison is based, the location of such property, the date of the sale, and the consideration paid for the property, whether paid in money or otherwise, but for purposes of providing such market data, the assessor shall not display any document relating to the business affairs or property of another.

CHAPTER 1142

An act to amend Section 18006 of the Government Code, relating to the allowances of relocated employees.

[Approved by Governor October 19, 1971. Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 18006 of the Government Code is amended to read:

18006. Notwithstanding the provisions of Section 11030, whenever a state officer or employee is required by the appointing power because of a change in assignment, promotion or other reason related to his duties to change his place of residence, such officer, agent or employee shall receive his actual and necessary moving, traveling, lodging and meal expense, incurred by him both before and after and by reason of such change of residence. The maximum allowances for such expenses shall be as follows: the costs of packing, transporting, and unpacking 11,000 pounds of household effects, traveling, lodging, and meal expenses for 30 days while locating a permanent residence, storage of household effects for 30 days, and additional miscellaneous allowances not in excess of one hundred dollars (\$100). The maximum allowances may be exceeded in those particular instances where the Director of General Services determines in advance that the change of residence will result in unusual and unavoidable hardship for the officer or employee, and in such cases the Director of General Services shall determine the maximum allowances to be received by said officer or employee. The Board of Control may adopt general rules and regulations covering the payment

of such expenses. The provisions of this section shall not apply to those changes of residence which are made at the request of the officer or employee and primarily for his convenience.

CHAPTER 1143

An act to add Sections 789.6 and 789.7 to the Civil Code, relating to mobilhome parks.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 789.6 is added to the Civil Code, to read:

789.6. Notwithstanding the provisions of Section 789.5, a tenancy or other estate at will or lease in a mobilehome park may not be terminated for the purpose of making the tenant's space in the park available for a person who purchased a mobilehome from the owner of the mobilehome park or his agents.

SEC. 2. Section 789.7 is added to the Civil Code, to read:

789.7. The owner of a mobilehome park or his agents shall not charge any fees to tenants other than charges for rent, utilities, or incidental reasonable service charges.

CHAPTER 1144

An act to add Sections 11011.1 and 11011.6 to the Government Code, relating to state property.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 11011.1 is added to the Government Code, to read:

11011.1. Land that has been declared surplus by the Legislature, pursuant to Section 11011, and is not needed by any state agency shall be offered to local governmental agencies at fair market value. Where such land is to be used for park and recreation purposes and operated by local agencies at no expense to the state, the Director of General Services with the approval of the State Public Works Board may transfer the land to local governmental agencies at 50 percent of fair market value under the following conditions:

(a) The local public agency has submitted a general development plan for the property which conforms to the agency's general plan pursuant to Article 5 (commencing with Section 65300) of Chapter 3 of Title 7, and which general de-

velopment plan has been approved by the Director of Parks and Recreation.

(b) The land must be developed according to plan within a time period determined by the state but not to exceed 10 years.

(c) The deed or other instrument of transfer shall provide that the land would revert to the state if the use changed to a use not consistent with parks and recreation purposes during the period of 25 years following the sale.

Where such land is to be used for public purposes other than park and recreation purposes, operated by the local agency at no expense to the state and the use and enjoyment of the public purpose contemplated will be of broad public benefit, and not a benefit basically of local interest enjoyed and used primarily by the residents of the area of tax jurisdiction of the local agency, the Director of General Services, with the approval of the State Public Works Board, may transfer the land to local government agencies at a sales price no less than 50 percent of fair market value. Any such transfer shall provide that if the land is not used for the contemplated purpose during the period of 25 years following the sale, the land shall revert to the state. The Director of General Services may provide additional terms and conditions as he determines to be in the best interest of the state.

SEC. 2. Section 11011.6 is added to the Government Code, to read:

11011.6. Notwithstanding any other provisions of law, land held by the state and not needed by any state agency, acquired at little or no cost from a local governmental agency or private party, and where no significant amount of state funds have been expended to preserve, improve, restore, or reclaim such lands, and if it will be used by a governmental agency for a public purpose of broad public benefit, and not a benefit basically of local interest enjoyed and used primarily by the residents of the area of tax jurisdiction of the agency, the Director of General Services, with the approval of the State Public Works Board, upon application by the agency or private party, may transfer the land to the governmental agencies at no cost.

CHAPTER 1145

An act appropriating funds for the support of the Central Registry of the Department of Justice, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 19, 1971. Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the General Fund the sum of fifteen thousand dollars (\$15,000) for

the support of the Central Registry of the Department of Justice

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Central Registry of the Department of Justice assists counties in locating absent parents so that they can be compelled to provide support for their dependent children and thus reduce the cost to the public. The appropriation for this function was reduced on the assumption that a saving could be achieved by moving this function to a different building and partially consolidating it with the Bureau of Criminal Identification and Investigation. This assumption was erroneous. Unless this amount is restored, therefore, the staff of the central registry must be reduced, and this important function will not be able to perform at its proper level.

CHAPTER 1146

An act to amend Section 1135 of, and to add Section 1132.4 to, the Education Code, and to amend Section 27202 of, and to add Sections 27001.5 and 27201.5 to, the Elections Code, relating to recall of public officers.

[Approved by Governor October 19, 1971. Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1132.4 is added to the Education Code, to read:

1132.4. No signature may be affixed to the petition until the proponents have served, filed and published a notice of intention to circulate a recall petition, containing the name of the officer sought to be recalled and the title of his office, a statement in not more than 500 words of the grounds on which the recall is sought, and the name and address of at least one, but not more than five, proponents. The notice of intention shall be served, personally or by certified mail, on the officer sought to be recalled, and a copy thereof with a certificate of the time and manner of service shall be filed with the county clerk.

SEC 2. Section 1135 of the Education Code is amended to read:

1135. Within seven days after the filing of the notice of intention, the officer sought to be recalled may file with the county clerk an answer in not more than 500 words to the statement of the proponents and, if an answer is filed, shall

serve a copy thereof, personally or by certified mail, on one of the proponents named in the notice of intention. The statement and answer are intended solely for the information of the voters and no insufficiency in the form or substance thereof shall affect the validity of the election or proceedings.

Before any signature may be affixed to a recall petition, the petition shall bear a copy of the notice of intention, statement and answer of the officer sought to be recalled, if any. If the officer sought to be recalled has not answered, the petition shall so state.

Sec. 3. Section 27001.5 is added to the Elections Code, to read:

27001.5. No signature may be affixed to the petition until the proponents have served, filed and published a notice of intention to circulate a recall petition, containing the name of the officer sought to be recalled and the title of his office, a statement in not more than 500 words of the grounds on which the recall is sought, and the name and address of at least one, but not more than five, proponents. The notice of intention shall be served, personally or by certified mail, on the officer sought to be recalled, and a copy thereof with a certificate of the time and manner of service shall be filed with the Secretary of State.

Within seven days after the filing of the notice of intention, the officer sought to be recalled may file with the Secretary of State an answer in not more than 500 words to the statement of the proponents and, if an answer is filed, shall serve a copy thereof, personally or by certified mail, on one of the proponents named in the notice of intention. The statement and answer are intended solely for the information of the voters and no insufficiency in the form or substance thereof shall affect the validity of the election or proceedings.

Before any signature may be affixed to a recall petition, the petition shall bear a copy of the notice of intention, statement and answer of the officer sought to be recalled, if any. If the officer sought to be recalled has not answered, the petition shall so state.

Sec. 4. Section 27201.5 is added to the Elections Code, to read:

27201.5. No signature may be affixed to the petition until the proponents have served, filed and published a notice of intention to circulate a recall petition, containing the name of the officer sought to be recalled and the title of his office, a statement in not more than 500 words of the grounds on which the recall is sought, and the name and address of at least one, but not more than five, proponents. The notice of intention shall be served, personally or by certified mail, on the officer sought to be recalled, and a copy thereof with a certificate of the time and manner of service shall be filed with the county clerk.

SEC. 5. Section 27202 of the Elections Code is amended to read:

27202 A petition demanding the election of a successor to the person sought to be recalled shall be filed with the county clerk. The petition shall be signed by voters equal in number to at least 20 percent of the entire vote last cast within the county for all candidates for the office which the incumbent, sought to be removed, occupies. If the officer is not elected by the county at large, the same percentage is required within those precincts of the county embraced within the district of the county entitled to vote for a successor to the officer named.

Within seven days after the filing of the notice of intention, the officer sought to be recalled may file with the county clerk an answer in not more than 500 words to the statement of the proponents and, if an answer is filed, shall serve a copy thereof, personally or by certified mail, on one of the proponents named in the notice of intention. The statement and answer are intended solely for the information of the voters and no insufficiency in the form or substance thereof shall affect the validity of the election or proceedings.

Before any signature may be affixed to a recall petition, the petition shall bear a copy of the notice of intention, statement and answer of the officer sought to be recalled, if any. If the officer sought to be recalled has not answered, the petition shall so state.

CHAPTER 1147

An act to add Article 2.5 (commencing with Section 26516) to Chapter 5 of Division 21 of, and to repeal Article 8 (commencing with Section 26650), as added by Chapter 1574 of the Statutes of 1970, of Chapter 3 of Division 22 of, the Health and Safety Code, relating to food.

[Approved by Governor October 19, 1971 Filed with
Secretary of State October 19, 1971]

The people of the State of California do enact as follows:

SECTION 1. Article 2.5 (commencing with Section 26516) is added to Chapter 5 of Division 21 of the Health and Safety Code, to read:

Article 2.5. Enrichment of Food and Food Products

26516. When a definition and standard of identity for an enriched food has been established pursuant to Section 26510, only the enriched form of such food shall be sold at retail in California.

26517. The nonenriched form of a food identified and standardized pursuant to Section 26510 may be used as an ingredient of another food only if it comprises less than 25 percent of the total ingredients, or it comprises 25 percent or

more of the total ingredients and vitamins and minerals have been added to make it nutritionally equivalent to the enriched form of the ingredient

26518. If a food product is prepared from an enriched form of a food or has enriched ingredients added and the only labeling reference to the enrichment is in a statement of the ingredients of the enriched food, then the ingredient statement may be followed by a parenthetical listing of vitamins and minerals and the label need not comply with labeling requirements for special dietary foods.

If a food product is prepared from an enriched form of a food or has enriched ingredients added, and the labeling features the use of the enriched food ingredient or the addition of enrichment ingredients, then the product shall contain at least 25 percent of the enriched food ingredient and the labeling shall comply with the labeling requirements for special dietary foods. As used in this section, the use of the enriched food ingredient or the addition of enriched ingredients is featured on the label of the product if the reference to the enriched ingredient or ingredients appears on such label without a listing of other ingredients, or if the reference to the enriched ingredient or ingredients appears more prominently on such label than references to other ingredients.

SEC. 2. Article 8 (commencing with Section 26650), as added by Chapter 1574 of the Statutes of 1970, of Chapter 3 of Division 22 of the Health and Safety Code is repealed.

SEC. 3. This act shall become operative January 1, 1972.

CHAPTER 1148

An act to add Article 9 (commencing with Section 16425) to Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code, relating to litigation deposits, and making an appropriation therefor.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Article 9 (commencing with Section 16425) is added to Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code, to read:

Article 9. Litigation Deposits Fund

16425. There is in the State Treasury the Litigation Deposits Fund, hereafter referred to as "the fund," which is hereby appropriated for the purposes of this article.

16426. The fund consists of all money received as litigation deposits where the State of California is a party to the litigation.

tion and no other state statutes specifically provide for both of the following:

(1) Handling and investing such money.

(2) Crediting any interest accrued thereto to such deposits.

16427. The fund is under the control of the Department of Justice, hereafter referred to as "the department." The department shall maintain accounting records pertaining to the fund, including subsidiary records of individual litigation deposits and the disbursements thereof. The department shall file a claim with the State Controller to pay out money in the fund to whomever and at such time as the court may direct. Any residue remaining in a deposit account after satisfaction of all court-directed claims for that account shall be transferred to the General Fund.

16428. Money in the fund may be invested and reinvested in any securities described in Section 16430 or deposited in banks as provided in Chapter 4 (commencing with Section 16500) of this part. The department shall determine the amount of money available for investment or deposit and shall so arrange the investment or deposit program that funds will be available for the immediate payment of any court order or decree. The Treasurer shall invest or make deposits in accordance with these determinations.

All revenues earned from investment or deposit of fund moneys shall be deposited in the fund. After first deducting therefrom the amount payable to the Treasurer for investment services rendered and the amount payable to the department for administrative services rendered, the department shall apportion as of June 30 and December 31 of each year the remainder of such revenues earned and deposited in the fund during the six calendar months ending with such dates. There shall be apportioned and credited to each litigation deposit in the fund during such six-month period, an amount directly proportionate to the total deposits in the fund and the length of time such deposits remained therein. The amounts so apportioned shall be paid to the party receiving the deposit when ordered by the court. The cost of administrative services rendered shall be determined by the department in a manner approved by the Department of General Services. The amounts payable to the department and to the Treasurer shall be transferred to the General Fund and accounted as reimbursements to their respective appropriations.

CHAPTER 1149

An act to amend Section 851.6 of the Penal Code, relating to arrest records.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 851.6 of the Penal Code is amended to read:

851.6. (a) In any case in which a person is arrested and released pursuant to paragraph (1) or (3) of subdivision (b) of Section 849, the person shall be issued a certificate, signed by the releasing officer or his superior officer, describing the action as a detention. The Attorney General shall prescribe the form and content of such certificate.

(b) Any reference to the action as an arrest shall be deleted from the arrest records of the arresting agency and of the Bureau of Criminal Identification and Investigation of the Department of Justice. Thereafter, any such record of the action shall refer to it as a detention.

SEC. 2. Section 851.6 of the Penal Code is amended to read:

851.6. (a) In any case in which a person is arrested and released pursuant to paragraph (1) or (3) of subdivision (b) of Section 849, the person shall be issued a certificate, signed by the releasing officer or his superior officer, describing the action as a detention. The Attorney General shall prescribe the form and content of such certificate.

(b) Any reference to the action as an arrest shall be deleted from the arrest records of the arresting agency and of the Bureau of Criminal Identification and Investigation of the Department of Justice. Thereafter, any such record of the action shall refer to it as a detention.

(c) Any person who was arrested without a warrant and released before November 10, 1969, without being formally charged with a crime, pursuant to paragraph (1) of subdivision (b) of Section 849, and any person who was arrested without a warrant and released before November 23, 1970, without being formally charged with a crime, pursuant to paragraph (3) of subdivision (b) of Section 849, who requests a certificate described in subdivision (a), describing the action as a detention rather than an arrest, shall be issued such a certificate by the releasing officer or his superior officer or by any officer who has succeeded to the duties of either of such officers, if the records of such arrest are available.

(d) In any case in which a person is formally charged with a crime but the court, either on its own motion or upon the application of any party, orders the action to be dismissed, the court shall immediately issue the person a certificate of detention which shall set forth the specific reasons for the dismissal. These reasons shall also be specifically stated in the minutes of the court, and a copy of the minute order shall be furnished by the court to the sheriff, police department, or other law enforcement agency that is primarily responsible for the investigation of the crime alleged.

(e) Any person who was formally charged with a crime but the action was dismissed by the court, either on its own motion or upon the application of any party, before the effec-

tive date of the amendments to this section at the 1971 Regular Session of the Legislature, may petition the court for a certificate described in subdivision (d). If the court finds the facts alleged in the petition are true, the court shall issue the person a certificate described in subdivision (d). The reasons specified in the certificate shall also be specifically stated in the minutes of the court.

(f) No certificate described in subdivision (d) or (e) shall be issued to any person who has been formally charged with a crime at any time after he has been put in jeopardy for the offense charged.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 331 are both chaptered and amend Section 851.6 of the Penal Code, and this bill is chaptered after Senate Bill No. 331, that the amendments to Section 851.6 proposed by both bills be given effect and incorporated in Section 851.6 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 331 are both chaptered, both amend Section 851.6, and Senate Bill No. 331 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 1150

An act to add and repeal Sections 576.5 and 999 of the Code of Civil Procedure, relating to settlements.

[Approved by Governor October 19, 1971. Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 576.5 is added to the Code of Civil Procedure, to read:

576.5 In any action for damages for personal injury, death, or property loss arising out of the ownership, maintenance, or use of a motor vehicle which is filed in any court in a county whose population exceeds 6,000,000, a settlement conference shall be held not later than 60 days after the filing of the at issue memorandum, unless for good cause shown, the court, on its own motion or the motion of any party, grants an extension of time.

SEC. 2. Section 999 is added to the Code of Civil Procedure, to read:

999. (a) In any action governed by Section 576.5, each party shall serve an offer in writing upon each adverse party in the action to allow judgment to be taken in accordance with the terms and conditions stated in the offer. The offer shall be

served not later than the settlement conference unless, for good cause shown, the court permits the offer to be served at a later time.

(b) If an offer is accepted, the offer and proof of acceptance shall be filed and judgment shall be entered accordingly. If the offer is not accepted within 30 days after it has been served, it shall be deemed withdrawn and shall not be admissible in evidence at the trial.

(c) If a defendant's offer is not accepted and the plaintiff fails to obtain a more favorable judgment, the defendant shall be entitled to recover interest, at the rate of 7 percent per annum from the date the defendant's offer was served, on the difference between the plaintiff's offer and the amount of the judgment.

(d) If a plaintiff's offer is not accepted and the defendant fails to obtain a more favorable judgment, the plaintiff shall be entitled to recover interest, at the rate of 7 percent per annum from the date the plaintiff's offer was served, on the amount of the judgment.

(e) Unless specifically designated as such by the party serving the offer, an offer made pursuant to this section shall not be deemed to be an offer for the purposes of Section 997 or 998.

(f) The interest recoverable under this section shall be in addition to any other amount recoverable under any other provision of law.

SEC. 3. This act shall apply to any action filed on or after January 1, 1971.

SEC. 4. This act shall become operative on January 1, 1972.

SEC. 5. This act, including Sections 576.5 and 999 of the Code of Civil Procedure, shall remain in effect only until December 31, 1973, and as of that date is repealed.

CHAPTER 1151

An act to amend Sections 12710, 12748, and 12780 of the Business and Professions Code, relating to weighmasters.

[Approved by Governor October 19, 1971. Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 12710 of the Business and Professions Code is amended to read:

12710. All license fees collected under the provisions of this chapter shall be paid into the State Treasury and credited to the Department of Agriculture Fund to be expended by the

department for the administration and enforcement of this chapter and Section 12107.5.

SEC. 2. Section 12748 of the Business and Professions Code is amended to read:

12748. All license fees collected under the provisions of this chapter shall be paid into the State Treasury and credited to the Department of Agriculture Fund to be expended by the department for the administration and enforcement of this chapter and Section 12107.5.

SEC. 3. Section 12780 of the Business and Professions Code is amended to read:

12780. All license fees collected under the provisions of this chapter shall be paid into the State Treasury and credited to the Department of Agriculture Fund to be expended by the department for the administration and enforcement of this chapter and Section 12107.5.

CHAPTER 1152

An act to add Chapter 8 (commencing with Section 2700) to Division 2 of the Public Resources Code, relating to earthquake safety, and making an appropriation therefor.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 8 (commencing with Section 2700) is added to Division 2 of the Public Resources Code, to read:

CHAPTER 8. STRONG-MOTION INSTRUMENTATION PROGRAM

2700. There is hereby established in the State of California a strong-motion instrumentation program for the purpose of administering the program and of acquiring strong-motion instruments and installing and maintaining such instruments as needed in representative geologic environments and structures throughout the state.

2701. The division shall organize and monitor the program with the advice of an advisory board appointed by the State Geologist which shall include, but not be limited to, a representative of the Earthquake Engineering Research Institute, the National Oceanic and Atmospheric Administration, the United States Geological Survey, the Structural Engineers Association of California, the Earthquake Engineering Research Center at the University of California, Berkeley, and

the Earthquake Engineering Research Laboratory at the California Institute of Technology.

2702. The division shall purchase and install instruments in representative structures and geologic environments throughout the state as deemed necessary and desirable by the advisory board.

2703. The division shall negotiate with the National Oceanic and Atmospheric Administration or other competent agency an agreement by which the administration or such agency shall maintain and service the strong-motion instruments installed, and shall negotiate with appropriate state agencies to collect and interpret all records from the instruments and to make the records available and interpretations to all interested parties.

2704. It is the intent of the Legislature in enacting this chapter to provide adequate instrumentation throughout California.

2705. All counties and cities shall collect a fee from all applicants for construction permits which shall be equal to .007 percent of the estimated construction cost of the structure.

2706. All fees collected pursuant to Section 2705 shall be deposited in the State Treasury in the Strong-Motion Instrumentation Special Fund, which fund is hereby created, to be used exclusively for the purposes of this chapter. All moneys in such fund are continuously appropriated to the division for the purposes of this chapter.

2707. The division, upon the advice of the advisory board, whenever it determines that an adequate instrumentation program has been achieved, may reduce the fee levied against building permits as provided in Section 2705 to a level sufficient to maintain the program established pursuant to this chapter.

2708. Any city or county that has adopted an ordinance requiring the installation of accelerographs in structures shall be exempted from the provisions of Section 2705 if both of the following has occurred:

(a) A minimum of one structure has been instrumented with three accelerographs installed in accordance with such ordinance prior to October 1, 1971.

(b) The State Geologist has received, on or before June 30, 1972, a written request of the governing body of such city or county that they be exempted.

CHAPTER 1153

*An act to add Section 25509.6 to the Education Code,
relating to community college courses.*

[Approved by Governor October 19, 1971. Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1 Section 25509.6 is added to the Education Code, to read:

25509.6 The governing board of any school district maintaining a community college may enter into a contract on a full-cost basis with the federal government or any agency of the federal government to provide community college courses and classes to persons in the military service of the United States at any military camp, post, installation, base, vessel, or location, whether within or outside the district or the state.

CHAPTER 1154

An act to add Section 4458.5 to the Vehicle Code, relating to vehicles, and making and appropriation therefor.

[Approved by Governor October 19, 1971. Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 4458.5 is added to the Vehicle Code, to read:

4458.5. The department shall, upon the issuance of new license plates in lieu of stolen, lost, or mutilated license plates, to a person other than the legal owner, inform the legal owner of the vehicle for which the new license plates were issued of the number on such new license plates. The department may charge a fee to pay the cost of furnishing such information.

SEC. 2 The sum of fifteen thousand dollars (\$15,000) is hereby appropriated from the Motor Vehicle Fund to the Department of Motor Vehicles for the 1971-1972 fiscal year for carrying out, initially, the provisions of Section 4458.5 of the Vehicle Code as added by Section 1 of this act. It is the intent of the Legislature that thereafter, the cost to the Department of Motor Vehicles of carrying out the provisions of Section 4458.5 of the Vehicle Code as added by Section 1 of this act, shall be paid from fees charged by the department for the service specified in Section 4458.5.

CHAPTER 1155

An act to add Section 1904.2 to the Public Utilities Code, relating to public utilities.

[Approved by Governor October 19, 1971. Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1 Section 1904.2 is added to the Public Utilities Code, to read.

1904.2. (a) In every case in which an applicant's security issues are subject to the jurisdiction of the Federal Power Commission pursuant to Section 204 of the Federal Power Act (49 Stat. 850, 16 U.S.C. 824c), no fees shall be charged and collected pursuant to subdivision (b) of Section 1904 and pursuant to Section 1904.1 for any face value of the bonds, notes, or other evidences of indebtedness, or the proposed maximum proceeds of stock, as the case may be, which exceeds the face value or maximum proceeds bearing the same proportion to the total face value or maximum proceeds as the gross operating revenues of the applicant derived from operations within the state bear to all of the applicant's gross operating revenues.

(b) As used in this section, "gross operating revenues" means such revenues as are shown on the accounts of the applicant as of the close of the calendar year immediately preceding the issuance by the commission of the certificate for which fees are charged and collected pursuant to subdivision (b) of Section 1904 or pursuant to Section 1904.1.

CHAPTER 1156

An act to amend Section 25365 of the Government Code, relating to county property.

[Approved by Governor October 19, 1971. Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 25365 of the Government Code is amended to read:

25365. The board of supervisors may, by a four-fifths vote, grant, convey, quitclaim, assign, or otherwise transfer to the state or to any city, school district, irrigation, flood control, county board of education, or other special district within the county or exchange with such public entities, any real or personal property, or interest therein belonging to the county upon such terms and conditions as are agreed upon and without complying with any other provisions of this code, if the property or interest therein to be granted and conveyed or quitclaimed is not required for county use or in the event of an exchange, the property to be acquired is required for county use. The board of supervisors may also, by a four-fifths vote,

exchange real property of equal value with any person, firm or corporation, for the purpose of removing defects in the title to real property owned by the county, or where the real property to be exchanged is not required for county use and the property to be acquired is required for county use

Unless the body or agency to which the property is transferred pursuant to this section and the body or agency transferring the property are governed by the same county board of supervisors, the transferring board of supervisors shall publish a notice of its intended action pursuant to Section 6061 at least one week prior thereto in a newspaper of general circulation published in the county.

CHAPTER 1157

An act to amend Section 6796.3 of the Business and Professions Code, relating to professional engineers.

[Approved by Governor October 19, 1971. Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 6796.3 of the Business and Professions Code is amended to read:

6796.3. Certificates of registration as a professional engineer, and certificates of authority to use the title "structural engineer" or "consulting engineer" which are not renewed within five years after expiration may not be renewed, restored, reinstated, or reissued thereafter. The holder of such certificate may apply for and obtain a new certificate, however, if:

- (a) He is of good moral character and temperate habits,
- (b) No fact, circumstance, or condition exists which, if the certificate were issued, would justify its revocation or suspension,
- (c) He takes and passes the examination, if any, which would be required of him if he were then applying for the certificate for the first time, or otherwise establishes to the satisfaction of the board that, with due regard for the public interest, he is qualified to practice the branch of engineering in which he again seeks to be certified, and
- (d) He pays all of the fees that would be required of him if he were then applying for the certificate for the first time.

The board may, by regulation, provide for the waiver or refund of all or any part of the application fee in those cases in which a certificate is issued without an examination pursuant to the provisions of this section.

CHAPTER 1158

*An act to amend Section 1241 of the Penal Code,
relating to appointed counsel.*

[Approved by Governor October 19, 1971 Filed with
Secretary of State October 19, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 1241 of the Penal Code is amended to read:

1241. In any case in which counsel has been appointed by the Supreme Court or by a court of appeal to represent a party to any appeal or proceeding, such counsel shall receive a reasonable sum for compensation and necessary expenses, the amount of which shall be determined by the court and paid from any funds appropriated for that purpose. Claim for the payment of such compensation and expenses shall be made on a form prescribed by the Judicial Council and presented by counsel to the clerk of the appointing court. After the court has made its order fixing the amount to be paid the clerk shall transmit a copy of the order to the State Controller who shall draw his warrant in payment thereof and transmit it to the payee.

CHAPTER 1159

*An act to add Section 25955 to the Health and
Safety Code, relating to abortions.*

[Approved by Governor October 19, 1971 Filed with
Secretary of State October 19, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 25955 is added to the Health and Safety Code, to read:

25955. No employer shall require a registered nurse, a licensed vocational nurse, or any other person employed to furnish direct personal health service to a patient to directly participate in the induction or performance of an abortion, if such employee has filed a written statement with the employer indicating a moral, ethical, or religious basis for refusal to participate in the abortion, and the employer shall not penalize or discipline such employee for declining to so directly participate.

This section shall not apply to medical emergency situations.
Any violation of this section is a misdemeanor.

CHAPTER 1160

An act to add and repeal Section 34311.1 of the Government Code, relating to city incorporation.

[Approved by Governor October 19, 1971 Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 34311.1 is added to the Government Code, to read:

34311.1. The board shall hold a hearing at the time fixed, and may adjourn the hearing from time to time, for periods not to exceed two months in all. If at the time set for the first hearing, there are insufficient written protests filed with the board to terminate further proceedings, the meeting shall be recessed not less than 14 days, and supplemental protests may be filed within 10 days after the first hearing.

If upon the final hearing the board of supervisors finds and determines that written protests to the proposed incorporation have been filed with the board, signed by qualified signers representing 51 percent of the total assessed valuation of the land and improvements within the boundaries of the proposed incorporation, the jurisdiction of the board of supervisors shall cease; no election shall be called and no further petition for the incorporation of any of the same territory shall be initiated for one year after the date of such determination.

For the purposes of this section written requests for exclusion shall be deemed to be protests.

Except to the extent that proof to the contrary has been submitted to it, the board of supervisors in ascertaining whether protests have been signed by qualified signers may assume that the assesses on the last equalized assessment roll of the county are the qualified signers as herein defined.

Proof of qualifications as a signer shall be in writing, filed with the protest, and, except for copies of instruments of title, shall be verified. Where there is more than one qualified signer with respect to a parcel, the signature of any one qualified signer shall be sufficient to include the entire assessed value of the parcel.

This section shall be effective only in counties of over 4,000,-000 population.

This section shall remain in effect only until December 31, 1973, and as of that date is repealed.

CHAPTER 1161

An act to add Part 13 (commencing with Section 101000) to Division 10 of the Public Utilities Code, relating to transit districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 19, 1971 Filed with
Secretary of State October 19, 1971]

The people of the State of California do enact as follows:

SECTION 1. Part 13 (commencing with Section 101000) is added to Division 10 of the Public Utilities Code, to read:

PART 13. GREATER BAKERSFIELD METROPOLITAN
TRANSIT DISTRICT

CHAPTER 1. TITLE OF ACT AND POLICY

101000. This part shall be known and may be cited as the "Greater Bakersfield Metropolitan Transit District Act."

101001. It appears that public interest and necessity may require that a transit district be established in the territory comprising the City of Bakersfield and the unincorporated area of the County of Kern adjacent to the city in order to meet the public transit problems within such territory. There is no general law under which such a district could be formed and, accordingly, the enactment of a special law providing for the formation of such a special district is required.

CHAPTER 2. DEFINITIONS

101005. Unless the context otherwise specifically requires, the definitions set forth in this chapter shall govern the construction of this part.

101006. "District" means the Greater Bakersfield Metropolitan Transit District formed under the provisions of this part.

101007. "Board" means the board of directors of the district.

101008. "County" means the County of Kern.

101009. "Board of supervisors" means the board of supervisors of the county.

101010. "Voter" means any elector who is registered to vote under the provisions of the Elections Code and who

resides within the territory proposed for formation of the district or within the territory comprising the district after its formation.

101011. "Transit" means the transportation of passengers by any means and includes the transportation of the incidental baggage of passengers.

101012. "Transit works" or "transit facilities" means any and all real or personal property, equipment, rights or interests acquired, constructed, leased, purchased, owned or otherwise operated by the district for transit purposes and including any future acquisition of any of the same in any manner.

101013. "Commission" means the local agency formation commission, of the county.

101014. "Existing system" means any transit service or system of a publicly or privately owned public utility, or division thereof, operating entirely within the district or at least 40 percent of whose revenue vehicle miles for the preceding calendar year were operated within the district, but does not include a charter-party carrier or the charter service of a passenger stage corporation.

CHAPTER 3. FORMATION OF THE DISTRICT

Article 1. General Provisions

101030. The Greater Bakersfield Metropolitan Transit District may be formed as provided in this chapter and, when so formed, may exercise the powers granted in this part.

101031. The territory of such district shall be composed of the entire City of Bakersfield and such portions of unincorporated territory of the county contiguous thereto as may be benefited by inclusion in the district.

Article 2. Proceedings Before Local Agency Formation Commission

101035. Proceedings for the formation of the district shall be initiated by the presentation of a proposal for such formation to the executive officer of the commission.

101036. The proposal may be made by any one or all of the following methods:

(a) By resolution adopted by the City Council of the City of Bakersfield.

(b) By resolution adopted by the board of supervisors.

(c) By joint resolution adopted by the city council and the board of supervisors.

(d) By petition.

101037. The resolution or petition shall be addressed to

the commission and shall contain all the following:

(a) A statement that public interest and necessity require that a metropolitan transit district be established in the territory comprising the City of Bakersfield and the unincorporated area of the county adjacent to the city in order to meet the public transit problems within such territory.

(b) A metes and bounds description of the boundaries of the territory proposed to be formed into such district.

(c) A map delineating such boundaries.

(d) The names of the officers or persons, not to exceed three in number, who are to be furnished with copies of the report of the executive officer of the commission and who are to be given mailed notice of the hearing before the commission.

(e) A statement requesting that all appropriate proceedings be taken for the formation of a transit district pursuant to the provisions of this part.

101038. The petition shall be signed by electors registered to vote in the territory proposed for formation of the district in a number equal to 10 percent of the number of voters registered to vote in such territory at the last general statewide election immediately preceding the filing of the petition. All signatures to the petition must be obtained within the six months immediately preceding the presentation of the petition to the executive officer of the commission.

101039. Each signer of the petition shall add opposite his signature the date of signing and his residence address.

101040. At the time the petition is presented to the executive officer of the commission, there shall appear opposite each signature the name or number of the voting precinct of the signer.

101041. The petition may consist of a single instrument or separate counterparts.

101042. The petition, or each separate counterpart thereof, shall have attached thereto a declaration made pursuant to Section 20.5.5 of the Code of Civil Procedure by a voter registered within the territory proposed for formation of the district which shall state according to the best information and belief of the declarant the following:

(a) That each signature appearing on the petition or each counterpart thereof is the genuine signature of the person whose name it purports to be.

(b) That each signer thereof was, at the time of placing such signature thereon, an elector registered to vote within the territory proposed for formation of the district.

(c) That the declarant personally observed each signer placing thereon his signature, the date thereof, and his

residence address by street and number or, if no street or number exists, then a designation of such place of residence which will enable its location to be easily ascertained.

(d) The residence address and voting precinct of the declarant.

101043. If no resolution has been presented to the commission under Sections 101035 and 101036, then within five days after receipt of a petition presented under those sections, the executive officer of the commission shall transmit the petition to the county clerk for certification.

101044. Within 10 days after receipt of the petition, the county clerk shall examine the petition and determine the number of valid signers thereof by comparing the signatures thereon with the signatures of registered voters as appear on the affidavits of voter registration on file with him. The county clerk shall then certify to the executive officer of the commission all the following:

(a) The total number of voters registered within the territory proposed for formation of the district at the time prescribed by Section 101038.

(b) The total number of registered voters in such territory who have signed the petition.

(c) The percentage which the number of such signers bears to the total number of voters registered to vote in such territory at such time.

101045. The county clerk shall disregard any petition, or counterpart thereof, which does not append thereto the declaration of the declarant thereof.

101046. If the county clerk certifies that the percentage of registered voters signing the petition is less than that required by Section 101038, a supplemental petition may be presented to the executive officer of the commission within 30 days after the county clerk's certification of the first petition. The supplemental petition shall thereupon be processed as provided in Sections 101043, 101044, and 101045. Only one such supplemental petition may be filed.

101047. If no proposal has been made by resolution and if the county clerk's certification declares that a petition and any supplemental petition filed under Section 101046 is signed by less than the percentage of registered voters prescribed by Section 101038, all proceedings under this part shall terminate. Any such termination shall be without prejudice to the recommencement of any subsequent formation proceeding under this part.

101048. The executive officer of the commission shall set the proposal for hearing before the commission upon the occurrence of the first of the following events:

(a) The presentation of the proposal by resolution.

(b) The certification by the county clerk that a petition has

been signed by the requisite number of voters required by Section 101038.

101049. Except as otherwise provided in this part specifically, proceedings upon the proposal and the jurisdiction of the commission shall be as prescribed by the Knox-Nisbet Act (Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5 of the Government Code).

101050. If the commission approves the proposal, the resolution adopted by the commission pursuant to Section 54797 of the Government Code approving the proposal shall contain a metes and bounds description of the boundary of the territory proposed for formation of the district as such boundary is approved by the commission.

101051. If the commission approves the proposal, within five days after the adoption of its resolution of approval, the executive officer of the commission shall file a certified copy thereof with the clerk of the board of supervisors together with any of the following which have been presented to the commission:

(a) The resolution or resolutions presented under Sections 101035 and 101036.

(b) The original of the petition and any supplemental petition presented under those sections.

(c) The county clerk's certification of the sufficiency of the petition.

Article 3. Formation Election

101060. When a resolution adopted by the commission approving a proposal to form a district is filed with the clerk of the board of supervisors, the board of supervisors shall within 30 days after such filing hold a public hearing on the question of the formation of the district.

101060.1. The clerk of the board of supervisors shall publish a notice of the hearing which shall state the date, time, and place of the hearing and the purpose thereof; the notice shall contain the metes and bounds description of the proposed boundaries of the district as set forth in the commission's resolution. The notice shall be published pursuant to Section 6061 of the Government Code, and the date of publication shall be not less than 15 days before the date of the hearing.

101060.2. At the hearing, all interested persons shall be given an opportunity to express their views upon the proposed formation of the district.

101060.3. The board of supervisors shall have power to exclude from the proposed district any area or areas which, in the board's determination, would not receive reasonable benefit from inclusion in the district. The board shall not have

the power to exclude from the proposed district any territory within the corporate boundaries of the City of Bakersfield.

101060.4. The board of supervisors may continue the hearing from day to day; but not to exceed a total of 10 calendar days.

101060.5. Within 15 days after the conclusion of the hearing, the board of supervisors shall adopt a resolution which shall:

(a) Fix and describe by metes and bounds the exterior boundaries of the proposed district.

(b) If the board has excluded any area or areas on the ground that such area or areas will not receive reasonable benefit from inclusion in the district, the resolution shall contain an express finding of such fact for each area so excluded.

(c) Call and provide for the holding of a formation election in the territory of the proposed district to determine whether or not the district shall be formed.

(d) Append, as an exhibit, a map of the proposed district delineating the boundaries so fixed.

101061. The election shall be held not less than 90 days and not more than 120 days after the date of the adoption of the resolution calling the election.

101062. No voter may vote upon the proposition for the formation of the district unless he is a qualified elector registered to vote in the territory proposed for formation of the district.

101063. The ballot for the election shall contain such instructions as are required by law to be printed thereon and, in addition thereto, shall contain the proposition as follows:

Shall the Greater Bakersfield Metropolitan Transit District be formed under the provisions of the Greater Bakersfield Metropolitan Transit District Act?	YES	<input type="checkbox"/>
	NO	<input type="checkbox"/>

101064. The board of supervisors shall provide for publication of notice of the election pursuant to Section 6066 of the Government Code. The first publication shall be made not more than 45 days nor less than 30 days before the date of the election.

101065. The notice of election shall contain all of the following statements:

(a) The date of the election.

(b) That the following proposition will be submitted to the voters: "Shall the Greater Bakersfield Metropolitan Transit District be formed under the provisions of the Greater Bakersfield Metropolitan Transit District Act?"

(c) That all persons registered to vote in the territory

proposed for formation of the district will be entitled to vote upon the proposition.

(d) That the boundary of the proposed district has been fixed by resolution of the board of supervisors with a specific reference to such resolution, and that the resolution is open to public inspection at the office of the clerk of the board.

(e) The hours during which the polls will be open.

101066. The county clerk shall prepare and mail sample ballots and polling place cards as provided in Section 10012 of the Elections Code.

101067. The provisions of Article 3 (commencing with Section 3780), Chapter 2, Division 4 of the Elections Code shall not apply to the formation election.

101068. (a) Within 10 days after the adoption by the board of supervisors of the resolution calling the election, the clerk of the board shall give written notice of such adoption to the executive officer of the commission.

(b) Within 10 days after receipt of such notice of the calling of the election, the executive officer of the commission shall prepare and submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

(c) The analysis shall not exceed 500 words in length, and shall include a general description of the boundaries of proposed district sufficient for identification.

(d) Within 20 days after the receipt of the executive officer's analysis, the commission shall approve, or modify and approve, the analysis and transmit it to the county clerk.

101069. (a) The legislative body of the agency filing a resolution proposing the formation of the district pursuant to Section 101035, or both legislative bodies acting jointly in the event each agency files a resolution under that section, or any member or members of such legislative body or bodies authorized by such body or bodies acting jointly, or the City Council of the City of Bakersfield or the board of supervisors, if either be in opposition to the proposal, or any member or members authorized by either legislative body, or any individual voter or bona fide association of citizens entitled to vote on the proposition for formation of the district, or any combination of such voters and associations, may file a written argument for or against the proposition.

(b) Arguments shall not exceed 300 words in length, and shall be filed with the county clerk not less than 40 days prior to the date of the formation election.

101070. (a) If more than one argument for or more than one argument against the proposition is filed with the county clerk within the time prescribed, the county clerk shall select one of the arguments for and one of the arguments against the proposition for printing and distribution to the voters.

(b) In selecting the arguments, the county clerk shall give preference and priority in the order hereinafter named to the arguments of the following:

(1) The legislative body, or both legislative bodies acting jointly, or any member or members of the legislative body or bodies authorized by such body or bodies acting jointly.

(2) A bona fide association of citizens or a combination of such associations.

(3) Individual voters.

101070.1. Rebuttal arguments may be filed and shall be printed as provided in Section 3785.5 of the Elections Code.

101070.2. The provisions of Section 3784.5 of the Elections Code shall apply to the ballot arguments and rebuttal arguments filed under this article.

101071. (a) The county clerk shall cause a ballot pamphlet to be printed which shall contain all the following in the order prescribed as follows:

(1) The complete text of the proposition for the formation of the district.

(2) The impartial analysis of the proposed district formation approved by the commission.

(3) The argument for the proposed district formation.

(4) The argument against the proposed district formation.

(5) The rebuttal arguments.

(b) The county clerk shall enclose a copy of such ballot pamphlet in the envelope and, as a part of the mailing, a copy of sample ballots and polling place cards as prescribed by Section 10012 of the Elections Code. Such ballot pamphlet is "official matter" within the meaning of that section.

101072. The election may be held on the same day as any other state, county, or city election and may be consolidated therewith.

101073. For the purposes of the election, the board of supervisors may consolidate election precincts within the proposed district.

101074. Except as otherwise specifically provided in this article, the formation election shall be held and conducted as nearly as practicable in accordance with the provisions of the Elections Code relating to general elections.

101075. The cost of the formation election is a county charge.

Article 4. Establishment of the District

101080. If the majority of the votes cast upon the proposition for the formation of the district are in favor of such formation, the board of supervisors shall forthwith adopt a resolution which shall:

(a) Declare the Greater Bakersfield Metropolitan Transit

District duly formed under the provisions of the Greater Bakersfield Metropolitan Transit District Act.

(b) Describe the boundary of the district as fixed by the board of supervisors pursuant to Section 101060.3.

101081. Immediately after the adoption of the resolution, the county clerk shall:

(a) File a certified copy of the resolution with the Secretary of State.

(b) Record a certified copy of the resolution with the county recorder.

The organization of the district shall be complete at the time of the occurrence of the last of the events prescribed by this section.

101082. Immediately after the adoption of the resolution, the county clerk shall file with the State Board of Equalization at Sacramento and with the county assessor a certified copy of the resolution, together with a map or plat indicating the boundary of the district. Such filings shall be made within the time prescribed by Section 54902 of the Government Code.

101083. If the majority of the votes cast upon the proposition for the formation of the district are against such formation, new proceedings for the formation of a district under the provisions of this part may be initiated not less than one year after the date of any election at which the proposition for formation was defeated.

Article 5. Contest of Validity of Formation

101095. No informality in any proceeding or in the conduct of the formation election not substantially affecting adversely the legal rights of any citizen shall be held to invalidate the formation of the district. Any proceeding wherein the validity of the formation is attacked or denied shall be commenced within 90 days from and after the date of the establishment of the district as prescribed by Section 101081. Unless any such proceeding is filed within such time, the legal existence of the district shall be held to be valid and incontestable.

CHAPTER 4. GOVERNMENT OF THE DISTRICT

Article 1. General

101100. The government of the district shall be vested in a board of directors of five members.

101101. Each director shall be a resident of the district. Members of the board of supervisors and members of the City Council of the City of Bakersfield shall not be eligible for appointment as members of the board.

101102. Except for the first members of the board, the term of office of each director shall be four years commencing at noon on the first Monday following the first day of January and until the appointment and qualification of his successor.

101103. The board of directors shall be appointed as follows:

(a) Two members shall be appointed by the board of supervisors.

(b) Two members shall be appointed by the City Council of the City of Bakersfield.

(c) One member shall be appointed by majority vote of the other four members of the board.

101104. If the majority of the four members of the board appointed pursuant to subdivisions (a) and (b) of Section 101103 fail to appoint the fifth member of the board within 30 days after the appointment of such four members, then the fifth member shall be appointed within 30 days thereafter by the majority vote of a conference committee composed of five members selected as follows: two members of the board of supervisors chosen by that board, two members of the City Council of the City of Bakersfield chosen by the council, and one member chosen by the majority of the four other members so appointed.

101105. Within the 30 days next preceding the date of expiration of the term of any director, a successor shall be appointed to succeed the director whose term is expiring. The appointment shall be made by the body which is authorized, pursuant to Section 101103, to make the appointment of the particular class of director whose term is expiring.

101106. Not later than the 10th day after the commencement of his term of office and before entering upon the discharge of his official duties, each director shall take and file his oath of office pursuant to Sections 1360 and 1363 of the Government Code.

Article 2. First Directors

101110. The appointment of the first members of the board of directors shall be made within 30 days after the date of the formation of the district. The members shall take office immediately upon their appointment and qualification.

101111. The one member of the first board appointed pursuant to subdivision (c) of Section 101103 shall hold office until noon on the first Monday following the first day of January in the second odd-numbered year following the year in which the district is formed.

Immediately upon their appointment and qualification, the remaining four members of the first board shall meet and classify themselves by lot so that:

(a) One appointee of the board of supervisors and one appointee of the City Council of the City of Bakersfield shall hold office until noon or the first Monday following the first day of January in the first odd-numbered year following the year in which the district is formed.

(b) One appointee of the board of supervisors and one appointee of the city council shall hold office until noon on the first Monday following the first day of January in the second odd-numbered year following the year in which the district is formed.

Article 3. Organization and Procedure

101120. Immediately following the appointment and qualification of the first board of directors, and thereafter at the first meeting of the board following the first Monday after the first day of January of each year, the board shall elect a chairman and a vice chairman.

101121. The chairman shall preside at all meetings of the board. He shall perform such other functions as delegated to him under this part or under any regulation prescribed by the board. The chairman may move or second any motion, and shall vote upon all orders, resolutions, or ordinances passed upon by the board.

101122. In the absence of the chairman at any meeting, the vice chairman shall preside. In the event of the inability of the chairman to perform the functions of his office, such functions shall be performed by the vice chairman with the same force and effect as the performance of such functions by the chairman.

101123. A majority of the members of the board shall constitute a quorum for the transaction of business. The adoption of any minute order, resolution, or ordinance shall require the affirmative votes of at least three members of the board.

101124. The acts of the board shall be expressed by minute order, resolution, or ordinance. District ordinances shall be adopted by the board in substantially the same manner as prescribed for the adoption of county ordinances by the board of supervisors.

101125. By resolution or ordinance, the board shall prescribe the time and place of the regular meetings of the board. All meetings of the board shall be held in compliance with the terms of the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950), Part 1, Division 2, Title 5 of the Government Code).

101126. In any particular not otherwise provided for by this part, the board, by resolution or ordinance, may prescribe any regulation which it may deem appropriate for the proper

conduct of the internal functions of the board.

101127. Except as otherwise provided in Section 101304, whenever the signature of any officer or employee of the district is authorized or required under the provisions of this part, the signature may be made by the use of a plate or stamp bearing a facsimile of the signature, or such signature may be reproduced by any other facsimile method authorized by law.

Article 4. Compensation and Expenses

101130. Each member of the board shall receive a per diem compensation for his services for each day, or portion thereof, in which he is in attendance at meetings of the board. The amount of the compensation shall be fixed by the board, but shall not exceed fifty dollars (\$50) for each day's attendance. In no event shall the total compensation received by any member of the board in any one calendar month exceed the sum of one hundred dollars (\$100).

101131. In addition to the compensation provided for in Section 101130, each member of the board shall receive reimbursement for his actual and necessary traveling expenses incurred in the discharge of his official duties when such travel is beyond the territory of the district and when such travel is first approved by the board.

Article 5. Vacancies

101135. Any vacancy in the membership of the board shall be filled for the unexpired term of the member whose office has become vacant, and shall be made by appointment by the body which is authorized, pursuant to Section 101103, to make the appointment of the particular class of director whose office has become vacant.

101136. The appointment to fill a vacancy shall be made within 30 days after the creation of the vacancy. In the event the vacancy is in the class of member provided for in subdivision (c) of Section 101103, and if the remaining members of the board fail to fill the vacancy within that time, then, within 30 days thereafter, the vacancy shall be filled by the majority vote of a conference committee composed of five members selected as follows: two members of the board of supervisors chosen by that board, two members of the City Council of the City of Bakersfield chosen by the city council, and one member chosen by the majority vote of the four members so selected.

Article 6. Removal From Office

101140. Any member of the board may be removed at any

time and without cause by the body which is authorized, pursuant to Section 101103, to make the appointment of the particular class of director who is removed.

101141. Any such removal from office shall create a vacancy to be filled in the manner prescribed by Sections 101135 and 101136.

Article 7. Powers and Duties of Directors

101150. All matters and things necessary for the proper administration of the affairs of the district which are not provided for by this part shall be provided for by the board. The powers vested in the board by this part shall be deemed to be inclusive but not exclusive.

101151. The board shall supervise and regulate every transit facility owned and operated or controlled by the district, including the fixing of rates, rentals, charges and classifications, and the making and enforcement of regulations, contracts, practices, and schedules for, or in connection with, any transit facility owned or controlled by the district.

101152. The board may either itself operate the transit system, or any part thereof, or it may contract with any other public or private agency or corporation to operate all, or any part, of the transit system for the district, or it may contract with any other public or private agency or corporation for the improvement in transit services, facilities, equipment, or operations being operated and conducted by such agency or corporation, and all of the same either within the district, outside the district, or both.

101153. The board may contract with the governing body of any school district, and the governing board of any school district may contract with the board, for the transportation by any transit facility of the transit district of any pupils in attendance at any school maintained and operated by any such school district lying either in whole or in part within the transit district created under this part.

101154. The board may, from time to time, contract for or employ any professional service required by the district and may, from time to time, contract for or employ any other person necessary to perform any other work or service which cannot be satisfactorily performed by the regular employees of the district.

Article 8. Other Officers

101160. Prior to the time the district has operated, controlled, or used transit facilities, or any part thereof, for the transportation of passengers under the provisions of this part

for a period of six months, the board may, but is not required to, appoint a general manager. A general manager appointed during such time shall hold office at the pleasure of the majority of the board.

101161. After the district has operated, controlled, or used transit facilities, or any part thereof, for the transportation of passengers under the provisions of this part for a period of six months, the board shall forthwith appoint a general manager.

101162. All other things being equal, the board shall appoint as general manager a person who has had experience in the acquisition, construction, or management of transit facilities.

101163. Except as otherwise provided in this part, and subject to the policies established by the board, the general manager shall have the responsibility and the authority for the proper administration of the affairs of the district and the maintenance and operation of the transit facilities of the district.

101164. The general manager may be removed from office by resolution. Before the general manager may be removed, he shall, if he so demands, be given a written statement of the grounds for his removal, and he shall have the right to be publicly heard thereon at a meeting of the board prior to the final vote on the resolution providing for his removal. Pending and during such hearing, the board may suspend him from office, and without payment of salary, for a period of not to exceed 30 days. The board may not reduce the salary of the general manager below the amount currently being received by him, except upon the adoption of a resolution after a like opportunity to be publicly heard. The action of the board in suspending or removing the general manager, or reducing his salary, is final.

101165. The board shall appoint a secretary and an attorney to serve as legal counsel to the district. These officers shall serve at the pleasure of the board.

101166. If the moneys of the district, or any part thereof, are deposited in a depository other than the county treasury, the board shall appoint a treasurer who shall be responsible for the safekeeping and disbursing of all district moneys and funds held by him. The treasurer shall serve at the pleasure of the board.

101167. No member of the board of directors, and no county or city officer or employee of the county or a city located within the county, shall be eligible for appointment to any of the offices provided for in this article.

101168. Within 10 days after his appointment and before entering upon the discharge of his official duties, each of the officers appointed under the provisions of this article shall take and file his oath of office pursuant to Sections 1360 and

1363 of the Government Code.

101169. The board may consolidate any of the district offices provided for by this article.

101170. The treasurer of the district, if one is appointed by the board, shall give bond for the faithful performance of his duties. The board may require any other officer to give a similar bond. The amount of each bond shall be fixed by the board. All bonds shall be approved by the board and shall be recorded in the office of the county recorder and filed in the office of the county clerk.

101171. The secretary shall maintain and preserve a permanent written record of all of the official acts of the board as evidenced by minute order, resolution, or ordinance.

101172. The board shall fix the compensation of the officers provided for in this article.

101173. The premium upon any bond required under this article is a charge against the district.

CHAPTER 5. GENERAL POWERS AND FUNCTIONS OF THE DISTRICT

Article 1. Corporate Power

101175. The district has perpetual succession and may adopt a seal and alter it at pleasure.

101176. Except as otherwise provided by law, the district may sue and be sued in all courts and tribunals of competent jurisdiction.

101177. The district shall have and may exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use. The district may take any property necessary or convenient to the exercise of the powers granted in this part, whether the property is already devoted to the same use or otherwise. In the proceedings, venue, and trial relative to the exercise of the right, the district shall have all the rights, powers, and privileges of an incorporated city and all of the rights, powers, and privileges conferred by this part. The district shall proceed in the name of the district in any such condemnation proceeding. In the exercise of such power, in addition to the damage for the taking, injury, or destruction of property, the district shall also pay the cost of removal, reconstruction, or relocation of any railways, mains, pipes, conduits, cables, poles, or other structures or facilities of any public utility or public agency which is required to be moved to a new location. Notwithstanding any other provision of this part or any other law, no property in public use shall be taken by the district except upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use

than that to which it has already been appropriated.

101178. No action in eminent domain to acquire property, or any interest therein, shall be commenced unless the legislative body of the city, as to property which is located within such city, or the board of supervisors, as to property which is located within the unincorporated territory, has consented by resolution to such acquisition.

101179. No such taking or acquisition by the district which would involve the abandonment, removal, relocation, or use of the property of a railroad corporation, as defined in Section 230, shall be permitted, unless the Public Utilities Commission, after hearing, shall find and determine that the public interest and necessity require the abandonment, removal, relocation, or use of such property and that such taking or acquisition will not unreasonably impair the ability of the railroad corporation involved to provide safe, adequate, economical, and efficient service.

Article 2. Contracts

101180. The district may make contracts and enter into stipulations of any nature whatsoever, either in connection with eminent domain proceedings or otherwise, including, without limiting the generality of the foregoing, contracts and stipulations to indemnify and save harmless, to engage labor or services, and to do all acts necessary and convenient for the full exercise of the powers granted in this part.

101181. No officer or employee of the district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom, contrary to the provisions of Article 4 (commencing with Section 1090), Chapter 1, Division 4, Title 1 of the Government Code.

Article 3. Purchases

101185. The purchase of all supplies, equipment, and materials, and construction of facilities and works, when the expenditure required exceeds five thousand dollars (\$5,000), shall be by contract let to the lowest responsible bidder. Notice requesting bids shall be published at least once in a newspaper of general circulation, which publication shall be made at least 10 days before bids are received. The board may reject any and all bids and readvertise in its discretion.

101186. If, after rejecting bids, the board determines and declares by a four-fifths vote of all its members that, in its opinion, the supplies, equipment, and materials may be purchased at a lower price in the open market, the board may proceed to purchase the supplies, equipment, and materials

in the open market without further observance of the provisions requiring contracts, bids, or notice.

101187. In case of any great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, the board may, by resolution passed by a four-fifths vote of all its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property, and thereupon proceed to expend, or enter into a contract involving the expenditure of, any sum needed in such emergency without observance of the provisions requiring contracts, bids, or notice.

Article 4. Property

101190. The district may take by grant, purchase, gift, devise, or lease, or concern in proceedings under eminent domain, or otherwise acquire, and hold and enjoy, real and personal property of every kind within or outside the district and necessary to the full or convenient exercise of its powers. The board may lease, mortgage, or otherwise encumber, or sell, or otherwise convey or dispose of, any real or personal property within or outside the district when, in its judgment, it is for the best interests of the district to do so.

101191. Whenever the board by resolution determines that any record, map, book, or paper which has been in the possession of the district, or any officer or employee thereof, for more than five years is of no further value to the district, the board may authorize its sale, destruction, or other disposition. This section shall not apply to the permanent records of the secretary as provided for in Section 101171, unless such written records are first transferred to microfilm or other miniature or electronic reproduction for permanent preservation.

Article 5. Transit Facilities and Service

101195. The district may acquire, construct, own, operate, control, or use rights-of-way, rail lines, buslines, stations, platforms, switches, yards, terminals, and any and all other facilities necessary or convenient for transit service within or partly outside the district, underground, upon, or above the ground and under, upon, or over public streets or other public ways or waterways, together with all physical structures necessary or convenient for the access of persons and vehicles thereto, and may acquire any interest in, or rights to, the joint use of any or all of the foregoing; provided, that installations in any street, road, or other property devoted to a public use shall be subject to consent of the governing body in charge of

such public use.

101196. The district may, without limitation by any other provisions of this part requiring approval of indebtedness, accept contributions of money, rights-of-way, labor, materials, and any other property for the acquisition, construction, maintenance, and operation of transit facilities, and may, without limitation by any other provisions of this part, enter into any contracts and cooperation with, and accept cooperation from the United States, the state, or any department, instrumentality, or agency thereof, or any public agency in the acquisition, construction, maintenance, and operation of, and in financing the acquisition, construction, maintenance, and operation of, any such transit facilities.

101197. The district shall not interfere with, or exercise control over, any transit facilities now or hereafter owned and operated wholly or partly within the district by any city or public agency, unless by consent of such city or public agency and upon such terms as are mutually agreed upon between the board and such city or public agency.

101198. The district may lease, or contract for the use of, its transit facilities, or any portion thereof, to any operator, and may provide for subleases by such operator upon such terms and conditions as it deems in the public interest. The word "operator" as used in this section means any city or public agency or any person, firm, or private corporation.

101199. The district may construct and operate or acquire and operate works and facilities in, under, upon, over, across, or along any street or public highway or any stream, bay, or watercourse, or over any of the lands which are the property of the state, to the same extent that such rights and privileges appertaining thereto are granted to municipalities within the state, and to install adequate bus stops, including the painting of curbs, subject to the governing body in charge of such streets, highways, stream, watercourse, or lands.

101200. The district may enter into agreements for the joint use of any property and rights by the district and any city, public agency, or public utility operating transit facilities and may enter into agreements with any city, public agency, or public utility operating any transit facilities, either wholly or partially within or outside the district, for the joint use of any property of the district or of such city, public agency, or public utility, or the establishment of through routes, joint fares, transfer of passengers, or pooling arrangements.

101201. The rates and charges for service furnished by the district shall be fixed by the board and shall be reasonable.

101202. The board of supervisors, or the city council of a municipality having territory located within the district, may file a request for a hearing before the district board as to the reasonableness of any rates or charges fixed by the district and

as to any proposal for fixing the location of facilities by the district. The request shall be in writing, and shall state the subject matter on which a hearing is desired.

101203. Upon the filing of a request for hearing as provided for in Section 101202, the district board shall fix the time and place for hearing. The time fixed shall be not less than 20 days nor more than 60 days from the date such request is filed. Notice of such hearing shall be given by mail to the city or county requesting such hearing and to each local agency lying either in whole or in part within the district. Such mailing shall be completed not later than the 15th day before the date fixed for the hearing. Notice of the hearing shall be published by the district pursuant to Section 6066 of the Government Code. The first publication shall be made not sooner than the 30th day and not later than the 15th day before the date fixed for the hearing.

As used in this section, "local agency" means the county, an incorporated city, and a special district, including a school district.

101204. Prior to, or at the time fixed, for hearing, the board of supervisors, or any city council eligible to file a request for hearing, and not a party to the original request for hearing may intervene by filing a written notice of intervention with the secretary of the district. Any such intervener shall be entitled to be heard and introduce evidence.

101205. Within 30 days after submission of the case, the board shall render its decision and its decision shall be final.

101206. The district may operate charter bus service subject to the following limitations:

(a) No bus equipment which is designed solely for charter service shall be purchased. A bus equipped with a toilet or underfloor baggage compartment shall be deemed charter equipment.

(b) The board shall hold a public hearing prior to adopting a charter rate schedule or any amendment thereof. Notice of the hearing shall be mailed to each charter-party carrier operating within the district at least 30 days prior to the hearing. The notice shall include the proposed charter rate schedule. At the close of the public hearing, the board may adopt charter rate schedules which shall not be less than the average for the three largest private charter-party carriers operating similar service in the district.

(c) Charter service shall originate and terminate within the area served by the district, unless a private charter-party carrier requests the district to provide service beyond the area served by the district.

Article 5. Existing Systems

101208.1. Notwithstanding any other provision of this part, before the district may establish any transit service or system which may at any time divert, lessen, or compete for the patronage or revenues of any existing system, the district shall give a written notice to the public utility which is operating the existing system. The written notice shall describe the transit service or system which the district proposes to establish and shall state the time within which the district proposes to establish such service or system.

101208.2. The district shall not establish the proposed service or system, or maintain and operate the service or system, until it has completed the purchase of the existing system or any part thereof.

101208.3. The purchase price to be paid for the existing system, or any portion thereof to be purchased, shall be the reproduction cost new, including going concern value, at the date upon which the district commences negotiations for the purchase of the existing system, or the portion of the existing system, less depreciation, including wear, tear, and obsolescence, if any.

101208.4. The district and public utility operating the existing system may agree upon the purchase price or they may agree that the purchase price is to be established by arbitration and upon the method of naming arbitrators and the method of conducting such arbitration.

101208.5. Section 851 shall not apply to any contract for sale or sale of an existing system, or any portion thereof, pursuant to this article, and the Public Utilities Commission shall have no jurisdiction with respect thereto.

CHAPTER 6. GENERAL FINANCIAL PROVISIONS

Article 1. Deposit and Withdrawal of Funds

101210. To facilitate the business of the district, the board may provide for the creation and administration of such funds as the needs of the district may require and may transfer moneys and credits from one fund to another as the public interest requires. The board may provide for the deposit of the moneys of the district in any depository authorized by law to receive the deposit of public funds. The moneys so deposited shall be disbursed in accordance with regulations established by the board, and all payments from any fund shall be reported to the board.

101211. Whenever the moneys of the district, or any part thereof, are deposited in a depository other than the county treasury, all withdrawals of funds shall be made by check or warrant of the district signed by the treasurer of the district. All such withdrawals in payment of demands against the

district shall be paid in accordance with such regulations as the board shall establish.

101212. The board may designate the county treasury as the depository, and in such case the county treasurer shall have custody of all, or any portion, of the moneys of the district.

101213. If the county treasury is designated as the depository, the county treasurer shall:

(a) Receive and receipt for all of the district's moneys received by him and place it in the county treasury to the credit of the district.

(b) Be responsible upon his official bond for the safekeeping and disbursing of all district moneys and funds so held by him.

101214. When the county treasury has been designated as the depository, the county treasurer shall have the custody of the district's moneys and funds, and he shall pay out the same, or any portion thereof, only upon the warrant of the county auditor. The county auditor shall draw his warrants to pay demands against the district.

101215. The board shall examine, settle, and allow all accounts legally chargeable against the district, and shall order checks or warrants to be drawn in payment thereof by the treasurer of the district, or by the warrant of the county auditor upon the county treasury, as the case may be.

101216. The board may provide by resolution, under such terms and conditions as it sees fit, for the payment of demands against the district without the prior specific approval thereof by the board, if the demand is for the purpose for which an expenditure has been previously approved by the board and is in an amount no greater than the amount so authorized and the demand is approved by the general manager.

Article 2. Indebtedness

101220. The district may borrow money for the purpose of defraying the expenses of the district lawfully incurred after the commencement of the fiscal year, but prior to the time moneys from the tax levy for the fiscal year are received by the district, in a sum which shall not exceed fifteen cents (\$.15) on each one hundred dollars (\$100) of assessed valuation of taxable property in the district at the time the moneys are borrowed, and may evidence such borrowing by notes bearing interest at a rate not to exceed 7 percent per annum. The notes shall be payable from the tax levy from the then current fiscal year, which levy shall contain a sum sufficient to provide for the payment of the notes and the interest thereon. The form of the notes, and the proceedings relating to their issuance and sale, shall be governed by the

applicable provisions contained in Article 7 (commencing with Section 53820), Chapter 4, Part 1, Division 2, Title 5 of the Government Code.

101221. The board may, within a period of two years from and after the formation of the district, pursuant to a resolution adopted by it for the purpose, borrow money on certificates of indebtedness, promissory notes, or other evidences of indebtedness, in anticipation of the estimated tax revenue for the following fiscal year, to be repaid within four years from the date of borrowing with interest at a rate not to exceed 7 percent per annum, in order to enable the district to meet all of its necessary initial expenses of organization, construction, acquisition, maintenance, and operation. The total amount of money borrowed and indebtedness incurred under this section during this two-year period shall not exceed 50 percent of the total amount of estimated tax revenue as estimated by the county auditor for the following fiscal year.

The form of the notes, and the proceedings relating to their issuance and sale, shall be governed by the applicable provisions contained in Article 7 (commencing with Section 53820), Chapter 4, Part 1, Division 2, Title 5 of the Government Code.

101222. The district may accept, without limitation by any other provisions of this part requiring approval of indebtedness, contributions or loans from the United States, this state, or any department, instrumentality, or agency of either thereof, for the purpose of financing the acquisition, construction, maintenance, and operation of transit facilities, and may enter into contracts and cooperate with, and accept cooperation from, the United States, this state, or any department, instrumentality, or agency of either thereof, in the acquisition, construction, maintenance, and operation, and in financing the acquisition, construction, maintenance, and operation of any such transit facilities in accordance with any legislation which Congress or the Legislature of the State of California may have theretofore adopted or may hereafter adopt, under which aid, assistance, and cooperation may be furnished by the United States or this state in the acquisition, construction, maintenance, and operation, or in financing the acquisition, construction, maintenance, and operation, of any such transit facilities. The district may do any and all things necessary in order to avail itself of such aid, assistance, and cooperation under any federal or state legislation now or hereafter enacted. Any evidence of indebtedness issued under this section shall constitute a negotiable instrument.

101223. The authority to incur indebtedness vested in the district by the provisions of this article shall be in addition to any right vested in it to receive a temporary transfer of funds pursuant to Section 25 of Article XIII of the Constitution of

the State of California.

Article 3. Investments

101230. The district may invest any surplus money in its treasury, including money in any sinking fund, in any of the following:

- (a) Its own bonds.
- (b) Treasury notes, certificates of indebtedness, bills, bonds of the United States, or any other evidence of indebtedness secured by the full faith and credit of the United States.
- (c) Obligations issued pursuant to the Federal Home Loan Bank Act or the National Housing Act.
- (d) Treasury notes or bonds of this state, or of any public corporation, municipal corporation, public district, or political subdivision within this state which are legal as security for the deposit of public funds.

101231. Such investment may be made by direct purchase of any issue of such bonds, treasury notes, or obligations, or part thereof, at the original sale or by the subsequent purchase of the bonds, treasury notes, or obligations.

101232. Any bonds, treasury notes, or obligations purchased and held as investments by the district may, from time to time, be sold and the proceeds reinvested in bonds, treasury notes, or obligations as provided in this article.

101233. Sales of any bonds, treasury notes, or obligations purchased and held by the district shall, from time to time, be made in season so that the proceeds may be applied to the purposes for which the money with which the bonds, treasury notes, or obligations were originally purchased was placed in the treasury of the district.

101234. With the consent of the board, the general manager may:

- (a) Authorize the trust department of any state or national bank in this state, or a trust company authorized to act as such in this state, to receive as his agent deposits of any securities acquired by the district.

- (b) Place and maintain for safekeeping as a trust deposit with the trust department of any state or national banks in this state, or a trust company authorized to act as such in this state, any securities owned by the district.

The bank or trust company selected shall have a total paid-in capital of at least one million dollars (\$1,000,000). The general manager shall take from the trust department or trust company a receipt for the securities, and neither the general manager nor the district is responsible for the custody and safe return of the securities until they are withdrawn from the trust department or trust company by the general manager.

Any trust department or trust company to which securities are delivered, either as agent or depository for the district, shall make such disposition of the securities as the general manager directs and is responsible only for the strict compliance with written instructions given to it by the general manager. All such securities are at all times subject to the order of the general manager.

Article 4. Audits and Financial Report

101240. The general manager shall cause to be installed and maintained a system of auditing and accounting which shall completely and at all times show the financial condition of the district.

101241. The fiscal affairs of the district shall be predicated upon a fiscal year commencing on the first day of July of each calendar year and terminating on the 30th day of June of the following calendar year.

101242. Within 90 days from and after the close of each fiscal year, the general manager shall prepare and file with the secretary of the district a financial report showing the result of the operations of the district for the preceding fiscal year and the financial status of the district on the last day thereof.

101243. A copy of the financial report shall be kept in the office of the general manager and shall be available to public inspection at all times during the regular office hours of his office.

101244. Within 15 days after the filing of the financial report, the general manager shall publish a notice of such filing and shall state the fact of such availability for public inspection, together with the address of the office of the general manager. Such publication shall be in accord with Section 6061 of the Government Code.

101245. Within 15 days after the filing of the financial report, the general manager shall transmit a copy thereof to the board of supervisors and to the city council of each city within the district.

Article 5. Budget

101250. On or before the 30th day prior to the end of each fiscal year, the general manager shall submit to the board a proposed budget covering all of the contemplated operations of the district for the following fiscal year. At that time a copy of the proposed budget shall be transmitted to the board of supervisors and to the city council of each city lying either in whole or in part within the boundaries of the district.

101251. Prior to the time the board finally adopts the

budget, it shall hold a public hearing upon the proposed budget submitted by the general manager. Notice of the time and place of hearing shall be published pursuant to Section 6061 of the Government Code and shall be made not later than the 15th day prior to the date of the hearing.

101252. The date of the hearing shall be fixed by the board and shall be not later than July 1 of each year.

101253. At the time and place designated in the published notice, the board shall meet and consider the proposed budget. Any resident of the district may appear and be heard regarding the increase, decrease, or omission of any item in the proposed budget or for the inclusion of new items. All proposals for the increase of any item or for the inclusion of any additional items shall be submitted in writing to the general manager before the close of the public hearing.

101254. The board may continue the hearing from day to day; provided the hearing shall be concluded not later than July 15 first following its commencement.

101255. After the conclusion of the hearing, and not later than August 1st of each year, and after making any revisions of the proposed budget which it may deem advisable either during or after the hearing, the board shall by resolution adopt the budget as finally determined by the board. Increases or additions shall not be made after the conclusion of the hearing, unless the items were proposed in writing and filed pursuant to Section 101253.

101256. A copy of the budget as finally adopted by the board shall be filed with the county auditor pursuant to Section 53961 of the Government Code.

Article 6. Services of County and City Officers

101260. Whenever the district avails itself of the services of any officer or department of the County of Kern, or of any city within the district, in the performance of any function of the district, the district shall reimburse the county or the city, as the case may be, for the reasonable value of any such service so performed in an amount, or at a rate of charge, to be fixed by the legislative body of the agency performing the service.

Reimbursement to the county for its services to the district in the collection of district taxes shall be subject to the limitation prescribed by Section 29142 of the Government Code.

CHAPTER 7. TAXATION

101265. (a) The district may cause to be levied and collected taxes for any lawful purpose, subject to a maximum

limit of fifteen cents (\$0.15) per one hundred dollars (\$100) of assessed valuation.

(b) The maximum limit may be increased to twenty-five cents (\$0.25) per one hundred dollars (\$100) of assessed valuation, if approval is first obtained from the city council of each city lying entirely within the boundaries of the district and the board of supervisors.

(c) The maximum limit may be increased above the maximum limits as specified in subdivisions (a) and (b), if such a maximum limit is first approved by the majority of the voters voting at any general or special election on the proposition establishing such a maximum limit.

101266. If, in the opinion of the board, the transit operation revenues will not be sufficient to pay for any and all lawful purposes of the district, the board shall fix the amount of money necessary to be raised by taxation for any such purpose or purposes and shall cause a tax to be levied therefor.

Any tax so levied shall be subject to the limitations prescribed by Sections 101265 and 101267.

101267. The board shall, in addition to the general tax levy as set forth in Section 101265, levy and collect annually until the district's bonds are paid, or until there is a sum in the treasury of the district set apart for that purpose to meet all sums coming due for principal and interest on the bonds as they become due, a tax sufficient to pay the annual interest on the bonds and such part of the principal thereof as becomes due before the proceeds of a tax levied at the next general tax levy will be available. If the maturity of the indebtedness created by the issue of bonds begins more than one year after the date of the issuance thereof, the tax shall be levied and collected annually at the time and in the manner aforesaid, sufficient to pay the interest on the indebtedness as it falls due and to constitute a sinking fund for the payment of the principal on or before maturity.

101268. On or before the second Monday in August of each year, the county auditor shall transmit to the board a statement in writing showing the total value of all property within the district referred to in Section 101270.

101269. On or before the last Friday in July of each year, the board shall file with the board of supervisors and with the county auditor a statement in writing which shall contain the following:

(a) An estimate of the amount of money required to be raised by taxation during the fiscal year for the payment of the principal and interest on any bonded indebtedness of the district.

(b) An estimate of the amount of money required to be raised by taxation during the fiscal year for all other purposes

of the district.

The statement shall be predicated upon the budget adopted pursuant to the provisions of Article 5 (commencing with Section 101250) of Chapter 5 of this part.

101270. Annually at the time of levying county taxes, the board of supervisors shall levy a tax upon all the taxable real and personal property within the district. Subject to the maximum limits prescribed by Section 101265, the rate shall be such as will produce, after due allowance for delinquency and cost of collection, the amounts determined by the board of directors as necessary to be raised by taxation and as set forth in the statement required by Section 101269. The tax rate so levied shall apply to all the taxable real and personal property within the district as they appear on the assessment roll of the county.

101271. The taxes so levied shall be collected at the same time and in the same manner as county taxes and, when collected, shall be paid into the county treasury for the use of the district, or to the treasurer of the district, as the case may be.

101272. The performance of the acts provided for by this chapter shall constitute a valid assessment of the property within the district and a valid levy of the taxes so fixed.

101273. All taxes levied under this part are a lien on the property on which they are levied and shall become a lien at the same time as county taxes. The enforcement of the collection of such taxes shall be in the same manner and by the same means provided by law for the enforcement of liens for county taxes, and all of the provisions of law relating to the enforcement of the latter are made a part of this part by specific reference so far as applicable.

101274. Whenever any real property has been sold for taxes and has been redeemed, the money paid for redemption shall be apportioned and paid to the district treasurer, or deposited in the county treasury for the use of the district, as the case may be, in the proportion which the tax due to the district bears to the total tax for which the property was sold.

CHAPTER 8. BONDS

Article 1. Issuance

101280. The district may, from time to time, incur a bonded indebtedness as provided in this chapter to pay the cost of acquiring, constructing, or completing the whole, or any portion, of any transit facilities, or for acquiring any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes, or powers of the district.

101281. The district shall not incur a total bonded indebtedness which exceeds 5 percent of the assessed value of all the taxable real and personal property within the district.

101282. Whenever the board, by resolution passed by vote of four-fifths of all its members, determines that the public interest or necessity demands the acquisition, construction, or completion by the district of any transit facilities or of any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes, or powers of the district, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the district, it may, at any subsequent meeting of the board, provide by ordinance for the submission of the proposition of incurring a bonded indebtedness for the purpose set forth in the resolution to the voters of the district at a special bond election held for that purpose.

101283. In lieu of a resolution passed by the board, proceedings for the issuance of bonds for the purposes provided in this chapter may be initiated by petition of the voters of the district.

101284. The petition may be presented to the board, and shall be executed and attested in the same manner as provided a petition for the formation of the district in Article 2 (commencing with Section 101035) of Chapter 3 of this part.

101285. Whenever any petition signed by voters within the district equal in number to at least 15 percent of the total vote cast within the district at the last general statewide election is presented to the board asking for the acquisition, construction, or completion of the whole, or any portion, of any transit facilities or for acquiring any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes, or powers of the district, and also asking that a bonded indebtedness be incurred to pay for the cost thereof, the secretary of the district shall forthwith transmit the petition to the county clerk for certification.

101286. Within 10 days after the receipt of the petition, the county clerk shall examine the petition and determine the number of valid signers thereof by comparing the signatures thereon with the signatures of registered voters as appear on the affidavits of voter registration on file with him. The county clerk then shall certify to the secretary of the district all the following:

(a) The total number of voters registered within the district at the time of the last general statewide election immediately preceding the filing of the petition.

(b) The total number of registered voters of the district who have signed the petition.

(c) The percentage which the number of such signers

bears to the total number of voters registered to vote within the district at such time.

101287. If the county clerk certifies that the percentage of registered voters signing the petition is less than that required by Section 101284, a supplemental petition may be presented to the secretary of the district within 30 days after the county clerk's certification of the first petition. The supplemental petition shall thereupon be processed as provided in Sections 101284 and 101285.

101288. If the petition has been executed in the manner provided and by the required number of signers, the secretary of the district shall forthwith transmit to the board and to the general manager a copy of the petition, but without the signatures appended thereto.

101289. Upon receiving a petition so executed by the required number of signers, the board shall provide by ordinance for the submission of the proposition of incurring a bonded indebtedness for the purpose set forth in the petition to the voters of the district at a special bond election held for that purpose.

101290. The ordinance calling a special bond election shall fix the date on which the election will be held, and the manner of holding the election and of voting for or against incurring the indebtedness. It shall also recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the transit facilities, works, lands, structures, rights, equipment, or other property proposed to be acquired, constructed, or completed, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on the indebtedness, which shall not exceed 7 percent per annum, payable semiannually or annually the first year and thereafter semiannually.

101291. Propositions for incurring indebtedness for more than one object or purpose, or propositions proposed by resolution or petition, may be submitted at the same election.

101292. The bond election may be held separately, or it may be held on the same day as any other state, county, or city election, or any election held under the provisions of the Uniform District Election Law (Part 3 (commencing with Section 23500), Division 12 of the Elections Code), and may be consolidated therewith.

101293. If a special bond election is consolidated with any other election, the provisions of this article setting forth the procedure for the calling and holding of the special bond election shall be complied with, except that the ordinance calling the election need not set forth the election precincts, polling places, and officers of election who shall be the same as those set forth in the ordinance, notice, or other

proceedings calling the election with which the special bond election is consolidated, and shall refer to the ordinance, notice, or other proceedings by number and title, or by other definite description.

101294. The board shall cause the ordinance to be published in accord with Section 6061 of the Government Code; the publication shall be made not less than 30 and not more than 60 days prior to the day of the election. No other notice of the election need be given.

101295. If the ordinance calling the election so provides, the election shall be conducted by the county clerk in accord with the manner of holding the election prescribed by the board pursuant to the provisions of Section 101289.

101296. The board shall comply with the provisions of Article 3 (commencing with Section 3780), Chapter 2, Division 4 of the Elections Code, the provisions of which are applicable to any bond election held pursuant to this article. In the event the election is not conducted by the county clerk, then whenever the words "county clerk" appear in that article of the Elections Code, the words "secretary of the district" shall be substituted for the purposes of this article of this part. For the further purposes of this article, the following substitutions shall be made in all cases for the words set out in that article of the Elections Code: (a) "board of directors" in lieu of "board of supervisors"; and (b) "attorney for the district" in lieu of "district attorney or county counsel".

101297. The votes of a majority of all the voters voting on the proposition at the election are required to authorize the issuance of bonds under this article.

101298. If the proposition submitted at a special bond election fails to receive the requisite number of votes, the board shall not, within six months after the election, hold another special election for the submission of a proposition of incurring a bonded indebtedness substantially the same as the proposition voted upon at the prior election, unless a petition, signed by voters within the district equal in number to at least 15 percent of the total vote cast within the district at the last general statewide election is filed with the board, requesting that the proposition, or a proposition substantially the same, be submitted at an election to be called for that purpose.

Any such petition may be presented in the same manner and shall be executed and attested and certified as provided in this article for a petition asking that a bonded indebtedness be incurred.

Article 2. Form and Content

101300. If the board has appointed a treasurer of the district pursuant to Section 101166, then the word "treasurer"

as used in this chapter shall refer to such treasurer of the district so appointed. If the board has not so appointed a treasurer of the district, then the word "treasurer" as used in this chapter shall refer to the county treasurer.

101301. Bonds authorized by this chapter shall mature serially in amounts to be fixed by the board, except that payment shall begin not later than 10 years from the date thereof and shall be completed in not more than 50 years from that date.

The board may divide any issue of bonds authorized pursuant to this chapter into two or more series, and may fix different dates of issuance and different maturity dates for the bonds of each series. The bonds of each series shall mature serially in amounts to be fixed by the board, and the board shall fix a date not more than 10 years from the date of issuance of each series for the earliest maturity of such series, and shall fix a date not more than 50 years from the date of issuance of each series for the final maturity of such series.

Pending the actual issuance or delivery of bonds, a district may issue temporary or interim bonds, certificates, or receipts, of any denomination whatsoever, with or without coupon, and in such form as may be prescribed by the board, to be exchanged for definite bonds when ready for delivery.

101302. The bonds shall be issued in such denominations as the board shall determine and shall be payable on the day and at the place or places fixed in the bonds, and with interest at the rate specified therein, payable semiannually or annually the first year and semiannually thereafter.

101303. The board may, at any time prior to the issuance and sale of any bonds, provide for the call and redemption of any or all of the bonds on any interest payment date prior to their fixed maturity at not exceeding the par value and accrued interest plus a premium of not exceeding 5 percent upon the principal amount of the bonds, in which event the call price fixed by the board shall be set forth on the face of the bond. Notice of such redemption shall be published pursuant to Section 6066 of the Government Code. The first publication shall be not more than 60 and not less than 30 days prior to the date fixed for redemption. After the date fixed for such redemption, interest on the bonds thereafter shall cease.

101304. The bonds shall be signed by the president of the board or by such officer of the district as the board shall by resolution authorize and designate for that purpose. They shall also be signed by the treasurer, and be countersigned by the secretary. The coupons of the bonds shall be numbered consecutively and be signed by the treasurer. All signatures and countersignatures, except one of the signatures or countersignatures on the bonds, may be printed, lithographed, or engraved. If any officer whose signature or

countersignature appears on the bonds or coupons ceases to be such officer before the delivery of the bonds to the purchaser, the signature or countersignature is nevertheless valid and sufficient for all purposes as if he had remained in office until the delivery of the bonds.

Article 3. Issue and Sale

101310. The bonds may be issued and sold for not less than their par value, but otherwise as the board determines. Before selling any bonds, or any part thereof, the board shall give notice inviting sealed bids in such manner as the board may prescribe. Such notice shall be published at least twice pursuant to a provision of Article 4 (commencing with Section 6060), Chapter 1, Division 7, Title 1 of the Government Code. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either again give notice inviting bids or sell the bonds at private sale.

101311. All premiums and accrued interest received on the sale of bonds shall be placed in the fund to be used for the payment of principal of and interest on the bonds. The remainder of the proceeds of the bonds shall be placed in the district treasury, or in the county treasury, as the case may be, to the credit of the proper fund, and shall be used exclusively for the objects or purposes for which the bonds were voted; provided that, when such objects and purposes have been accomplished, any moneys remaining shall be transferred to the fund to be used for the payment of principal of and interest on the bonds, and that, when all principal of and interest on the bonds shall have been paid, any balance of money then remaining shall be transferred to the general fund of the district.

101312. In lieu of the immediate levy of a tax to pay the interest, or any part thereof, on any bonded indebtedness incurred in accordance with this chapter, the board may, in the estimate of the amount of money necessary to be raised by the bonds, include a sum sufficient to pay interest on all of the bonds, or part thereof, during the period of acquisition, construction, or completion, but for no period in excess of five years.

Article 4. Refunding

101315. Whenever the board, by resolution passed by a vote of four-fifths of all its members, determines that the

refunding of the whole, or any portion of, the bonded indebtedness will be of advantage to the district, the board may refund the bonded indebtedness, or any portion thereof, and issue refunding bonds of the district therefor.

101316. The issuance of refunding bonds shall not be construed as the incurring or increase of an indebtedness within the meaning of this part, and the approval of the voters is not required for the issuance of refunding bonds. The board may provide for the call and redemption of any or all of the bonds on any interest payment date prior to their fixed maturity in the ordinance authorizing the issuance of the refunding bonds.

101317. Except as otherwise provided, the provisions of this chapter shall substantially govern as to all matters pertaining to the issuance of refunding bonds, including and without limiting the generality of the foregoing, the form, execution, issuance, maturity, redemption, refunding, validation, the payment of interest from bond funds, and the status of the bonds as investments.

101318. Refunding bonds shall bear interest at a rate not exceeding the interest rate on the refunded bonds, but payment of the refunding bonds shall begin not later than one year from the date thereof and be completed in not more than 40 years from that date.

101319. The proceeds of the sale of refunding bonds shall be applied only to the purchase, or retirement at not more than par and accrued interest, or the call price, of the bonded indebtedness for which the refunding bonds were issued.

101320. In lieu of selling refunding bonds and using the proceeds to purchase or retire the bonds to be refunded, the board may exchange refunding bonds at not less than par and accrued interest for the bonds so refunded.

101321. Whenever outstanding bonds are refunded, they shall be surrendered to the treasurer of the district, or the county treasurer, as the case may be, who shall cancel them by endorsing on their face the manner in which the refunding was effected (whether by exchange or purchase, and the amount for which so purchased, if any) and by perforating through each bond and each coupon attached thereto the word "canceled" together with the date of cancellation.

Article 5. Status as Investments

101325. All bonds, including refunding bonds, issued by a district are legal investments for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the State School Fund and for all sinking funds under the control of the State Treasurer. Whenever any money or funds may by law be

invested in, or loaned upon the security of, bonds of cities, cities and counties, counties, or school districts, in the state, such money or funds may be invested in, or loaned upon the security of, the bonds of the district; and whenever bonds of cities, cities and counties, counties, or school districts by law may be used as security for the faithful performance or execution of any court or private trust or of any other act, bonds of the district may be so used.

101326. All bonds of the district, to the same extent as bonds of any other municipality, are legal for use by any state or national bank or banks in the state as security for the deposit of funds of the state or of any county, city and county, city, municipality, or other public or municipal corporation within the state.

Article 6. Validation

101330. An action to determine the validity of bonds, including refunding bonds, may be brought pursuant to Chapter 9 (commencing with Section 860), Title 10, Part 2 of the Code of Civil Procedure.

Article 7. Revenue Bonds

101335. As an alternative procedure for the raising of funds, the district may issue bonds, payable from revenues of any facility or enterprise to be acquired or constructed by the district, in the manner provided by the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5 of the Government Code), all of the provisions of which are applicable to the district.

101336. The district is a local agency within the meaning of the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5 of the Government Code). The term "enterprise" as used in the Revenue Bond Law of 1941 shall, for all purposes of this part, include transit facilities, and any and all parts thereof, and all additions, extensions, and improvements thereto, and all other facilities authorized to be acquired, constructed, or completed by the district. A district may issue revenue bonds under the Revenue Bond Law of 1941 for any one or more facilities or enterprises authorized to be acquired, constructed, or completed by a district or, in the alternative, may issue revenue bonds under the Revenue Bond Law of 1941 for the acquisition, construction, and completion of any one of such facilities. Nothing in this article shall prevent the district from availing itself of, or making use of, any procedure provided in this part for the issuance of bonds of any type or character for any of the facilities or works authorized

hereunder, and all proceedings may be carried on simultaneously or, in the alternative, as the board may determine.

CHAPTER 9. LABOR PROVISIONS

101340. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection. It is declared to be in the public interest that the district shall not express any preference for one union over another.

101341. Whenever a majority of the employees employed by the district in a unit appropriate for collective bargaining indicate a desire to be represented by a labor organization, the district, upon determining as provided in Section 101344 that such labor organization represents the employees in the appropriate unit, shall enter into a written contract with the accredited representative of such employees governing wages, salaries, hours, and working conditions. In case of a dispute over wages, salaries, hours, or working conditions, which is not resolved by negotiations in good faith between the district and the labor organization, the district and the labor organization may submit the dispute to the decision of the majority of an arbitration board, and the decision of the majority of such arbitration board shall be final.

The arbitration board shall be composed of two representatives of the district, and two representatives of the labor organization, and they shall endeavor to agree upon the selection of the fifth member. If they are unable to agree, the names of five persons experienced in labor arbitration shall be obtained from the Supervisor of Conciliation of the Division of Conciliation, Department of Industrial Relations. The labor organization and the district shall, alternately, strike a name from the list so supplied, and the name remaining after the labor organization and the district have stricken four names, shall be designated as the arbitrator. The labor organization and the district shall determine by lot who shall first strike from the list. The decision of a majority of the arbitration board shall be final and binding upon the parties thereto. The expenses of arbitration shall be borne equally by the parties. Each party shall bear his own costs.

101342. In the event the board and the representatives of the employees do not agree to submit the dispute to an arbitration board as provided in Section 101341, the State Conciliation Service may be notified by either party that a dispute exists and that there is no agreement to arbitrate. The

State Conciliation Service shall determine whether or not the dispute may be resolved by the parties and, if not, the issues concerning which the dispute exists. Upon such determination, the State Conciliation Service shall certify its findings to the Governor of the State of California, who shall, within 10 days of receipt of certification, appoint a factfinding commission consisting of three persons which shall immediately convene and inquire into and investigate the issues involved in the dispute. The commission shall report to the Governor within 30 days of the date of its creation.

After the creation of such commission and for 30 days after such commission has made its report to the Governor, no change, except by mutual agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose and service to the public shall be provided.

101343. No contract or agreement shall be made with any labor organization, association, or group, or be assumed under the provisions of this part, where such organization, association, or group denies membership to, or in any manner discriminates against, any employee on the grounds of race, creed, color, or sex. However, such organization may preclude from membership any individual who advocates the overthrow of the government by force or violence. The district shall not discriminate in regard to employment against any person because of his race, creed, or color.

101344. If there is a question whether a labor organization represents a majority of employees or whether the proposed unit is or is not appropriate, such matters shall be submitted to the State Conciliation Service for disposition. The State Conciliation Service shall promptly hold a public hearing after due notice to all interested parties and shall thereupon determine the unit appropriate for the purposes of collective bargaining. In making such determination and in establishing rules and regulations governing petitions and the conduct of hearings and elections, the State Conciliation Service shall be guided by relevant federal law and administrative practice, developed under the Labor-Management Relations Act, 1947, as presently amended.

The State Conciliation Service shall provide for an election to determine the question of representation and shall certify the results to the parties. Any certification of a labor organization to represent or act for the employees in any collective bargaining unit shall not be subject to challenge on the grounds that a new substantial question of representation within such collective bargaining unit exists until the lapse of one year from the date of certification or the expiration of any collective bargaining agreement, whichever is later. However, no collective bargaining agreement shall be construed to be a bar to representation proceedings for a

period of more than two years.

101345. Whenever the district acquires existing facilities from a publicly or privately owned public utility, either in proceedings by eminent domain or otherwise, the district shall assume and observe all existing labor contracts. To the extent necessary for operation of facilities, all of the employees of such acquired public utility whose duties pertain to the facilities acquired shall be appointed to comparable positions in the district without examination, subject to all the rights and benefits of this part, and these employees shall be given sick leave, seniority, vacation, and pension credits in accordance with the records and labor agreements of the acquired public utility. Members and beneficiaries of any pension or retirement system or other benefits established by that public utility shall continue to have the rights, privileges, benefits, obligations, and status with respect to such established system. No employee of any acquired public utility shall suffer any worsening of his wages, seniority, pension, vacation, or other benefits by reason of the acquisition.

The district may extend the benefits of this section to officers or supervisory employees of the acquired public utility.

101346. The district shall not acquire any existing system or part thereof whether by purchase, lease, condemnation, or otherwise, nor shall the district dispose of or lease any transit system or part thereof, nor merge, consolidate, or coordinate any transit system or part thereof, or reduce or limit the lines or service of any existing system or of its system, or terminate any lease arrangement or management contract, unless it shall first have made adequate provision for any employees who are or may be displaced. The terms and conditions of such provision shall be a proper subject of collective bargaining.

101347. Notwithstanding the provisions of the Government Code, employees of the district may authorize and, upon such authorization, the district shall make deductions from wages and salaries of such employees:

(a) Pursuant to a collective bargaining agreement with a duly designated or certified labor organization for the payment of union dues, fees, or assessments.

(b) For the payment of contributions pursuant to any health and welfare plan or pension or retirement plan.

(c) For any purpose for which deductions may be authorized by employees of any private employer.

101348. The obligation of the district to bargain in good faith with a duly designated or certified labor organization and to execute a written collective bargaining agreement with such labor organization covering the wages, hours, and

working conditions of the employees represented by such labor organization in an appropriate unit, and to comply with the terms thereof, shall not be limited or restricted by any provision of law. The obligation of the district to bargain collectively shall extend to all subjects of collective bargaining which are or may be proper subjects of collective bargaining with a private employer, including retroactive provisions.

CHAPTER 10. RETIREMENT

101355. Subject to the provisions of Section 101357, the board shall provide for retirement benefits for the officers and employees of the district.

101356. (a) The board shall provide for such retirement benefits by contract with either of the following retirement systems as shall be determined by the board:

(1) Pursuant to the County Employees Retirement Law of 1937.

(2) Pursuant to the Public Employees Retirement Law.

(b) The adoption, terms, and conditions of any retirement system covering employees of the district represented by a labor organization shall be pursuant to the collective bargaining agreement between such labor organization and the district.

101357. Subject to the regulations of the retirement system chosen by the board pursuant to Section 101356, and, in the case of employees of the district represented by a labor organization, to the collective bargaining agreement between such labor organization and the district, the board shall determine and classify the officers and employees who shall be included as members in the retirement system and may change the classification from time to time. Membership of all officers and employees so classified and included in the retirement system shall be compulsory.

101358. The retirement system provided for by this chapter shall not include the members of the board.

101359. As to the members of the retirement system provided for by this chapter, the board may provide for their coverage under Title II of the Federal Social Security Act, as amended, and the related provisions of the Federal Insurance Contributions Act, as amended, and the district may perform all acts necessary or convenient to accomplish such coverage.

CHAPTER 11. MISCELLANEOUS BENEFITS

101365. The board shall provide for the coverage of the officers and employees of the district under the Workmen's Compensation, Unemployment Compensation Disability, and Unemployment Insurance Laws of the State of California.

101366. Subject to such regulations and schedule of contributions of premiums as it shall determine, the board shall provide for group health and medical insurance for such officers and employees of the district who are members of the retirement system provided for by Chapter 10 (commencing with Section 101355) of this part and who request coverage under such insurance.

CHAPTER 12. CHANGE OF ORGANIZATION

101370. As used in this article the terms "change of organization" and "reorganization" shall have the meanings defined in Section 56028 and Section 56068, respectively, of the Government Code.

101371. A change of organization or a reorganization of the district formed and existing under the provisions of this part may be effected in the manner prescribed by the District Reorganization Act of 1965 (Division 1 (commencing with Section 56000) of Title 6 of the Government Code), and the provisions of that act shall govern any and all such changes of organization or reorganizations.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to provide adequate public transit service to the residents in the Bakersfield metropolitan area, and to finance such service through a broad tax base, by the earliest possible date, it is necessary that this act go into effect immediately.

CHAPTER 1162

An act to amend Section 5602 of, and to add Sections 5118, 5276.1, 5303.1, 5365.1, 5600.1, and 5620 to, the Welfare and Institutions Code, relating to mental health services.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5118 is added to the Welfare and Institutions Code, to read:

5118. For the purpose of conducting hearings under this part, the court in and for the county where the petition is filed may be convened at any time and place within or outside the county suitable to the mental and physical health of the patient, and receive evidence both oral and written, and

render decisions, except that the time and place for hearing shall not be different from the time and place for the trial of civil actions for such court if any party to the proceeding, prior to the hearing, objects to the different time or place.

Hearings conducted at any state hospital or any mental health facility designated by any county as a treatment facility under this part or any facility referred to in Section 5358 or Division 7 (commencing with Section 7000) of this code, within or outside the county, shall be deemed to be hearings held in a place for the trial of civil actions and in a regular courtroom of the court.

Notwithstanding any other provisions of this section, any party to the proceeding may demand that the hearing be public, and be held in a place suitable for attendance by the public.

Notwithstanding any other provisions of law, any hearing under this part which was held before enactment of this section but which would have been in accordance with this section had it been effective is deemed to be valid for all purposes.

As used in this section, a "hearing under this part" includes conservatorship and other hearings held pursuant to Chapter 3 (commencing with Section 5350) of this part.

SEC. 2. Section 5276.1 is added to the Welfare and Institutions Code, to read:

5276.1. The person requesting release may, upon advice of counsel, waive the presence at the evidentiary hearing of the physician or other professional person who certified the petition under Section 5251 and of the physician providing intensive treatment. In the event of such a waiver, such physician or other professional person shall not be required to be present at the hearing if it is stipulated that the certification and records of such physicians concerning the mental condition and treatment of the person regarding release will be received in evidence.

SEC. 3. Section 5303.1 is added to the Welfare and Institutions Code, to read:

5303.1. The person named in the petition may, upon advice of counsel, waive the presence at the hearing or at the jury trial of the professional person or his designee who petitioned for the additional period of treatment and the physicians providing intensive treatment. In the event of such waiver, such professional person, his designee, or other physicians shall not be required to be present at the hearing if it is stipulated that the certification, supporting affidavit and records of such physicians concerning the mental condition of the person named in the petition will be received in evidence.

SEC. 4. Section 5365.1 is added to the Welfare and Institutions Code, to read:

5365.1. The conservatee or proposed conservatee may, upon advice of counsel, waive the presence at any hearing under this chapter of the physician or other professional person who recommended conservatorship pursuant to Section 5352 and

of the physician providing evaluation or intensive treatment. In the event of such a waiver, such physician and professional persons shall not be required to be present at the hearing if it is stipulated that the recommendation and records of such physician or other professional person concerning the mental condition and treatment of the conservatee or proposed conservatee will be received in evidence.

SEC. 5. Section 5600.1 is added to the Welfare and Institutions Code, to read:

5600.1. Each county shall utilize available private mental health resources and facilities in the county prior to developing new county-operated resources or facilities when such private mental health resources or facilities are of at least equal quality and cost as compared with county-operated resources or facilities. All such available local public or private facilities shall be utilized before state hospitals are used.

SEC. 6. Section 5602 of the Welfare and Institutions Code is amended to read:

5602. By July 1, 1969, the board of supervisors of every county, or the boards of supervisors of counties acting under the joint powers provisions of Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code shall establish a community mental health service to cover the entire area of the county or counties. Services to mentally disordered persons in the county or counties by county agencies and county institutions, by private agencies or facilities, and by the hospitals of the State Department of Mental Hygiene shall be provided in accordance with the county Short-Doyle plan. Services of the State Department of Mental Hygiene shall be provided to the county, or counties acting jointly, pursuant to Section 5401, or, if both parties agree, the state facilities may, in whole or in part, be leased, rented or sold to the county or counties for county operation, subject to such terms and conditions as are approved by the Director of General Services.

SEC. 7. Section 5620 is added to the Welfare and Institutions Code, to read:

5620. The department shall each year transmit to the State Office of Narcotics and Drug Abuse the portion of each county Short-Doyle plan which relates to drug abuse and shall each year transmit to the Office of Alcohol Program Management the portion of the annual county Short-Doyle plan which relates to alcoholism.

The portion of the annual county Short-Doyle plan so transmitted to the State Office of Narcotics and Drug Abuse shall constitute the coordinated countywide community drug abuse control plan required by Section 1171 of the Health and Safety Code. The portion of the annual county Short-Doyle plan relating to drug abuse shall include the elements required by Section 1171 of the Health and Safety Code.

CHAPTER 1163

An act to amend Section 5116 of the Welfare and Institutions Code, relating to care homes.

[Approved by Governor October 19, 1971 Filed with
Secretary of State October 19, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 5116 of the Welfare and Institutions Code is amended to read:

5116. Pursuant to the policy stated in Section 5115, a state-authorized, certified, or licensed family care home, foster home, or group home serving six or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children, shall be considered a residential use of property for the purposes of zoning if such homes provide care on a 24-hour-a-day basis.

CHAPTER 1164

An act to add Article 3.5 (commencing with Section 24025) to Chapter 3 of Division 18 of the Education Code, relating to budgeting systems for the California State Colleges.

[Approved by Governor October 19, 1971 Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Article 3.5 (commencing with Section 24025) is added to Chapter 3 of Division 18 of the Education Code, to read:

Article 3.5. Budgeting Systems

24025. The Legislature does not regard budgeting by standardized formulas as necessarily the most effective nor efficient way to govern dissimilar institutions of higher education. The Legislature recognizes the need to determine if a more efficient allocation of state resources may ensue if more decisionmaking power were decentralized to the campus and departmental levels.

24026. The trustees shall initiate a pilot management, planning, and budgeting system at selected state colleges beginning with the 1972-1973 fiscal year. The system shall be designed and implemented by the trustees, with the full participation and approval of the Department of Finance.

24027. The pilot management, planning and budgeting system shall incorporate:

(a) A maximum delegation to the individual state colleges for utilizing physical and human resources within the total budget approved by the Legislature, the Department of Finance, and the trustees.

(b) The development of management systems and of sophisticated cost-benefit data.

24028. The Department of Finance and the trustees may delegate such authority to the individual state colleges selected for participation in the pilot management, planning, and budgeting system prescribed in this article as is needed to carry out the intent of this article.

24029. The trustees and the Department of Finance shall conduct fiscal postaudits and management reviews with respect to the pilot management, planning, and budgeting system prescribed in this article.

24030. The chancellor may, with the approval of the Director of Finance, take whatever steps are necessary to prepare for the implementation of this article prior to the 1972-1973 fiscal year.

SEC. 2. The Director of Finance may authorize such changes in Item 288 of the Budget Act of 1971 as are necessary to implement this act, provided that prior to such authorization he notifies the Joint Legislative Budget Committee of his intention and secures its approval of such changes.

CHAPTER 1165

An act to amend Sections 22754, 22825.6, 22832, 22851, and 22852 of the Government Code, relating to the Meyers-Geddes State Employees Medical and Hospital Care Act, and making an appropriation therefor.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 22754 of the Government Code is amended to read:

22754. As used in this part the following definitions, unless the context otherwise requires, shall govern the interpretation of terms.

(a) "Board" means the Board of Administration of the Public Employees' Retirement System.

(b) "Employee" means any officer or employee of the State of California or of any agency, department, authority, or instrumentality of the state including the University of California, or any officer or employee who is a local or school member of the Public Employees' Retirement System employed by a contracting agency which has elected to be or otherwise has become subject to this part, except persons employed on an intermittent, irregular or less than half-time basis, or employees similarly situated, or employees in respect to whom contributions by the state for any type of plan or program offering pre-paid hospital and medical care are otherwise authorized by law.

(c) "Carrier" means a private insurance company holding a valid outstanding certificate of authority from the Insurance Commissioner of the state, a medical society or other medical group, a nonprofit hospital service plan qualifying under Chapter 11A (commencing with Section 11491) of Part 2 of Division 2 of the Insurance Code, or nonprofit membership corporation lawfully operating under Section 9200 or Section 9201 of the Corporations Code, which is lawfully engaged in providing, arranging, paying for, or reimbursing the cost of personal health services under insurance policies or contracts, medical and hospital service agreements, membership contracts, or the like, in consideration of premiums or other periodic charges payable to it.

(d) "Health benefits plan" means a group insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar group arrangement provided by a carrier for the purpose of providing, arranging, paying for, or reimbursing the cost of basic hospital and medical care and for major medical or other comprehensive benefit plans.

(e) "Annuitant" means:

(1) Any person who has retired while an employee and who receives any retirement allowance under any state or University of California retirement system to which the state was a contributing party.

(2) A family member receiving an allowance as the survivor of an annuitant who has retired as provided in subdivision (1), or as the survivor of a deceased employee under Sections 21364, 21365.5 or 21382 of this code or similar provisions of any other state retirement system.

(f) "Family member" means an employee's or annuitant's spouse and any unmarried child (including an adopted child, a stepchild, or recognized natural child who lives with the employee or annuitant in a regular parent-child relationship). The board shall, by regulation, prescribe age limits and other conditions and limitations pertaining to unmarried children.

(g) "Employee organization" means an association or other organization of employees in which membership is open to employees or annuitants of the state, and which is not organized solely or principally for the purpose of obtaining pre-paid hospital and medical care.

(h) "Contracting agency" means any contracting agency as defined in Section 20010, and any school district, county board of education, personnel commission of a school district or a county superintendent of schools.

(i) "Employer" means the state and any contracting agency employing an employee.

SEC. 2. Section 22825.6 of the Government Code is amended to read:

22825.6. Notwithstanding Section 22825, the contribution of an employer which is a contracting agency shall begin on the effective date of enrollment and shall be the amount fixed

from time to time by resolution of the governing body of the agency but shall not be less than the amount required under Section 22825 or, in the case of a school district, a county superintendent of schools, a county board of education, or a personnel commission of a school district, the amount contributed by such employer to a health benefits plan for its employees at the time of its election to participate, whichever is greater. The resolution shall be filed with the board and the contribution fixed by the legislative body of the contracting agency shall be effective on the first day of the second month following the month in which the resolution is received in the office of the board.

SEC. 3. Section 22832 of the Government Code is amended to read:

22832. The contributions required of a contracting agency, along with contributions withheld from salaries of its employees, shall be forwarded monthly, no later than the 10th day of the month for which the contribution is due, and shall be deposited in the State Employees' Contingency Reserve Fund. The county superintendent of schools shall draw requisitions against the county school service fund and the funds of the respective school districts for amounts equal to the total of the employers' contributions required to be paid from the county school service fund and from the funds of the districts, and the contributions deducted from the compensation of employees paid from such funds. The amounts shall be deposited in the county treasury to the credit of the contract retirement fund established under Section 20585.

The county superintendent thereafter shall draw his requisitions against such fund in favor of the board which when allowed by the county auditor shall constitute warrants against said funds and shall forward such warrants to the board in accordance with this section.

SEC. 4. Section 22851 of the Government Code is amended to read:

22851. A contracting agency and a county superintendent in case of his employees or employees of a school district subject to this part shall perform such function in enrollment of its employees and submit such necessary reports as may be required by the board.

The county superintendent of schools shall have the responsibility of forwarding all information concerning the school districts within their jurisdiction to the Health Benefits Division of the Public Employees Retirement System.

SEC. 5. Section 22852 of the Government Code is amended to read:

22852. A contracting agency which has elected to be subject to this part shall not maintain any other plan or program offering prepaid hospital and medical care for its employees. An election of a contracting agency shall not be effective prior to the termination of any such plan in effect for such employees, and establishment of any such plan thereafter shall

terminate participation of the agency and all of its employees under this part as of the end of the contract year.

SEC. 6. There is hereby appropriated from the State Employees' Contingency Reserve Fund thirty thousand dollars (\$30,000) or as much thereof as may be necessary, for costs of administration of the provisions of the Meyers-Geddes State Employees' Medical and Hospital Care Act relating to participation of employees of school districts, county superintendents of schools, boards of education and personnel commissions of school districts during the 1971-1972 fiscal year. The amount expended pursuant to this appropriation shall be repaid during the first two years following the effective date of this act by such employers participating under the Meyers-Geddes State Employees' Medical and Hospital Care Act.

SEC. 7. The act shall become operative the first day of the month following the month in which bills enacted at the 1971 Regular Session of the Legislature become effective.

CHAPTER 1166

An act to add Section 26860 to the Government Code, and to add Sections 10433.4, 10439.5, 10448, 10451, and 10615 to the Health and Safety Code, relating to vital statistics.

[Approved by Governor October 19, 1971 Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 26860 is added to the Government Code, to read:

26860. Notwithstanding the provisions of Section 26857 of this article, a fee of five dollars (\$5) shall be paid to the county clerk at the time of filing the petition in an adoption proceeding, except for agency adoptions in which the adoption fee is waived and a statement from the agency to this effect is filed with the petition, which fee shall be paid monthly by the county clerk to the State Registrar of Vital Statistics for the services required by statute of that office.

SEC. 2. Section 10433.4 is added to the Health and Safety Code, to read:

10433.4. At any time after the issuance of a new birth certificate another amended certificate may be issued, at the request of the adopting parents, which omits the specific name and address of the hospital or other facility where the birth occurred or which omits the city and county of birth, or both.

SEC. 3. Section 10439.5 is added to the Health and Safety Code, to read:

10439.5. The State Registrar shall furnish a certified copy of the newly amended record of birth prepared under authority of this article to the registrant without additional cost.

SEC. 4. Section 10448 is added to the Health and Safety Code, to read:

10448. The State Registrar shall furnish a certified copy of the newly amended record of birth prepared under authority of this article to the registrant without additional cost.

SEC. 5. Section 10451 is added to the Health and Safety Code, to read:

10451. The State Registrar shall furnish a certified copy of the newly amended record of birth prepared under authority of this article to the registrant without additional cost.

SEC. 6. Section 10615 is added to the Health and Safety Code, to read:

10615. A fee of five dollars (\$5) shall be paid to the State Registrar by the applicant for the establishment of an amended record of birth under the provisions of Articles 4 (commencing with Section 10430), 5 (commencing with Section 10440), and 6 (commencing with Section 10450) of Chapter 8, except where the required fee has been paid or an exception to the fee is provided under provisions of Section 26860 of the Government Code.

SEC. 7. This act shall become operative January 1, 1972.

CHAPTER 1167

An act to add Article 5k (commencing with Section 996.985) to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, to create a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and acts amendatory and supplemental thereto; defining the powers and duties of the Veterans' Finance Committee of 1943 and the Department of Veterans Affairs and other state officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures, appropriating money for the purpose of carrying out the provisions of the article; and providing for the submission of the measure to the people at a special election to be consolidated with the 1972 direct primary election.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Article 5k (commencing with Section 996.985) is added to Chapter 6 of Division 4 of the Military and Veterans Code, to read:

Article 5k. Veterans Bond Act of 1971

996.985. This article may be cited as the Veterans Bond Act of 1971.

996.986. The State General Obligation Bond Law, except as otherwise provided herein, is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this article, and the provisions of that law are included in this article as though set out in full in this article. All references in this article to "herein" shall be deemed to refer both to this article and such law.

996.987. As used in this article and for the purposes of this article as used in the State General Obligation Bond Law, Chapter 4 (commencing with Section 16720), Part 3, Division 4, Title 2 of the Government Code, the following words shall have the following meanings:

(a) "Bond" means veterans bond, a state general obligation bond issued pursuant to this article adopting the provisions of the State General Obligation Bond Law.

(b) "Committee" means the Veterans' Finance Committee of 1943, created by Section 991.

(c) "Board" means the Department of Veterans Affairs.

(d) "Fund" means the Veterans Farm and Home Building Fund of 1943 created by Section 988.

(e) "Bond Act" means this article authorizing the issuance of State General Obligation Bonds and adopting Chapter 4 (commencing with Section 16720), Part 3, Division 4, Title 2 of the Government Code by reference.

996.988. For the purpose of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and of all acts amendatory thereof and supplemental thereto, the Veterans' Finance Committee of 1943, created by Section 991, shall be and it hereby is authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of two hundred fifty million dollars (\$250,000,000), in the manner provided herein, but not otherwise, nor in excess thereof.

996.989. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum,

in addition to the ordinary revenues of the state, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collections of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

On the several dates on which funds are remitted pursuant to Section 16676 of the Government Code for the payment of the then maturing principal and interest on the bonds in each fiscal year, there shall be returned into the General Fund in the State Treasury, all of the money in the Veterans' Farm and Home Building Fund of 1943, not in excess of the principal of and interest on the said bonds then due and payable, except as hereinafter provided for the prior redemption of said bonds, and, in the event such money so returned on said remittance dates is less than said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State Treasury out of said Veterans' Farm and Home Building Fund of 1943 as soon thereafter as it shall become available, together with interest thereon from such dates of maturity until so returned at the same rate as borne by said bonds, compounded semiannually.

996.990. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this article, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this article, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 996.991, which sum is appropriated without regard to fiscal years.

996.991. For the purposes of carrying out the provisions of this article the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this article. Any amounts withdrawn shall be deposited in the Veterans' Farm and Home Building Fund of 1943. Any moneys made available under this article to the board shall be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this article, together with interest at the rate of interest fixed in the bonds so sold.

996.992. Upon request of the Department of Veterans Affairs, supported by a statement of the plans and projects of said department with respect thereto, and approved by the Governor, the Veterans' Finance Committee of 1943 shall determine whether or not it is necessary or desirable to issue any bonds authorized under this article in order to carry such plans and projects into execution, and, if so, the amount of

bonds then to be issued and sold. Successive issues of bonds may be authorized and sold to carry out said plans and projects progressively, and it shall not be necessary that all the bonds herein authorized to be issued shall be sold at any one time.

996.993. So long as any bonds authorized under this article may be outstanding, the Director of Veterans Affairs shall cause to be made at the close of each fiscal year, a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, such survey to be made by an independent public accountant of recognized standing. The results of such surveys and projections shall be set forth in written reports and said independent public accountant shall forward copies of said reports to the Director of Veterans Affairs, the members of the California Veterans Board, and to the members of the Veterans' Finance Committee of 1943. The Division of Farm and Home Purchases shall reimburse said independent public accountant for his services out of any funds which said division may have available on deposit with the Treasurer of the State of California.

996.994. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at such time or times as may be fixed by the State Treasurer.

996.995. Whenever bonds are sold, out of the first money realized from their sale, there shall be redeposited in the General Obligation Bond Expense Revolving Fund established by Section 16724.5 of the Government Code such sums as have been expended for the purposes specified in Section 16724.5 of the Government Code, which may be used for the same purpose and repaid in the same manner whenever additional sales are made.

SEC. 2. Section 1 of this act shall take effect upon the adoption of the people of the Veterans Bond Act of 1971, as set forth in Section 1 of this act. This section and Sections 3 to 6, inclusive, of this act contain provisions relating to and necessary for the submission of the Veterans Bond Act of 1971 to the people, and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 3. A special election is hereby called to be held throughout the state on the sixth day of June 1972. The special election shall be consolidated with the direct primary election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used.

SEC. 4. At the special election called by this act there shall be submitted to the electors Section 1 of this act.

SEC. 5. The special election provided for in this act shall be proclaimed, held, conducted, the ballots shall be prepared, marked, collected, counted and canvassed and the results shall be ascertained and the returns thereof made in all respects

in accordance with the provisions of the constitution applicable thereto and the law governing general elections insofar as provisions thereof are applicable to the election provided for in this act.

SEC. 6. All ballots at said election shall have printed thereon and in a square thereof, the words: "For the Veterans Bond Act of 1971," and the same square under said words the following in eight-point type: "This act provides for a bond issue of two hundred fifty million dollars (\$250,000,000) to provide farm and home aid for California veterans." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the Veterans Bond Act of 1971," and in the same square immediately below said words, in eight-point type shall be printed "This act provides for a bond issue of two hundred fifty million dollars (\$250,000,000) to provide farm and home aid for California veterans." Opposite the words "For the Veterans Bond Act of 1971," and "Against the Veterans Bond Act of 1971," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the Veterans Bond Act of 1971," and those voting against the said act shall do so by placing a cross opposite the words "Against the Veterans Bond Act of 1971." Provided, that where the voting of said election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said election.

SEC. 7. Notwithstanding the provisions of Section 10212 of the Elections Code, this act if adopted by the Legislature for submission to the people, shall appear first, numbered 1, on the ballot and in the ballot pamphlets of the special election of June 6, 1972.

CHAPTER 1168

An act relating to state highways.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that:

(a) It is necessary that a new state highway route be provided between Route 213 and Route 11 in San Pedro to alleviate the heavy volume of traffic on Route 11 entering into and

departing from San Pedro in the general vicinity of the cross-channel bridge.

(b) The specific location of such a state highway should be determined only after a study of all access routes between Route 213 and Route 11 in San Pedro, so that the location chosen will best alleviate the above traffic problem on Route 11.

SEC. 2. The Department of Public Works shall conduct a study of all access routes between Route 213 and Route 11 in San Pedro, and submit its recommendation to the Legislature by the 10th calendar day of the 1972 Regular Session on the specific location of a state highway between Route 213 and Route 11 which would best alleviate the heavy volume of traffic on Route 11 entering into and departing from San Pedro in the general vicinity of the cross-channel bridge.

CHAPTER 1169

An act to amend Section 1203.9 of the Penal Code, relating to probation.

[Approved by Governor October 19, 1971. Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1203.9 of the Penal Code is amended to read:

1203.9. Whenever any person is released upon probation, the case may be transferred to any court of the same rank in any other county in which the person resides or to which the person moves. The order of transfer shall contain an order committing the probationer to the care and custody of the probation officer of such county. A copy of the order shall be transmitted to the probation officer of such county. The court shall thereafter have entire jurisdiction over the case, with like power to transfer the case whenever it seems proper.

CHAPTER 1170

An act to amend Section 8015 of the Fish and Game Code, relating to commercial fishing.

[Approved by Governor October 19, 1971. Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 8015 of the Fish and Game Code is amended to read:

8015. A fish dealer, canner, or preserver or other person who catches his own fish shall fill out the receipt as required

by this article. Every fisherman who sells fish, mollusks, or crustaceans taken from the waters of this state or brought into this state in fresh condition to persons not licensed pursuant to Article 7 (commencing with Section 8040) shall fill out the receipt required by this article. The department may furnish and require a separate form for such cases.

CHAPTER 1171

An act to amend Sections 7852.5, 7890.5, 8042.5, 8044.5, 8045.5, 8254.5, and 8306.5 of the Fish and Game Code, relating to fish taxes, licenses, and permits.

[Approved by Governor October 19, 1971. Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 7852.5 of the Fish and Game Code is amended to read:

7852.5. A commercial fishing license entitles the holder to take fish from April 1st to March 31st of the year following, or, if issued after the beginning of such term, for the remainder thereof. The license fee is twenty-five dollars (\$25).

The department shall file an annual report with the Legislature not later than the fifth calendar day of each session of the Legislature on the use made of the revenue received after April 1, 1971, attributable to the increase in license fee established by the provisions of this section over the fee of Section 7852.

This section shall remain in effect only until April 1, 1976, and as of that date is repealed. Section 7852 shall be inoperative until April 1, 1976.

SEC. 2. Section 7890.5 of the Fish and Game Code is amended to read:

7890.5. Upon payment of a fee of fifty dollars (\$50) and filing of the required statement by the owner or operator of the vessel, the department shall issue a certificate of boat registration which is valid for the period April 1st to March 31st of the year following, or, if issued after the beginning of such term, for the remainder thereof. This certificate shall be carried aboard the vessel at all times posted in a conspicuous place.

The department shall file an annual report with the Legislature not later than the fifth calendar day of each session of the Legislature on the use made of the revenue received after April 1, 1971, attributable to the increase in license fee established by the provisions of this section over the fee of Section 7890.

This section shall remain in effect only until April 1, 1976, and as of that date is repealed. Section 7890 shall be inoperative until April 1, 1976.

SEC. 3. Section 8042.5 of the Fish and Game Code is amended to read:

8042.5. The annual fees for licenses issued pursuant to this article are:

(a) For a fish canners and processors license issued to any person engaged in canning fish, except frozen or coldpack crustaceans, or manufacturing fish scraps, fishmeal, fish oil, chickenfeed, fertilizer, or other products from fish or fish offal, one hundred fifty dollars (\$150).

(b) For a wholesale fish dealers and preservers license issued to any person preserving fish by the common methods of freezing, coldpacking, drying, salting, pickling, or smoking, or dealing by wholesale in fish taken from the waters of this state or brought into this state in a fresh condition, fifty dollars (\$50).

Any person engaged in activities covered by both subdivision (a) and subdivision (b) is required to hold only the license designated in subdivision (a).

The department shall file an annual report with the Legislature not later than the fifth calendar day of each session of the Legislature on the use made of the revenue received after July 1, 1971, attributable to the increase in license fees established by the provisions of this section over the fees of Section 8042.

This section shall remain in effect only until July 1, 1976, and as of that date is repealed. Section 8042 shall be inoperative until July 1, 1976.

SEC. 4. Section 8044.5 of the Fish and Game Code is amended to read:

8044.5. Notwithstanding the other provisions of this article, every broker or importer of fish, mollusks or crustaceans who (a) sells to other brokers, importers or wholesalers only, (b) who buys from other brokers, importers or wholesalers only, and (c) who does not receive fish from fishermen except fishermen who are also wholesalers shall procure a fish broker and importer's license for each place of business.

Any person qualifying under the provisions of this section may procure a fish broker and importer's license in lieu of a license under Section 8040 and, upon doing so, shall not be required to comply with the provisions of Section 8045.5 and 8046.

The annual fee for the license issued pursuant to this section is one hundred dollars (\$100). The license year shall be from July 1 to June 30 of the year following, or, if issued after the beginning of such term, for the remainder thereof.

The department shall file an annual report with the Legislature not later than the fifth calendar day of each session of the Legislature on the use made of the revenue received after July 1, 1971, attributable to the increase in license fee established by the provisions of this section over the fee of Section 8044.

This section shall remain in effect only until July 1, 1976, and as of that date is repealed. Section 8044 shall be inoperative until July 1, 1976.

SEC. 5. Section 8045.5 of the Fish and Game Code is amended to read:

8045.5. Every person operating under a license issued pursuant to this article shall, in addition to the license fee, pay a privilege tax for each pound, or fraction thereof, of fish purchased, received, or taken by him in accordance with the following schedule:

	Rate per pound
(a) All fish, irrespective of use, except as otherwise specified in this section-----	\$0.0005
(b) Mollusks and crustaceans irrespective of use, excluding squid and crab -----	0.01
(c) Crab, irrespective of use -----	0.0015
(d) Squid, irrespective of use -----	0.001
(e) Salmon, except imported salmon offal, based on the weight in the round, irrespective of use	0.02
(f) The following fish when used for bait or human consumption, except canning -----	0.005
(1) Albacore	
(2) Barracuda	
(3) Bluefin	
(4) Broadbill swordfish	
(5) Flying fish	
(6) Frogs	
(7) Giant seabass	
(8) Halibut	
(9) Saltwater worms	
(10) Sardine	
(11) White seabass	
(12) Yellowtail	

All fish, except shrimp (*Pandalus jordani*) and crab (*Cancer magister*), imported into California from another state or country, and which are for human consumption and are not thereafter canned or cooked by a licensee, shall not be subject to such a privilege tax.

Shrimp (*Pandalus jrdani*) and crab (*Cancer magister*) imported into California from another state or country, irrespective of use, shall not be subject to such privilege tax.

The department shall file an annual report with the Legislature not later than the fifth calendar day of each session of the Legislature on the use made of the revenue received after the operating date of the amendments to this section enacted at the 1971 Regular Session of the Legislature, attributable to the increases in fees established by the provisions of this section over the fees of Section 8045.

This section shall remain in effect only until July 1, 1976, and as of that date is repealed. Section 8045 shall be inoperative until July 1, 1976.

SEC. 6. Section 8254.5 of the Fish and Game Code is amended to read:

8254.5. Lobsters may not be taken for commercial purposes except in Districts 18, 19, 20A and that part of District 20 southerly of Santa Catalina Island between Southeast Rock and China Point under a revocable, nontransferable permit subject to such regulations as the commission shall prescribe.

Every person who takes, assists in taking, possesses or transports lobsters while on any boat, barge or vessel, or who uses or operates or assists in using or operating any boat, net, trap, line or other appliance to take lobsters, must have a valid lobster permit issued to him and must be in possession of said permit while engaged in any of such activities.

Such permits may be issued annually by the department and shall be for the period of the commercial lobster season. The permit fee is one hundred dollars (\$100). However, any person who has had such a permit revoked may be required by the commission to appear before it and no new permit may be issued to such person unless the commission finds that such issuance will be in the best interests of lobster fishing.

The department shall file an annual report with the Legislature not later than the fifth calendar day of each session of the Legislature on the use made of the revenue received after July 1, 1971, attributable to the provisions of this section.

This section shall remain in effect only until July 1, 1976, and as of that date is repealed. Section 8254 shall be inoperative until July 1, 1976.

SEC. 7. Section 8306.5 of the Fish and Game Code is amended to read:

8306.5. Abalones may not be taken for commercial purposes except under a revocable permit issued by the department under such regulations as the commission shall prescribe. The permit fee is one hundred dollars (\$100).

Diving apparatus may be used to take abalones in water not less than 20 feet in depth in those portions of District 20 lying on the southerly side of Catalina Island between Southeast Rock and China Point, and in Districts 18, 19, and 20A, and in District 10 only in the waters lying south of Point Lobos. It is unlawful to take black abalones for commercial purposes, along the mainland coast, except as otherwise specifically authorized by this article.

The department shall file an annual report with the Legislature not later than the fifth calendar day of each session of the Legislature on the use made of the revenue received after March 1, 1971, attributable to the provisions of this section.

This section shall remain in effect only until March 1, 1976, and as of that date is repealed. Section 8306 shall be inoperative until March 1, 1976.

SEC. 8. Section 5 of this act shall become operative on the first calendar day of the month following the effective date of this act.

CHAPTER 1172

An act to add Sections 7455.5 and 7459.3 to the Education Code, relating to regional occupational centers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 7455.5 is added to the Education Code, to read:

7455.5. Any pupil enrolled in grade 10, 11, or 12, and who is also attending a regional occupational center or regional occupational program may be excused from attending courses in physical education by the governing board maintaining and operating the regional occupational center or regional occupational program pursuant to Sections 8571 and 8572 if attendance upon such classes results in hardship because of travel time involved.

If a pupil is excused from physical education classes pursuant to this section, the minimum schoolday for him in his regular high school is 180 minutes.

Sec. 2. Section 7459.3 is added to the Education Code, to read:

7459.3. When a school district maintaining a regional occupational center pursuant to a joint powers agreement pursuant to the provisions of Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code receives federal funds on account of the average daily attendance credited to the regional occupational center, the district shall allocate such funds directly to the center to which that average daily attendance is credited.

Sec. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The present local and state funding provisions limit the scope of the operation of desperately needed vocational education programs which are intended to supply the needs of not only the citizenry, but also state and national manpower needs. In order to meet these urgent needs it is necessary that this act be in effect during the 1971-1972 fiscal year. It is necessary, therefore, that this act go into immediate effect.

CHAPTER 1173

An act to amend Section 10601 of the Education Code, relating to public schools.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 10601 of the Education Code is amended to read:

10601. A teacher may suspend, for good cause, any pupil from his or her class for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal for appropriate action. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal.

CHAPTER 1174

An act to add Sections 470a and 470b to the Penal Code, and to amend Sections 13004 and 14610 of the Vehicle Code, relating to violations.

[Approved by Governor October 19, 1971. Filed with
Secretary of State October 19, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 470a is added to the Penal Code, to read:

470a. Every person who alters, falsifies, forges, duplicates or in any manner reproduces or counterfeits any driver's license or identification card issued by a governmental agency with the intent that such driver's license or identification card be used to facilitate the commission of any forgery, is punishable by imprisonment in the state prison for not less than one year nor more than 14 years, or by imprisonment in the county jail for not more than one year.

SEC. 2. Section 470b is added to the Penal Code, to read:

470b. Every person who displays or causes or permits to be displayed or has in his possession any driver's license or identification card of the type enumerated in Section 470a with the intent that such driver's license or identification card be used to facilitate the commission of any forgery, is punishable by imprisonment in the state prison for not less than one year nor more than 14 years, or by imprisonment in the county jail for not more than one year.

SEC. 3. Section 13004 of the Vehicle Code is amended to read:

13004 It is unlawful for any person:

(a) To display or cause or permit to be displayed or have in his possession any canceled, fictitious, fraudulently altered, or fraudulently obtained identification card.

(b) To lend his identification card to any other person or knowingly permit the use thereof by another.

(c) To display or represent any identification card not issued to him as being his card.

(d) To permit any unlawful use of an identification card issued to him.

(e) To do any act forbidden or fail to perform any act required by this article.

(f) To photograph, photostat, duplicate, or in any way reproduce any identification card or facsimile thereof in such a manner that it could be mistaken for a valid identification card, or to display or have in his possession any such photograph, photostat, duplicate, reproduction, or facsimile unless authorized by the provisions of this code.

(g) To alter any identification card in any manner not authorized by this code.

SEC. 4. Section 14610 of the Vehicle Code is amended to read:

14610. It is unlawful for any person:

(a) To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious, fraudulently altered, or fraudulently obtained driver's license.

(b) To lend his driver's license to any other person or knowingly permit the use thereof by another

(c) To display or represent any driver's license not issued to him as being his license.

(d) To fail or refuse to surrender to the department upon its lawful demand any driver's license which has been suspended, revoked or canceled.

(e) To permit any unlawful use of a driver's license issued to him.

(f) To do any act forbidden or fail to perform any act required by this division.

(g) To photograph, photostat, duplicate, or in any way reproduce any driver's license or facsimile thereof in such a manner that it could be mistaken for a valid license, or to display or have in his possession any such photograph, photostat, duplicate, reproduction, or facsimile unless authorized by the provisions of this code.

(h) To alter any driver's license in any manner not authorized by this code.

CHAPTER 1175

An act to amend Section 27503 of the Government Code, relating to inquests.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 27503 of the Government Code is amended to read:

27503. The transcript of the testimony of the witnesses examined in the coroner's inquest shall be completed and filed within 10 days following the inquest with either the coroner's office or the county clerk as determined by the board of supervisors.

CHAPTER 1176

An act to amend Section 4417 of the Public Resources Code, relating to fire protection.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 4417 of the Public Resources Code is amended to read:

4417. A reward of five hundred dollars (\$500) shall be paid out of any state funds which are made available to the State Forester for fire protection to any person, other than a regularly paid fireman, peace officer, or agent or employee of the State Forester, whose information leads to the arrest and conviction, or commitment to a public facility, of any person who willfully and maliciously sets fire to, or who attempts to willfully and maliciously set fire to, any property which is included within any state responsibility area as established under the provisions of Article 3 (commencing with Section 4125) of Chapter 1 of this part.

Any such reward may be paid on the initiative of the State Forester or upon application by any person qualifying therefor.

CHAPTER 1177

An act to amend Sections 4104, 4104.3, 4104.4, 4105, 4105.1, 4105.2, 4106, 4106.1, 4107, 4108, 4108.5, 4109, 4109.5, 4110, 4112, and 4114 of the Revenue and Taxation Code, relating to tax collectors.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 4104 of the Revenue and Taxation Code is amended to read:

4104. If the property is not on the current roll, the tax collector may do either of the following:

(a) Require that the redemptioner pay the current taxes and penalties as if the property were originally on the current roll.

(b) Require the redemptioner to pay the current taxes, penalties, and costs along with the amount necessary to redeem. The redemption officer shall base his computation of the amount of these taxes on the valuation furnished him by the assessor.

This section is not applicable if the property is not on the current roll because of having been acquired by the state or other public agency other than by tax deed.

SEC. 2. Section 4104.3 of the Revenue and Taxation Code is amended to read:

4104.3. After the settlement under Section 2630 the delinquent roll shall remain on file in the tax collector's office and the auditor shall charge the tax collector with the amount of taxes, penalties and costs unpaid as shown on the delinquent roll.

SEC. 3. Section 4104.4 of the Revenue and Taxation Code is amended to read:

4104.4. In any county, on resolution of the board of supervisors passed by a three-fifths vote, the tax collector shall be the redemption officer. By January 1, 1974, the board of supervisors of each county shall transfer the duties of the redemption officer to the tax collector.

SEC. 4. Section 4105 of the Revenue and Taxation Code is amended to read:

4105. Application to redeem shall be made to the tax collector.

SEC. 5. Section 4105.1 of the Revenue and Taxation Code is amended to read:

4105.1. The tax collector shall prepare an estimate of the amount necessary to redeem.

SEC. 6. Section 4105.2 of the Revenue and Taxation Code is amended to read:

4105.2. Upon redemption, the tax collector shall issue certificates of redemption in the required number of copies which, with the approval of the Controller as to form, shall show:

- (a) The year of sale and number.
- (b) A description of the property.
- (c) In detail, the amounts to be paid.
- (d) The name of the person making the payment.
- (e) The date of redemption.

SEC. 7. Section 4106 of the Revenue and Taxation Code is amended to read:

4106. The certificates, with the money, shall be delivered to the tax collector and he shall receipt each certificate.

One certificate shall be given to the person making payment; one, shall be transmitted to the Controller; and one, shall remain in the tax collector's office.

Upon request of the assessor or the auditor, an additional certificate shall be made.

SEC. 8. Section 4106.1 of the Revenue and Taxation Code is amended to read:

4106.1. With the approval of the board of supervisors the tax collector may establish a procedure for making and preserving a record of individual redemption and installment payments. When such a procedure is established, receipts for redemption and installment payments made by mail shall only be issued when a receipt is requested by the person making payment. The redemption certificate or installment plan form shall contain a statement that receipts will not be issued for payments made by mail unless a receipt is requested by the person making payment, and an appropriate place in which the taxpayer may request a receipt shall be provided on the redemption certificate and the installment plan form. Receipts requested shall be furnished without cost to the taxpayer.

SEC. 9. Section 4107 of the Revenue and Taxation Code is amended to read:

4107. Any redemption certificate more than 12 years old may be destroyed by the county tax collector. Such destruction shall be approved by order of the board of supervisors of the county.

SEC. 10. Section 4108 of the Revenue and Taxation Code is amended to read:

4108. On or before the fifth day in each month the tax collector shall account to the auditor for all moneys collected during the preceding month under this part. On the same day he shall file with the auditor a statement under oath showing that all money collected by him has been paid as required by law.

The tax collector shall file with the auditor a statement under oath within six months after the close of each month's business showing an itemized account of all his transactions and receipts under this part including the amount collected for each fund or district extended on the roll for such month.

The amounts charged to the tax collector shall be reduced accordingly.

SEC. 11. Section 4108.5 of the Revenue and Taxation Code is amended to read:

4108.5. The records and accounts of the tax collector pursuant to this part shall be audited at least once each three years.

SEC. 12. Section 4109 of the Revenue and Taxation Code is amended to read:

4109. The tax collector shall note the fact and date of redemption on the margin of each delinquent roll opposite the description of the property sold.

In the event that part of the property is redeemed, the tax collector shall also note:

- (a) A description of the parcel redeemed.
- (b) The value of the parcel redeemed.
- (c) The value of the remainder of the property.

SEC. 13. Section 4109.5 of the Revenue and Taxation Code is amended to read:

4109.5. If delinquent taxes are paid in installments, the tax collector may stamp or write "See Supplemental Record" on the margin of the delinquent roll, or abstract list.

On a supplemental record set up by the tax collector for the purpose, he shall show the name of the person making the payments, a description of the property, the amount paid, the year or years of delinquency, and the number of the certificate of redemption, if any, issued.

SEC. 14. Section 4110 of the Revenue and Taxation Code is amended to read:

4110. The tax collector shall prepare and set up a convenient and appropriate index record, or other workable system of tax-sold property. Such record shall be kept regularly posted to reflect the immediate status of all items remaining unpaid on the delinquent rolls or abstract lists.

SEC. 15. Section 4112 of the Revenue and Taxation Code is amended to read:

4112. On redemption, the deed becomes null and any interest acquired by virtue of the sale to the state ceases.

A certificate of redemption which is issued on tax-deeded property shall be the authorization for the recording of a release of equity, or quitclaim, of the property redeemed which had been previously deeded to the state. Such release shall be executed and recorded by the tax collector for and on behalf of the state, and shall be in the form prescribed by the State Controller. The release shall be acknowledged by the county clerk, without charge, and shall be recorded with the county recorder for a fee of two dollars (\$2). The tax collector shall collect the recording fee as part of the redemption charge and transmit it to the county recorder.

SEC. 16. Section 4114 of the Revenue and Taxation Code is amended to read:

4114. Where it appears from the books, documents and records of the tax collector that the latter has made an unintended error in computing the amount necessary to redeem a parcel of property as to which a redemption certificate has been issued resulting in an underpayment of the redemption amount, and where all remedies for the collection of the deficiency have been exhausted, upon a finding to that effect by the board of supervisors, concurred in by the district attorney, the tax collector may be relieved of any responsibility in his official capacity in connection therewith.

SEC. 17. Sections 1 and 2 and Sections 4 to 16, inclusive of this act shall become operative on January 1, 1974.

CHAPTER 1178

An act to amend Section 34506 of, to repeal Section 40000 of, and to add Sections 40000.1, 40000.3, 40000.5, 40000.7, 40000.9, 40000.11, 40000.13, 40000.15, 40000.19, 40000.21, 40000.23, and 40000.25 to, the Vehicle Code, relating to violations of the Vehicle Code.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 34506 of the Vehicle Code is amended to read:

34506. (a) It is a misdemeanor to fail to comply with any rule or regulation adopted by the Department of the California Highway Patrol pursuant to subdivision (f) of Section 34500 or any rule or regulation pertaining to hours of service of drivers adopted pursuant to Section 34501.

(b) It is unlawful to fail to comply with any other rule or regulation adopted by the Department of the California Highway Patrol.

SEC. 2. Section 40000 of the Vehicle Code is repealed.

SEC. 3. Section 40000.1 is added to the Vehicle Code, to read:

40000.1. Except as otherwise provided in this article, it is unlawful and constitutes an infraction for any person to violate, or fail to comply with any provision of this code, or any local ordinance adopted pursuant to this code

SEC. 4. Section 40000.3 is added to the Vehicle Code, to read:

40000.3. A violation expressly declared to be a felony, or a public offense which is punishable either as a felony or misdemeanor, is not an infraction.

SEC. 5. Section 40000.5 is added to the Vehicle Code, to read:

40000.5. A violation of any of the following provisions shall constitute a misdemeanor, and not an infraction:

Section 20, relating to false statements.

Section 27, relating to impersonating a member of the California Highway Patrol.

Section 31, relating to giving false information.

SEC. 6. Section 40000.7 is added to the Vehicle Code, to read:

40000.7. A violation of any of the following provisions shall constitute a misdemeanor, and not an infraction:

Section 2800, relating to failure to obey an officer's lawful order or submit to a lawful inspection.

Section 2801, relating to failure to obey a fireman's lawful order.

Section 2803, relating to unlawful vehicle or load.

Section 2815, relating to failure to obey a crossing guard's traffic signal or direction.

Section 5901, relating to dealers giving notice.

SEC. 7. Section 40000.9 is added to the Vehicle Code, to read:

40000.9. A violation of any of the following provisions shall constitute a misdemeanor, and not an infraction:

Section 10501, relating to false report of vehicle theft.

Sections 10750 and 10751, relating to altered or defaced vehicle identifying numbers.

Section 10851.5, relating to theft of binder chains.

Sections 10852 and 10353, relating to injuring or tampering with a vehicle.

Section 10854, relating to unlawful use of stored vehicle.

SEC. 8. Section 40000.11 is added to the Vehicle Code, to read:

40000.11. A violation of any of the following provisions shall constitute a misdemeanor, and not an infraction:

Division 5 (commencing with Section 11100), relating to occupational licensing and business regulations.

Sections 12500, subdivision (a), relating to unlicensed drivers.

Section 12951, subdivision (b), relating to refusal to display license.

Section 13004, relating to unlawful use of identification card.

Section 14601, relating to driving when suspended.

Section 14601.1, relating to driving when suspended.

Section 14610, relating to unlawful use of driver's license.

Section 15501, relating to use of false or fraudulent license by minor.

SEC. 9. Section 40000.13 is added to the Vehicle Code, to read:

40000.13. A violation of any of the following provisions shall constitute a misdemeanor, and not an infraction:

Section 16560, relating to interstate highway carriers.

Section 20002, relating to duties at accidents.

SEC. 10. Section 40000.15 is added to the Vehicle Code, to read:

40000.15. A violation of any of the following provisions shall constitute a misdemeanor, and not an infraction:

Division 11 (commencing with Section 21000) except Chapters 1 (commencing with Section 21000), 9, (commencing with Section 22500), 10 (commencing with Section 22650), and 11 (commencing with Section 22950).

SEC. 11. Section 40000.19 is added to the Vehicle Code, to read:

40000.19. A violation of any of the following provisions shall constitute a misdemeanor, and not an infraction:

Division 14 (commencing with Section 31600), relating to transportation of explosives.

Division 14.5 (commencing with Section 33000), relating to transportation of radioactive materials.

Division 14.7 (commencing with Section 34001), relating to flammable liquids.

SEC. 12. Section 40000.21 is added to the Vehicle Code, to read:

40000.21. A violation of any of the following provisions shall constitute a misdemeanor, and not an infraction:

Section 34506, subdivision (a), relating to transportation of hazardous materials and hours of service of drivers.

SEC. 13. Section 40000.23 is added to the Vehicle Code, to read:

40000.23. A violation of any of the following provisions shall constitute a misdemeanor, and not an infraction:

Chapter 5 (commencing with Section 35550), Division 15, relating to weight restrictions, except in cases of weight violations where the amount of excess weight is less than 4,501 pounds.

SEC. 14. Section 40000.25 is added to the Vehicle Code, to read:

40000.25. A violation of any of the following provisions shall constitute a misdemeanor, and not an infraction:

Section 40005, relating to owner's responsibility.

Section 40504, relating to false signatures.

Section 40508, relating to failure to appear or to pay fine.

Section 40519, relating to failure to appear.

Section 42003, relating to violation of a written promise.

Section 42005, relating to failure to attend traffic school.

SEC. 15. Section 13 of this act shall only be operative if Assembly Bill No. 101 is enacted and chaptered before this bill.

CHAPTER 1179

An act to amend Section 13085 of the Education Code, relating to public school employees.

[Approved by Governor October 19, 1971. Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 13085 of the Education Code is amended to read:

13085. A public school employer, or such representatives as it may designate who may, but need not be, subject to either

certification requirements or requirements for classified employees as set forth in this code, shall meet and confer with representatives of certificated and classified employee organizations upon request with regard to all matters relating to employment conditions and employer-employee relations, and in addition, shall meet and confer with representatives of employee organizations representing certificated employees upon request with regard to procedures relating to the definition of educational objectives, the determination of the content of courses and curricula, the selection of textbooks, and other aspects of the instructional program to the extent such matters are within the discretion of the public school employer or governing board under the law.

In meeting and conferring, the scope of matters proposed by any certificated employee, certificated employee organization, or certificated employee council shall be limited to matters directly relating to certificated employees, unless such proposals have first been submitted to the appropriate classified employee organization or organizations, representing such employees in order to provide them with an opportunity to present their opinions with respect to such proposals to the public school employer. In the event that a disagreement arises as to whether or not any particular matter is directly related to certificated employees, the public school employer shall resolve the disagreement.

In meeting and conferring, the scope of matters proposed by any classified employee or classified employee organization shall be limited to matters directly relating to classified employees, unless such proposals have first been submitted to the appropriate certificated employee organization or organizations or the certificated employee council, as the case may be, representing such employees in order to provide them with an opportunity to present their opinions with respect to such proposals to the public school employer.

In the event that a disagreement arises as to whether or not any particular matter is directly related to classified employees, the public school employer shall resolve the disagreement.

The designation of representatives as provided herein shall not preclude an employee organization from meeting with, appearing before, or making proposals to the public school employer at a public meeting if the employee organization requests such a public meeting.

Notwithstanding the provisions of Sections 13082 and 13083, in the event there is more than one employee organization representing certificated employees, the public school employer shall meet and confer with the representatives of such employee organizations through a certificated employee council with regard to the matters specified in this section, provided that nothing herein shall prohibit any employee from appearing in his own behalf in his employment relations with the public school employer. The certificated employee council shall

have not more than nine nor less than five members and shall be composed of representatives of those employee organizations who are entitled to representation on the certificated employee council. An employee organization representing certificated employees shall be entitled to appoint such number of members of the certificated employee council as bears as nearly as practicable the same ratio to the total number of members of the certificated employee council as the number of members of the employee organization bears to the total number of certificated employees of the public school employer who are members of employee organizations representing certificated employees. Each employee organization shall adopt procedures for selecting its proportionate share of members of the certificated employee council, provided that such members shall be selected no later than October 31 of each school year. Within 10 days after October 31, the members of the certificated employee council shall meet and select a chairman, and thereafter such certificated employee council shall be legally constituted to meet and confer as provided for by the provisions of this article. Employee organizations shall exercise the rights given by Section 13083 through the certificated employee council provided for in this section.

CHAPTER 1180

An act to amend Section 10230 of, and to add Section 10218.5 to, the Elections Code, relating to judicial offices.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 10218.5 is added to the Elections Code, to read:

10218.5. Immediately above the name of each candidate for a judicial office subject to the provisions of subdivision (d) of Section 16 of Article VI of the Constitution of this state shall appear in a separate rectangle in substantially the following form:

“For (designation of judicial office)”

There shall be as many such headings as there are candidates for such judicial offices and such a heading shall not apply to more than one such judicial office.

SEC. 2. Section 10230 of the Elections Code is amended to read:

10230. Except as to the order of names of candidates, the ballots shall be printed substantially in the following form:

MAIL CHECKS - ON BALLOT ONLY WITH RUBBER STAMP IN IT WITH PEN OR PENCIL. ASSISTERS MUST BE MARKED IN THE BOX AND NOT ON PENCIL. This ballot is to be performed in the morning only.

GENERAL BALLOT - 99d Congressional, 38th Senatorial, 57th Assembly District

INSTRUCTIONS TO VOTERS

To vote for a state or county officer, write the name of the candidate for the office in the space provided for that office in the ballot. The names of all the candidates for each office are printed in the ballot. The names of the candidates for each office are printed in the ballot. The names of the candidates for each office are printed in the ballot.

The right of the names of the candidates for the office of state or county officer is printed in the ballot. The names of the candidates for each office are printed in the ballot. The names of the candidates for each office are printed in the ballot.

The names of the candidates for each office are printed in the ballot. The names of the candidates for each office are printed in the ballot. The names of the candidates for each office are printed in the ballot.

Table with columns: PRESIDENTIAL ELECTORS, CONGRESSIONAL, MEASURES SUBMITTED TO VOTE OF VOTERS, COUNTY QUESTIONS. Includes names of candidates like ADAM S. STEINBOCK, RYAN S. BRYAN, and various ballot measures.

1154
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CHAPTER 1181

An act to amend Section 13009 of the Education Code, relating to the compensation of certificated employees.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 13009 of the Education Code is amended to read:

13009. The governing board of each school district when drawing an order for the salary payment due to employees of the district shall, without charge, reduce the order by the amount which it has been requested in a revocable written authorization by the employee to deduct for any or all of the following purposes: participating in a deferred compensation program offered by the school district which provides for investments in corporate stocks, bonds, securities, mutual funds, or annuities, except as prohibited by the Constitution, or paying premiums on any policy or certificate of group life insurance for the benefit of the employee or for group disability insurance, or both, for the benefit of the employee or his dependents issued by an admitted insurer on a form of policy or certificate approved by the Insurance Commissioner, or paying rates, dues, fees, or other periodic charges on any hospital service contract for the benefit of the employee, or his dependents, issued by a nonprofit hospital service corporation on a form approved by the Insurance Commissioner pursuant to the provisions of Chapter 11A of Part 2 of Division 2 of the Insurance Code, or paying periodic charges on any medical and hospital service agreement or contract for the benefit of the employee, or his dependents, issued by a nonprofit membership corporation lawfully operating under Section 9200 or Section 9201 of the Corporations Code. The governing board of the district shall, beginning with the month designated by the employee and each month thereafter until authorization for the deduction is revoked, draw its order upon the funds of the district in favor of the insurer which has issued the policies or certificates or in favor of the nonprofit hospital service corporation which has issued hospital service contracts, or in favor of the nonprofit membership corporation which has issued medical and hospital service agreements or contracts, for an amount equal to the total of the respective deductions therefor made during the month. The governing board may require that the employee submit his authorization for the deduction up to one month in advance of the effective date of coverage.

“Group insurance” as used in this section shall mean only a bona fide group program of life or disability or life and disability insurance where a master contract is held by the school district or an employee organization but it shall, never-

theless, include annuity programs authorized by Section 403(b) of the Internal Revenue Code when approved by the governing board.

CHAPTER 1182

An act to amend Sections 8657 and 10753 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 19, 1971 Filed with
Secretary of State October 19, 1971]

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature to apply the fuel tax incentive and vehicle license fee incentive in Sections 8657 and 10753 of the Revenue and Taxation Code to all motor vehicles, including motor vehicles exceeding 6,000 pounds. Sections 8657 and 10753 are intended to encourage owners of vehicles to presently convert to cleaner fuel systems, utilizing natural gas and liquefied petroleum gas, and this purpose is equally if not more applicable to owners of heavy-duty vehicles.

This bill is intended to clarify the provisions of Section 10753 and Section 8657 and to make technical changes in such sections so that the legislative intent of the sections shall be unmistakably expressed with respect to motor vehicles exceeding 6,000 pounds.

SEC. 2. Section 8657 of the Revenue and Taxation Code is amended to read:

8657. (a) No tax shall be imposed upon a fuel subject to the provisions of this part which is specified for, and subsequently utilized with, a system approved by the State Air Resources Board as meeting the emission standards set forth in subdivisions (a) and (b) of Section 39102 and Section 39102.5 of the Health and Safety Code.

(b) This section is also applicable to a system specified in subdivision (a) approved by the State Air Resources Board as meeting the emission standards specified in subdivisions (a) and (b) of Section 39102 and Section 39102.5 of the Health and Safety Code for vehicles 6,001 pounds or less, manufacturer's gross vehicle weight, controlled to meet exhaust emission standards when sold new, when such a system is used in any vehicle over 6,001 pounds or any vehicle 6,001 pounds or less not controlled to meet exhaust emission standards.

(c) The State Board of Equalization may adopt an identification procedure for vehicles equipped with a system described in subdivision (a).

(d) Subdivisions (a) and (b) shall not apply to diesel fuel.

SEC. 3. Section 10753 of the Revenue and Taxation Code is amended to read:

10753. (a) For the purposes of this part the market value of passenger vehicles as defined in Section 465 of the Vehicle Code shall be determined by the department upon the basis of the California suggested base price as herein defined and as established by the manufacturers.

(b) On all other vehicles the department shall determine the market value of the vehicle on the basis of the cost price to the purchaser as evidenced by a certificate of cost, but not including California sales or use tax or any local sales or other local tax.

(c) In the event the department is unable to ascertain the California suggested base price as herein defined in respect to any passenger vehicles by reason of the same being a specially constructed vehicle, or for any other reason, the department shall determine the market value upon the basis of the cost price to the purchaser of the vehicle as evidenced by a certificate of cost, but not including California sales or use tax or any local sales or other local tax.

(d) In the event any vehicle is modified or additions are made to the chassis or body at a cost of two hundred dollars (\$200) or more, but not including any change of engine of the same type or any cost of repairs to a vehicle, the owner of such vehicle shall report any said modification or additions to the department and the department shall classify or reclassify the vehicle in its proper class as provided in Section 10753.2, taking into consideration the increase in the market value of the vehicle due to such modifications or additions, and any reclassification resulting in increase in market value shall be based on the cost to the consumer of such modifications or additions. In the event any vehicle is modified or altered resulting in a decrease in the market value thereof of two hundred dollars (\$200) or more as reported to and determined by the department, the department shall classify or reclassify the vehicle in its proper class as provided in Section 10753.2.

The foregoing provisions of this subdivision shall not apply in the event the cost of any modification or additions to the chassis or body of a vehicle is less than two hundred dollars (\$200) or the cost is for modifications or additions necessary to incorporate a system approved by the State Air Resources Board as meeting the emission standards set forth in subdivisions (a) and (b) of Section 39102 and Section 39102.5 of the Health and Safety Code.

(e) This section is also applicable to a system specified in subdivision (d) approved by the State Air Resources Board as meeting the emission standards specified in subdivisions (a) and (b) of Section 39102 and Section 39102.5 of the Health and Safety Code for vehicles 6,001 pounds or less, manufacturer's gross vehicle weight, controlled to meet exhaust emission standards when sold new, when such a system is used in any vehicle over 6,001 pounds or any vehicle 6,001 pounds or less not controlled to meet exhaust emission standards.

(f) The temporary attachment of any camper, as defined in Section 243 of the Vehicle Code, to a vehicle is not a modification or addition for the purposes of subdivision (d).

(g) The attachment to a vehicle of radiotelephone equipment furnished by a telephone corporation as defined in Section 234 of the California Public Utilities Code, is not a modification or addition for the purpose of subdivision (d), when such equipment is not owned by the owner of the vehicle.

(h) As used in this section, "suggested base price" means the retail price of the vehicle suggested by the manufacturer, plus destination charge and emission control devices as are required by Section 39129 of the Health and Safety Code, as reflected on the price listing affixed to the vehicle pursuant to the Federal Automobile Information Disclosure Act of 1958, but does not include the retail delivered price suggested by the manufacturer for each accessory or item of optional equipment physically attached to such vehicle at the time of its delivery to such dealer which is not included within, but is separately added to, the retail price of such vehicle as suggested by the manufacturer.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

At its 1970 Regular Session, the Legislature enacted Chapters 1507 and 1509 to provide certain incentives to combat pollution caused by motor vehicles. However, Section 8657 of the Revenue and Taxation Code has been construed as having no application to heavier vehicles. In order to correct this situation at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 1183

An act relating to contracts between the United States and the Westlands Water District.

[Approved by Governor October 19, 1971. Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding the provisions of Section 35881 of the Water Code or any other provision of law, the Westlands Water District in Fresno and Kings Counties is hereby authorized to enter into a contract with the United States in the manner provided for the authorization of general obligation bonds of the district, including, but not limited to, the manner provided for the issuance of general obligation bonds in Chapter 3.5 (commencing with Section 36250) of Part 6 of Division 13 of the Water Code.

SEC. 2. After approval by the State Treasurer and completion of the proceedings for the authorization of the contract, the Board of Directors of the Westlands Water District may execute the contract on behalf of the district.

SEC. 3. The provisions of this act are necessary because of special conditions existing within the Westlands Water District. The district has heretofore contracted with the United States for a water supply and construction of a distribution and drainage collector system. However, it was subsequently enlarged by merger with the West Plains Water Storage District. Congress has authorized the United States to use funds advanced by the Westlands Water District to expedite construction of the district's water distribution and drainage collector system with a reduction in water rates in order to fund interest costs incurred by the district in borrowing for this purpose. A contract embodying this unique principle and providing for the construction of an enlarged system for a water supply and for related purposes has been submitted to the United States Department of the Interior for approval. The construction of this water distribution system has been long delayed due to inadequate federal funding, and it is urgently needed to meet large-scale water needs of the district. Unless the district is authorized to enter into a contract with the United States in the manner provided for in this act, it may not be able to utilize this opportunity made available by Congress to expedite the completion of these urgently needed water distribution facilities. This problem is not common to all districts formed under the California Water District Law. It is therefore hereby declared that a general law cannot be made applicable and that the enactment of this act as a special law is necessary for the solution of problems existing in the Westlands Water District.

SEC. 4. This act shall remain in effect until January 1, 1976, and as of that date is repealed.

CHAPTER 1184

An act to amend Section 23787 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 23787 of the Business and Professions Code is amended to read:

23787. The department shall, before issuing any on-sale license for the sale of alcoholic beverages to be consumed or otherwise disposed of in any bona fide public eating place,

determine whether the public eating place is equipped and maintained in good faith for sales to and consumption by the public of meals upon the premises. A hotel or motel of 75 rooms or more or a bowling center of 12 lanes or more, or any other bona fide public eating place, which hotel, motel, bowling center or bona fide public eating place is licensed and so equipped and maintained may sublet the sale and service of the meals required by Section 23038 upon notification to the department. Provided, however, that the licensee shall be responsible for any violations of this division caused or permitted by the lessee on the licensed premises. The licensee shall not sublet to a person who does not have the qualifications of a holder of a license.

Nothing in this section shall preclude the renewal, transfer, or issuance of an on-sale general license to any premises equipped and maintained in good faith for sales to and consumption by members of the public of meals upon the premises even though the operation of such premises is limited solely to the service of meals and beverages at prearranged events of a social or business nature and where admission is by ticket only.

CHAPTER 1185

An act to amend Section 1389.7 of, and to add Section 1389.8 to, the Penal Code, relating to prisoners.

[Approved by Governor October 19, 1971 Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1389.7 of the Penal Code is amended to read:

1389.7. When, pursuant to the agreement on detainers or other provision of law, a person in actual confinement under sentence of another jurisdiction is brought before a California court and sentenced by the judge to serve a California sentence concurrently with the sentence of the other jurisdiction or has been transferred to another jurisdiction for concurrent service of previously imposed sentences, the Adult Authority and the California Women's Board of Terms and Parole, and the panels and members thereof, may meet in such other jurisdiction, or enter into cooperative arrangements with corresponding agencies in the other jurisdiction, as necessary to carry out the term-fixing and parole functions.

SEC. 2. Section 1389.8 is added to the Penal Code, to read:

1389.8. It shall be the responsibility of the agent of the receiving state to return the prisoner to the sending state upon completion of the proceedings.

CHAPTER 1186

An act to amend Sections 3321, 3325, 3355, and 3431 of the Business and Professions Code, relating to hearing aid dispensers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 19, 1971. Filed with Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 3321 of the Business and Professions Code is amended to read:

3321. Each member of the committee, except the members first appointed, shall hold office for a term of four years. Each member shall hold office until the appointment and qualification of his successor or until one year shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

The terms of the members of the committee who are first appointed by the Governor shall commence January 15, 1971, and shall expire as follows: one member on January 1, 1972; two members on January 1, 1973; two members on January 1, 1974; and two members on January 1, 1975.

Vacancies occurring shall be filled by appointment for the unexpired term. Each member of the committee shall be eligible for reappointment in the discretion of the Governor, provided that reappointed hearing aid dispenser members shall, at the time of the reappointment, hold a valid license under this chapter. No person may serve as a member of the committee more than two consecutive terms.

SEC. 2. Section 3325 of the Business and Professions Code is amended to read:

3325. All meetings of the committee shall be held in areas accessible to the public and then only upon 15 days' notice. The committee shall keep an accurate record of all of its proceedings and of all of its meetings.

SEC. 3. Section 3355 of the Business and Professions Code is amended to read:

3355. An applicant who has fulfilled the requirements of Section 3352 and has made application therefor on or before July 15, 1972, and who proves to the satisfaction of the board that on the effective date of this chapter he was engaged in the fitting and selling of hearing aids at an established place of business in this state, or who was regularly serving residents of this state from a permanent place of business located within 100 miles of the borders of this state, either as a dispenser or as an employee of such dispenser, may have a temporary license issued to him which shall entitle him to continue to engage in the fitting and selling of hearing aids for a period ending

30 days after the conclusion of a qualifying examination given not earlier than 90 days after the date of issue of such temporary license. However, a person who has engaged in the fitting and selling of hearing aids at an established place of business in this state for a period of 10 years on the effective date of this act or a person who has regularly served residents of this state from a permanent place of business located within 100 miles of the borders of this state, for the 10 years previous to the effective date of this act, shall be exempt from the provisions of paragraphs (1), (2), and (3) of subdivision (a) of Section 3353.

SEC. 4. Section 3431 of the Business and Professions Code is amended to read:

3431. The penal provisions of this chapter shall not become operative until July 15, 1972.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The time for applying to the Hearing Aid Dispensers Examining Committee for a temporary license has expired and all applications for such licenses were not processed within the period provided therefor because the committee was not appointed at the commencement of such period. Thus, in order to give all persons who qualified for such licensure an equal opportunity thereto, it is necessary that this act which extends the period for such applications take effect immediately.

CHAPTER 1187

An act to amend Sections 11406, 11407, 11503, 11531, 11705, 11708, 11733, 11737, 11903, 11904, 11905, 12581, 12601, 12607, 12852, 12882, 14006, and 14007 of, to amend the heading of Division 6 (commencing with Section 11401) of, to amend and renumber Section 11501 of, to add Sections 11501, 11702, 11737.5, 11911, and 12979 to, and to repeal Sections 11702, 11704, 11911, 12002, and 12564 of, the Agricultural Code, relating to pesticide.

[Approved by Governor October 19, 1971. Filed with
Secretary of State October 19, 1971.]

The people of the State of California do enact as follows:

SECTION 1. The heading of Division 6 (commencing with Section 11401) of the Agricultural Code is amended to read:

DIVISION 6. PEST CONTROL OPERATIONS

SEC. 2. Section 11406 of the Agricultural Code is amended to read:

11406. "Agricultural pest control agent" means any person who, as an agent or employee of a pesticide dealer, distributor or manufacturer, sells or offers for sale any pesticide for an agricultural use, or who, as an agent or employee of a pesticide dealer, makes any recommendation concerning the agricultural use of any method or device for the control of any agricultural pest, or who, in connection with a pest control advisory service for hire, makes any recommendation concerning the agricultural use or application of any pesticide.

"Agricultural pest control agent" includes a pesticide dealer who himself makes such recommendations, whether or not he is acting through an agent or employee; however, it does not include any government agency acting in its official capacity.

SEC. 3. Section 11407 of the Agricultural Code is amended to read:

11407. "Pesticide dealer" means any person, including any manufacturer, distributor, or retailer who engages in any of the following business activities:

- (a) Selling pesticides to users for an agricultural use.
- (b) Selling to users any method or device for the control of agricultural pests, such as biological agents, lures, or insect-trapping devices.
- (c) Soliciting sales of pesticides by making agricultural use recommendations through field representatives, or other agents.

"Pesticide dealer" does not include either of the following:

- (a) Any person licensed pursuant to Section 11701 to engage for hire in the business of agricultural pest control, as to pesticides recommended or sold by the licensee and applied by the licensee pursuant to the conditions of the license.
- (b) Any governmental agency acting in its official capacity.

SEC. 4. Section 11501 is added to the Agricultural Code, to read:

11501. The purposes of this division and Chapter 1 (commencing with Section 12501), Chapter 2 (commencing with Section 12751), Chapter 3 (commencing with Section 14001), and Chapter 3.5 (commencing with Section 14101) of Division 7 are as follows:

- (a) To provide for the proper, safe, and efficient use of pesticides essential for production of food and fiber and for protection of the public health and safety.
- (b) To protect the environment from environmentally harmful pesticides by prohibiting, regulating, or controlling uses of such pesticides.
- (c) To assure the agricultural and pest control workers of safe working conditions where pesticides are present.
- (d) To permit agricultural pest control by competent and responsible licensees and permittees under strict control of the director and commissioners.

(e) To assure the users that economic poisons are properly labeled and are appropriate for the use designated by the label.

SEC. 5. Section 11501 of the Agricultural Code is amended and renumbered to read:

11501.5. The director, and the commissioner of each county under the direction and supervision of the director, shall enforce this division and the regulations which are issued pursuant to it.

SEC. 6. Section 11503 of the Agricultural Code is amended to read:

11503. The commissioner of any county may adopt regulations applicable in his county which are supplemental to those of the director which govern the conduct of pest control operations and records and reports of such operations. Such regulations may include provisions pertaining to any matter related to the accomplishment of the purposes of Section 11737. The provisions of the Administrative Procedure Act, Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, shall be followed insofar as practicable in the adoption of such regulations by the commissioner. Such regulations shall be filed with the director who shall compile them.

Each regulation of the commissioner shall be approved by the director before it may become operative.

SEC. 7. Section 11531 of the Agricultural Code is amended to read:

11531. Except as otherwise provided in this section, this division does not apply to any person while engaged in any of the following:

(a) Any activity that is defined as structural pest control and required to be licensed under Chapter 14 (commencing with Section 8500), Division 3 of the Business and Professions Code; however, the structural pest control operators licensed pursuant to such provisions shall keep records and file reports the same as any registrant as provided in Section 11733.

(b) Preservative treatment of fabrics or structural materials.

(c) Household or industrial sanitation services.

SEC. 8. Section 11702 of the Agricultural Code is repealed.

SEC. 9. Section 11702 is added to the Agricultural Code, to read:

11702. Applicants for an agricultural pest control business license shall do all of the following:

(a) Submit such information to the director covering the applicant's business and personal qualifications as the director shall require including the types of pest control to be authorized by the license.

(b) Designate in the application the natural person or persons who shall be responsible for the conduct of the principal office of the applicant and of each branch location.

(c) Satisfy the director of the responsibility of the applicant as to any of the following:

(1) Equipment and facilities.

(2) Qualifications to perform the work to be authorized by the license.

(3) Financial ability to perform the work authorized by the license and to respond in damages for any illness, injury, or damage resulting from such work, which ability may be satisfied by insurance in a form satisfactory to the director insuring against liability for personal injury and property damage in an amount prescribed by regulation of the director. Such amount shall be related to the volume and type of pest control operations for which the applicant is licensed to perform.

(4) Personal responsibility to conduct the business.

Licensing by the director shall not derogate from the authority of commissioners stated in Sections 11731 to 11741, inclusive.

SEC. 10. Section 11704 of the Agricultural Code is repealed.

SEC. 11. Section 11705 of the Agricultural Code is amended to read:

11705. The director shall issue to each applicant that satisfies the requirements of this article a license which authorizes the applicant to perform the type or types of pest control activities specified in the license during the calendar year for which the license is issued, unless the license is sooner revoked or suspended.

SEC. 12. Section 11708 of the Agricultural Code is amended to read:

11708. The director may refuse to grant any license and may revoke or suspend any license if the applicant or licensee:

(a) Does not have, or has not maintained at his principal office and at each branch location, a qualified person to actively supervise all operations performed for each such location as prescribed by regulations of the director.

(b) Does not have, or has not maintained, adequate safe equipment and facilities to perform the operations undertaken or to be undertaken.

(c) Does not have adequately trained personnel to perform the operations undertaken or to be undertaken.

(d) Violates or permits the violation of any provision of this division and Division 7 (commencing with Section 12501) pertaining to pesticides or of any regulations adopted pursuant thereto by the director or any commissioner or any industrial safety order relating to pesticides issued by the Department of Industrial Relations.

(e) Fails to maintain and report to the director or commissioner, as required, information concerning pest control performed or authorized to be performed by the license or the registration of the commissioner.

Any hearing to deny, suspend or revoke such license shall be heard under the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code; provided, however, if the director finds on the basis of affidavits submitted to him by the enforcement personnel provided in Section 11501.5 or injured parties that the protection of the public welfare or safety requires immediate action, he may, without hearing, temporarily suspend or condition the license of any pest control operator and shall forthwith schedule the matter for hearing. The director may terminate such suspension or condition upon correction of the defects of equipment, establishment of adequate safety practices, or such other corrective action as he deems satisfactory to assure compliance with the requirements of the law and the regulations. In such event the matter may proceed to hearing as though the emergency action had not been taken.

SEC. 13. Section 11733 of the Agricultural Code is amended to read:

11733. The registrant shall keep and maintain a record of each property treated that shows all the information required by the director or commissioner.

The registrant shall report the information to the commissioner or the director when and in the form as required.

SEC. 14. Section 11737 of the Agricultural Code is amended to read:

11737. The commissioner or director may order any person or the agent or employee of any licensee or registrant or person, to cease operation of any equipment or facility which he finds unsuitable, or which he finds being operated in any of the following ways:

(a) By an incompetent or unqualified person.

(b) In violation of this division or Division 7 (commencing with Section 12501) relating to pesticides or any regulation issued thereunder or any regulation of the commissioner.

(c) In a manner or under conditions which may interfere with proper control of the pest for which treatment is applied.

(d) In a manner or under conditions which may cause injury, illness, or adverse effects to persons or animals, or cause damage to crops or property being treated, or to crops or property of others.

SEC. 15. Section 11737.5 is added to the Agricultural Code, to read:

11737.5. It is unlawful for any person to violate any order of a commissioner or the director made pursuant to Section 11737. The commissioner or director may bring an action to enjoin the violation or the threatened violation of any order made pursuant to Section 11737 in the superior court in the county in which the order was issued or the violation has occurred or is threatened, and the court may enjoin such violation or threatened violation upon such showing and without further evidence of irreparable injury. The court may compel

specific performance of any acts or course of conduct necessary to protect persons, animals, crops, or property.

SEC. 16. Section 11903 of the Agricultural Code is amended to read:

11903. Before a certificate of qualification or apprentice certificate is issued, the applicant shall pass an examination to demonstrate to the director his ability to legally and safely conduct pest control operations and his knowledge of the nature and effect of materials which are used in pest control.

SEC. 17. Section 11904 of the Agricultural Code is amended to read:

11904. The certificate of qualification which is issued to a successful candidate shall specify in which of the following three general classes of pest control operations he is qualified:

(a) The use of herbicides and defoliants.

(b) The use of dry pesticides other than herbicides and defoliants.

(c) The use of liquid pesticides other than herbicides and defoliants.

SEC. 18. Section 11905 of the Agricultural Code is amended to read:

11905. The holder of a certificate of qualification or apprentice certificate is authorized to conduct only those pest control operations in which he is found qualified.

SEC. 19. Section 11911 of the Agricultural Code is repealed.

SEC. 20. Section 11911 is added to the Agricultural Code, to read:

11911. The director may refuse to issue a certificate to any pilot and may revoke or suspend the certificate or apprentice certificate of a pilot, after hearing, upon finding that the pilot is not qualified to conduct the pest control operations specified in the certificate or that he has violated any provision of this division or Division 7 (commencing with Section 12501) pertaining to pesticides or any regulation adopted pursuant to such a provision or any regulation of an agricultural commissioner or any industrial safety order of the Department of Industrial Relations or has not complied with any order of the director or commissioner as authorized by Section 11737.

The director may, pending hearing, suspend or condition the certificate of any pilot when, upon such investigation as he deems necessary and the receipt of affidavits by the enforcement personnel provided in Section 11501.5 or injured parties, he finds that continuance of the certificate endangers public welfare or safety. The director may terminate such suspension or condition upon the taking of such corrective action as he deems satisfactory to assure qualification or compliance with the law or regulations. In such event the matter may proceed to hearing as though such action had not been taken.

SEC. 21. Section 12002 of the Agricultural Code is repealed.

SEC. 22. Section 12564 of the Agricultural Code is repealed.

SEC. 23. Section 12581 of the Agricultural Code is amended to read:

12581. The director may inspect and take samples of any produce grown, processed, packed, stored, shipped, transported, delivered for shipment, or sold.

SEC. 24. Section 12601 of the Agricultural Code is amended to read:

12601. The director may seize and hold any lot of produce which carries or shows indication of spray residue or other added deleterious ingredients or which the director suspects of carrying such residue or deleterious ingredients.

SEC. 25. Section 12607 of the Agricultural Code is amended to read:

12607. If the seized and held lot of produce is found to carry spray residue in excess of any maximum which is provided by this chapter or in excess of a permissible tolerance, the director shall, upon request of the owner, permit the lot of produce to be reconditioned or disposed of for byproducts purposes which may lawfully contain the spray residue found.

SEC. 26. Section 12852 of the Agricultural Code is amended to read:

12852. The registrant of any economic poison which is sold or delivered to a consumer in this state shall furnish printed directions for use, and dilution if any, upon the label, or shall enclose the printed directions in each container or package of the economic poison.

SEC. 27. Section 12882 of the Agricultural Code is amended to read:

12882. An economic poison is also misbranded in any of the following cases:

(a) The contents of the package as originally put up have been removed in whole or in part and other contents placed in such package.

(b) The contents of the package are of a quality below that of the guarantee on the label or on the application for registration of the economic poison or of the analysis of the representative sample delivered in connection with the application for registration of the economic poison.

(c) If the contents of any package of an economic poison is stated in terms of weight or measure, and the weight or measure is not plainly and correctly stated on the outside of the package.

(d) The economic poison contains arsenic in any form and the label fails to state, in addition to one of the options required by Section 12883, the percentages of total and water-soluble arsenic, each calculated as elemental arsenic.

(e) The label does not conform to the registered label approved by the director under the standards of this division.

SEC. 28. Section 12979 is added to the Agricultural Code, to read:

12979. The director, after investigation and hearing, may adopt regulations which govern the application in pest control or agricultural operations of any economic poisons which he finds necessary to carry out the purposes of Division 6 (commencing with Section 11401) or this division.

SEC. 29. Section 14006 of the Agricultural Code is amended to read:

14006. The regulations shall prescribe the time when, and the conditions under which, an injurious material may be used or possessed in different areas of the state, and may prohibit its use or possession in such areas. Such usage shall be limited to those situations in which it is reasonably certain that no injury will result, or no noninjurious material or procedure is equally effective and practical. They may provide that an injurious material shall be used only under permit of the commissioner or under the direct supervision of the commissioner, subject to any of the following limitations:

- (a) In certain areas.
- (b) Under certain conditions relating to safety.
- (c) When used in excess of certain quantities or concentrations.
- (d) When used in certain mixtures.
- (e) Compliance with the industrial safety orders of the Department of Industrial Relations and any order of the director or commissioner.
- (f) Agreement by the owner or person in possession of the property to be treated to comply with certain conditions.
- (g) Any other limitation the director determines to be necessary to effectuate the purposes of this chapter.

No permit shall be issued for any injurious material for use in any manner other than pursuant to its registration without the approval of the director. In addition, no permit shall be granted if the commissioner determines that the provisions of subdivision (a), (b), or (c) of Section 12825 would be applicable to the proposed use.

SEC. 30. Section 14007 of the Agricultural Code is amended to read:

14007. Every permit which is issued under the regulations adopted pursuant to this chapter is conditioned upon compliance with the law and regulations and upon such other specified conditions as may be required to accomplish the purposes of this chapter.

SEC. 31. Section 14006 of the Agricultural Code is amended to read:

14006. The regulations shall prescribe the time when, and the conditions under which, a restricted material may be used or possessed in different areas of the state, and may prohibit its use or possession in such areas. Such usage shall be limited to those situations in which it is reasonably certain that no

injury will result, or no nonrestricted material or procedure is equally effective and practical. They may provide that a restricted material shall be used only under permit of the commissioner or under the direct supervision of the commissioner, subject to any of the following limitations:

- (a) In certain areas.
- (b) Under certain conditions relating to safety.
- (c) When used in excess of certain quantities or concentrations.
- (d) When used in certain mixtures.
- (e) Compliance with the industrial safety orders of the Department of Industrial Relations and any order of the director or commissioner.
- (f) Agreement by the owner or person in possession of the property to be treated to comply with certain conditions.
- (g) Any other limitation the director determines to be necessary to effectuate the purposes of this chapter.

SEC. 32. It is the intent of the Legislature, if this bill and Senate Bill No. 1021 are both chaptered and amend Section 14006 of the Agricultural Code, and this bill is chaptered after Senate Bill No. 1021, that the amendments to Section 14006 proposed by both bills be given effect and incorporated in Section 14006 in the form set forth in Section 31 of this act. Therefore, Section 31 of this act shall become operative only if this bill and Senate Bill No. 1021 are both chaptered, both amend Section 14006, and Senate Bill No. 1021 is chaptered before this bill, in which case Section 29 of this act shall not become operative.

CHAPTER 1188

An act to amend Sections 372, 473, 476, 522, 523, 570.4, 5799.2, 5799.3, 5799.15, 5799.16, 5799.22, 5799.26, 9302, and 9303 of, to add Chapter 6 (commencing with Section 575) to Division 2 of, to repeal Sections 363, 480, 524, 525, 526, 527, 528, 529, 530, 6468, 6469, 6469.5, 6470, 6499.203, 6499.204, 6499.205, 18104.1, 18104.2, and 18104.3 of, to repeal Article 3 (commencing with Section 171) of Chapter 1 of Division 2 of, to repeal Article 2 (commencing with Section 531) of Chapter 4.5 of Division 2 of, to repeal Article 2 (commencing with Section 566) of Chapter 5.5 of Division 2 of, to repeal Chapter 6 (commencing with Section 575) of Division 2 of, to repeal Article 2 (commencing with Section 20621) of Chapter 2 of Division 16 of, and to repeal Chapter 6 (commencing with Section 32001) of Division 22 of, the Education Code, and to repeal Section 2 of Chapter 1493 of the Statutes of 1969, relating to state educational commissions and committees.

The people of the State of California do enact as follows:

SECTION 1. Article 3 (commencing with Section 171) of Chapter 1 of Division 2 of the Education Code is repealed.

SEC. 2. Section 363 of the Education Code is repealed.

SEC. 3. Section 372 of the Education Code is amended to read:

372. The Department of Education shall cooperate with the Educational Management and Evaluation Commission and shall as requested by the commission:

(a) Prepare and compile agenda items and research materials for the commission.

(b) Prepare and direct the execution of any provisions of agreements entered into by the commission for the formulation of a program budgeting and accounting system.

(c) Organize pilot projects for testing any program budgeting and accounting system.

(d) Recommend any change or revision of law necessary to effectuate any program budgeting and accounting system.

(e) Promote any program of budgeting and accounting system through cooperative working arrangements with interested public and private agencies and associations.

(f) Coordinate the budgeting and accounting activities of interested public and private agencies and associations.

SEC. 4. Section 473 of the Education Code is amended to read:

473. In establishing, maintaining, and operating the system, the department shall:

(a) Consult and cooperate with school districts, county superintendents, advisory committees on integrated data processing, task forces for implementing the development and utilization of a statewide information system, intergovernmental boards on electronic data processing and state electronic data processing policy committees created by statute or by executive order of the Governor.

(b) Cooperate with the Educational Management and Evaluation Commission in all matters relating to program budgeting.

(c) Maintain the system by incorporating necessary or desirable changes, modifications, and improvements.

(d) Provide sufficient flexibility within the system to allow local and state educational agencies to meet all of their educational information needs.

SEC. 5. Section 476 of the Education Code is amended to read:

476. The information-processing capabilities of the system shall include, but not be limited to, the following:

(a) Provision of a statewide common data base for educational research and other uses in education.

(b) Interchange of data with other educational institutions, including colleges and universities, and other agencies concerned with information about education.

(c) Machine processing aid to decisionmaking in educational administration and the use of modern management tools.

(d) Reduction of routine clerical activities in educational agencies.

(e) Facilitation of preparation of reports required by state and federal agencies.

(f) Support of functions of the Educational Management and Evaluation Commission.

SEC. 6. Section 480 of the Education Code is repealed.

SEC. 6.1. Section 522 of the Education Code is amended to read:

522. The Indian Coordinator shall be in charge of the Bureau of Indian Education and his selection shall be made by the Superintendent of Public Instruction.

SEC. 6.2. Section 523 of the Education Code is amended to read:

523. The Indian Coordinator shall be responsive to the Superintendent of Public Instruction and shall meet and consult with the Equal Educational Opportunities Commission.

SEC. 6.3. Section 524 of the Education Code is repealed.

SEC. 6.4. Section 525 of the Education Code is repealed.

SEC. 6.5. Section 526 of the Education Code is repealed.

SEC. 6.6. Section 527 of the Education Code is repealed.

SEC. 6.7. Section 528 of the Education Code is repealed.

SEC. 6.8. Section 529 of the Education Code is repealed.

SEC. 6.9. Section 530 of the Education Code is repealed.

SEC. 7. Article 2 (commencing with Section 531) of Chapter 4.5 of Division 2 of the Education Code is repealed.

SEC. 8. Article 2 (commencing with Section 566) of Chapter 5.5 of Division 2 of the Education Code is repealed.

SEC. 9. Section 570.4 of the Education Code is amended to read:

570.4. The school district or county superintendent of schools and the employing agency shall jointly apply to the Conservation Education Service for funds. The Superintendent of Public Instruction, upon the recommendation of the Curriculum Development and Supplemental Materials Commission, and with the approval of the State Board of Education, is authorized to make grants for the purposes of this article, and for remuneration of interns and for travel and other job-related expenses, in an amount per person not to exceed three hundred twenty dollars (\$320) per month.

SEC. 10. Chapter 6 (commencing with Section 575) of Division 2 of the Education Code is repealed.

SEC. 11. Chapter 6 (commencing with Section 575) is added to Division 2 of the Education Code, to read:

CHAPTER 6. STATE EDUCATIONAL COMMISSIONS
AND COMMITTEES

Article 1. General Provisions

575. The Legislature hereby declares that there is further need to encourage the adoption of new or improved educational ideas, practices, and techniques in solving critical educational problems in preschool, elementary and secondary schools throughout the state. Recognizing the need for the planning and developing of new programs involving a wide range of new approaches designed to improve the quality of education available in this state, this chapter is expressly enacted to foster innovation and create change in education, based on research and proven need. It is the intent of this chapter to bring purposeful change and experimentation to schools throughout the state, through the use of all available resources of the state.

The Legislature further finds that there are in existence a large number of permanent commissions, committees and councils, some of which have overlapping duties and functions, and some of which have been perpetuated beyond the original need or purpose for which created. In order to provide a more economical, efficient and logical structure to educational policymaking, it is the intent of the Legislature to create three levels of educational advisory bodies: educational policy advisory commissions, educational advisory committees, and educational task forces.

575.1. The following definitions shall apply to educational advisory bodies created by this chapter:

(a) An "educational policy advisory commission" is an advisory body to the State Board of Education composed of professional and lay members, as defined by this code. Such groups are established to advise the State Board of Education within the general policy areas to which they are charged. The Superintendent of Public Instruction or his representative shall serve as executive secretary to each educational policy advisory commission.

(b) An "educational advisory committee" is an advisory body to the Superintendent of Public Instruction composed of educational specialists, technical experts, or specially qualified members of the public, or any combination thereof. Such committees are established to advise the Superintendent of Public Instruction on the administration of programs with which he is charged, and such committees serve at his pleasure.

(c) An "educational task force" is an ad hoc advisory body of professional and technical experts established by the Superintendent of Public Instruction to formulate recommendations on significant problem areas in the administration of programs with which he is charged by a date determined by him.

Article 2. Educational Innovation and Planning Commission

576. There is in the Department of Education the Educational Innovation and Planning Commission consisting of a Member of the Assembly appointed by the Speaker of the Assembly, a Member of the Senate appointed by the Senate Committee on Rules, one public member appointed by the Speaker of the Assembly, one public member appointed by the Senate Committee on Rules, one public member appointed by the Governor, and 15 public members appointed by the State Board of Education upon the recommendation of the Superintendent of Public Instruction or the members of the State Board of Education.

The 15 public members appointed by the State Board of Education shall be selected for their familiarity, standing, competence, and attainment in research methods applicable to the physical, behavioral, and management sciences. One member shall be an elementary school teacher, one member shall be a secondary school teacher, one member shall be a recognized specialist in the field of special education, one member shall be a representative of institutions of higher education, one member shall be a recognized specialist in urban educational problems, one member shall be a member of the governing board of a school district, one member shall be a representative of private schools, one member shall be a representative of disadvantaged low-income areas, three members shall be leaders from private industry with direct concern and involvement in the development of new techniques in the fields of education and communication, two members representative of guidance and counseling, and two members with a general interest in education.

576.1. The Members of the Legislature appointed to the commission pursuant to Section 576 shall have the powers and duties of a joint legislative committee on the subject of educational innovation and planning and shall meet with, and participate in, the work of the commission to the extent that such participation is not incompatible with their positions as Members of the Legislature.

The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power.

576.2. The Superintendent of Public Instruction or his representative shall serve as executive secretary to the commission.

576.3. The commission, in carrying out its powers and duties, shall utilize the staff of the Department of Education.

576.4. The members of the commission shall serve without compensation, except that they shall receive their actual and necessary expenses incurred in the performance of their duties and responsibilities, including traveling expenses.

576.5. The commission shall select one of its members to be chairman of the commission.

576.6. (a) Commission members shall serve for four-year terms and shall not be eligible to serve more than one full term. Prior service on the commission for a term of less than three years resulting from an initial appointment or an appointment for the remainder of an unexpired term shall not be counted as a full term.

(b) With respect to the appointment of 15 public members by the State Board of Education to the first commission, five shall be appointed for terms of two years, five shall be appointed for terms of three years, and five shall be appointed for a term of four years.

576.7. As used in this article:

(a) "Commission" means the Educational Innovation and Planning Commission.

(b) "Title III" means Title III of the Elementary and Secondary Education Act of 1965, as amended.

576.8. For purposes of this article, the commission shall have the powers, duties, and responsibilities of a state advisory council prescribed in Title III.

577. The commission shall have the power and authority to:

(a) Review and recommend to the State Board of Education for its approval all Title III projects which will operate in the state.

(b) Report on its activities to the State Board of Education. The State Board of Education shall report the activities of the commission to the Governor and the Legislature.

(c) Assist the State Board of Education and the Department of Education in the planning, development, and improvement of educational programs.

(d) Examine the reported effectiveness of various educational programs and promote and approve innovative programs and schools.

577.5. All projects recommended by the commission shall be submitted to the State Board of Education for its approval.

578. The State Board of Education shall allocate funds under Title III to provide to the extent feasible a geographical spread of experimental projects in the state. All such grants for a particular project shall be limited to a three-year period. All applications for such grants shall show in their evaluation the cost effectiveness relationships of such programs developed as they relate to currently used methods.

578.5. The State Board of Education shall allocate federal funds received by the State of California pursuant to Title III to approve projects in accordance with the following schedule:

(a) Insofar as practicable, not more than 15 percent of such funds shall be used annually for special education projects.

(b) Not less than 50 percent of such funds shall be used for the purposes of Section 580.

Moneys reserved by the State Board of Education pursuant to Sections 580.1, 580.3, and 582.1 shall not be considered in the allocation of percentages for approved projects pursuant to this section; provided, however, that in no event shall the allocation for special education projects be less than 15 percent of the total amount of federal funds received by the state pursuant to Title III.

580. Priority for experimental, demonstration, and operational projects shall be given to the following:

(a) A language development program or a mathematics program, or both, given in the elementary grades. For purposes of this article, "language development" includes the elements of reading, writing, spelling, speaking, and listening, and comprehension of ideas and concepts.

(b) An in-service and preservice training program for elementary teachers developed with local institutions of higher education. Such programs shall emphasize the improvement of specific classroom teacher skills required to instruct language development and mathematics.

580.1. In order to be deemed an approved project and be eligible to receive an allocation from the State Board of Education, an experimental, demonstration, and operational project shall meet the following criteria:

(a) The proposed activities are not activities presently being performed by other state and federal programs.

(b) The proposed activities supplement, but do not supplant, other state and federal categorical aid programs under Title I or Title IV of the Elementary and Secondary Education Act of 1965, the Preschool Educational Programs (Chapter 2.5 [commencing with Section 16150] of Part 4 of Division 9 of the Welfare and Institutions Code), the Miller-Unruh Basic Reading Act (Chapter 5.8 [commencing with Section 5770] of Division 6 of the Education Code), or the McAteer Act (Chapter 6.5 [commencing with Section 6450] of Division 6 of the Education Code).

(c) Priority shall be given to districts with elementary schools which have the largest concentrations of pupils whose reading achievement scores fall within the first quartile, as measured by the most recently administered statewide reading test, such as the Miller-Unruh Basic Reading Test, or any other applicable statewide reading test.

(d) The school district is shown to be making a reasonable local tax effort.

(e) A description of methods of evaluation. Priority shall be given to school districts which indicate a comprehensive evaluation proposal.

580.2. The State Board of Education may reserve a limited sum of money, to be determined by the State Board of Education, to support experimental projects which have been developed in cooperation with Title IV of the Elementary and Secondary Education Act of 1965. The standards for such ex-

perimental projects shall be recommended by the commission to the State Board of Education based upon the best interests of the pupils involved.

580.3. The State Board of Education may reserve a sum of money, to be recommended by the commission and approved by the State Board of Education, to support demonstration and experimental projects designed to develop new methods of allocating personnel, equipment, and facilities to solve educational problems associated with educational management. Such projects may include, but need not be limited to, the development of new and potentially more economical staffing, arrangements for administration and for classroom instruction, a modification of class size in schools, the utilization of classroom aides, flexible class scheduling, and the use of instructional television and audiovisual equipment so as to more effectively utilize local resources. Also included may be projects for educational problems associated with general curriculum development, community relations, urbanization, and work-study programs. The standards for such demonstrational and experimental projects shall be recommended by the commission and approved by the State Board of Education, based upon the best interests of the students involved, except that a project shall be approved only if it can be shown that, if successful, the cost effectiveness of the project will be such so as to be adaptable within the budgets of other similar school districts throughout the state.

581. A school district operating a project funded under this article shall submit at least an annual evaluation to the State Board of Education through the commission which shall document the degree to which the project has improved the achievement levels of pupils in the instructional areas emphasized within the grant.

581.1. The State Board of Education shall submit an annual comprehensive report to the Governor and the Legislature which shall document:

(a) Improved achievement levels resulting from the projects.

(b) The degree to which the program has motivated schools, both participating and nonparticipating in the program, to improve their curriculum in the basic skills area and other instructional areas emphasized in grants approved.

(c) The degree to which the program has fostered cooperation between school districts and institutions of higher education in the development of new techniques for the benefit of student achievement, particularly within the project areas specified in Section 580.

582. The commission shall identify and submit to the State Board of Education 5 to 10 projects conducted during the current year as "exemplary projects," which projects exhibited the greatest degree of success in achieving their objectives, with the highest priority given to those who demonstrate

the greatest gain in achievement levels. Information concerning such exemplary projects shall be disseminated by the State Board of Education to all school districts in the state which maintain the grade levels involved in such projects.

582.1. The State Board of Education shall reserve not more than 5 percent of the state's federal allocation for incentive grants to the school districts which have operated exemplary projects during the preceding year. Such funds shall be used by such districts to expand and adapt such successful projects.

Article 3. Curriculum Development and Supplemental Materials Commission

583. There is in the Department of Education the Curriculum Development and Supplemental Materials Commission consisting of a Member of the Assembly appointed by the Speaker of the Assembly, a Member of the Senate appointed by the Senate Committee on Rules, one public member appointed by the Speaker of the Assembly, one public member appointed by the Senate Committee on Rules, one public member appointed by the Governor, and 13 public members appointed by the State Board of Education upon the recommendation of the Superintendent of Public Instruction or the members of the State Board of Education.

So far as is practical and consistent with the duties assigned to the commission by the State Board of Education, at least seven of the 13 public members appointed by the State Board of Education shall be persons, who because they have taught, written, or lectured on the subject matter fields specified in Section 583.3, in the course of public or private employment, have become recognized authorities or experienced practitioners in such fields. At least three of the 13 public members appointed by the State Board of Education shall be full-time classroom teachers assigned to teach any of grades 1 to 8, inclusive.

583.1. The Members of the Legislature appointed to the commission pursuant to Section 583 shall have the powers and duties of a joint legislative committee on the subject of curriculum development and supplemental materials and shall meet with, and participate in, the work of the commission to the extent that such participation is not incompatible with their positions as Members of the Legislature.

The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power.

583.2. (a) Commission members shall serve for four-year terms and shall not be eligible to serve more than one full term. Prior service on the commission for a term of less than three years resulting from an initial appointment or an appointment for the remainder of an unexpired term shall not be counted as a full term.

(b) With respect to the appointment of 13 public members by the State Board of Education to the first commission, four shall be appointed for terms of two years, four shall be appointed for terms of three years, and five shall be appointed for a term of four years.

583.3. The Superintendent of Public Instruction and the State Board of Education shall consider for membership on the commission persons representing subjects commonly taught in public schools, including:

- (a) English
- (b) Social sciences
- (c) Foreign languages
- (d) Science
- (e) Mathematics
- (f) Fine arts
- (g) Applied arts
- (h) Conservation education

583.4. The Superintendent of Public Instruction or his representative shall serve as executive secretary to the commission.

583.5. The members of the commission shall serve without compensation, except that they shall receive their actual and necessary travel expenses in attending meetings of the commission and in attending meetings of any committee or subcommittee of the commission of which they are members. Expenses of the commission shall be paid out of appropriations made to the Superintendent of Public Instruction or the State Department of Education.

583.6. The commission shall select one of its members to be chairman of the commission.

583.7. Whenever an employee of any public school district, state college, or other public agency is appointed to membership on the commission, his employer shall grant him sufficient time away from his regular duties, without loss of income or other benefits to which he is entitled by reason of his employment, to attend meetings of the commission and to attend to the duties imposed upon him by reason of his membership on the commission. The employer of any such member may make available such stenographic, secretarial, and staff assistance as is reasonably necessary to enable him to execute the duties imposed upon him by reason of his membership on the commission.

583.8. The commission shall study problems of courses of study in the schools of the state and shall, upon request of the State Board of Education, recommend to the State Board of Education the adoption of minimum standards for courses of study in preschool, kindergarten, elementary, and secondary schools. Courses of study in the public schools shall conform to such minimum standards when adopted.

583.9. As used in this article, "commission" means the Curriculum Development and Supplemental Materials Commission.

Article 4. Educational Management and Evaluation Commission

584. There is in the Department of Education the Educational Management and Evaluation Commission consisting of a Member of the Assembly appointed by the Speaker of the Assembly, a Member of the Senate appointed by the Senate Committee on Rules, one public member appointed by the Speaker of the Assembly, one public member appointed by the Senate Committee on Rules, one public member appointed by the Governor, and nine public members appointed by the State Board of Education upon the recommendation of the Superintendent of Public Instruction or the members of the State Board of Education.

With respect to the nine public members appointed by the State Board of Education, three members shall represent the field of economics, three members shall represent the learning sciences, and three members shall represent the managerial sciences.

Each public member shall serve at the pleasure of the appointing power.

584.1. The Members of the Legislature appointed to the commission pursuant to Section 584 shall have the powers and duties of a joint legislative committee on the subject of educational management and evaluation and shall meet with, and participate in, the work of the commission to the extent that such participation is not incompatible with their positions as Members of the Legislature.

The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power.

584.2. The members of the commission shall serve without compensation, except that they shall receive their actual and necessary expenses incurred in the performance of their duties and responsibilities, including travel expenses.

584.3. The Superintendent of Public Instruction or his representative shall serve as executive secretary to the commission.

584.4. The commission shall select one of its members to be chairman of the commission.

584.5. The commission shall assist and advise the State Board of Education in the evaluation of the program achievement of educational programs, in the determination of the relative cost effectiveness of educational programs, and shall make recommendations concerning the expanded use, modification, or replacement of educational programs so as to produce a higher degree of program achievement and cost effectiveness. The commission shall also serve as an advisory body to the State Board of Education on program budgeting and accounting systems for school districts.

584.6. As used in this article, "commission" means the Educational Management and Evaluation Commission.

Article 5. Equal Educational Opportunities Commission

585. There is in the Department of Education the Equal Educational Opportunities Commission consisting of a Member of the Assembly appointed by the Speaker of the Assembly, a Member of the Senate appointed by the Senate Committee on Rules, one public member appointed by the Speaker of the Assembly, one public member appointed by the Senate Committee on Rules, one public member appointed by the Governor, and 10 public members appointed by the State Board of Education upon the recommendation of the Superintendent of Public Instruction or the members of the State Board of Education.

The State Board of Education shall consider representation of the groups that are served.

Each public member shall serve at the pleasure of the appointing power.

585.1. The Members of the Legislature appointed to the commission pursuant to Section 585 shall have the powers and duties of a joint legislative committee on the subject of equal educational opportunities and shall meet with, and participate in, the work of the commission to the extent that such participation is not incompatible with their positions as Members of the Legislature.

The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power.

585.2. The members of the commission shall serve without compensation, except they shall receive their actual and necessary expenses incurred in the performance of their duties and responsibilities, including travel expenses.

585.3. The Superintendent of Public Instruction or his representative shall serve as executive secretary to the commission.

585.4. The commission shall select one of its members to be chairman of the commission.

585.5. The commission shall assist and advise the State Board of Education and shall formulate and present such policy recommendations as it determines necessary to insure equal educational opportunities for all students and effect statewide coordination of programs for education of disadvantaged minors.

585.6. The commission shall regularly recommend to the State Board of Education educational programs to meet the needs of Indians native to the United States.

585.7. As used in this article, "commission" means the Equal Educational Opportunities Commission.

Article 6. Advisory Committee on Educational Research in Basic Educational Programs

586. It is the intent of the Legislature to establish California innovative schools throughout the state to be administered by the Superintendent of Public Instruction, with the assistance of the Advisory Committee on Educational Research in

Basic Educational Programs. The Legislature believes that the improvement of educational programs demands an organized and concerted effort in educational experimentation and research to:

(a) Identify both the exemplary school programs which lead to pupil success in school and the programs that fail to produce success.

(b) Examine the effectiveness of various instructional programs.

(c) Conduct research and experimentation on a clinical basis to seek improved methods of instruction.

(d) Measure the potential for self-sustained learning among pupils of varying aptitudes and characteristics.

(e) Discover ways to improve instruction in reading and mathematics.

586.1. There is in the Department of Education the Advisory Committee on Educational Research in Basic Educational Programs consisting of nine members appointed by the Superintendent of Public Instruction.

One of the nine members of the committee shall be an elementary school teacher and one shall be a secondary school teacher.

The nine members of the committee shall be selected for their familiarity, standing, competence, and attainment in research methods applicable to the physical, behavioral, and management sciences.

586.2. As used in this article, "committee" means the Advisory Committee on Educational Research in Basic Educational Programs.

586.3. The members of the committee shall serve without compensation, except that they shall receive their actual and necessary expenses incurred in the performance of their duties and responsibilities, including travel expenses.

586.4. The committee shall have the power and authority to advise the Superintendent of Public Instruction on:

(a) Employment of a staff for the committee and for the innovative schools.

(b) Establishment and operation of the innovative schools.

(c) Acquisition of property and equipment.

(d) Receipt and expenditure of funds to support the innovative schools.

(e) The location of the innovative schools.

(f) The program of instruction and the programs of research and experimentation to be undertaken by the innovative schools.

(g) Contracts with other governmental agencies and private persons or organizations to provide or receive services, supplies, facilities, and equipment.

(h) Rules and regulations for the government of the innovative schools.

586.5. The Superintendent of Public Instruction on the advice of the committee shall prescribe criteria for the devel-

opment of staff in each innovative school. The Superintendent of Public Instruction shall advertise the employment opportunities with the innovative schools and the committee and establish appropriate employment selection procedures in which performance of the teacher in the classroom, subject matter proficiency, and theoretical knowledge is considered.

586.6. Appointment to a teaching position in the innovative schools shall be limited to two years and renewable for another two years. Appointments to administrative positions shall be limited to four years and renewable for another two years.

586.7. Persons employed to teach in and administer the innovative schools shall be deemed to be on leave of absence from the school district whose employment they leave to accept employment in the innovative school, and they shall retain permanent status, or credit for service toward permanent status, in such school district during their employment with the innovative schools. Such persons shall continue to be members of, and contribute to, the retirement system of which they were members at the time immediately prior to their employment in the innovative schools.

586.8. Persons employed in the innovative schools in positions not requiring certification qualifications shall be deemed to be on leave of absence from the school district whose employment they leave to accept employment in the innovative schools, and they shall retain permanent status, or credit for service toward permanent status, in such school district during their employment with the innovative schools. Such persons shall continue to be members of, and contribute to, the retirement system of which they were members at the time immediately prior to their employment in the innovative schools.

586.9. The budget of each innovative school shall be developed and prepared by the administrative staff in consultation with the teachers in the school and with the advice of the Superintendent of Public Instruction and the committee. Approval of each school budget shall rest with the Superintendent of Public Instruction, with the advice of the committee. The budget shall be subject to such other approvals as are required by law.

586.10. The cost of transportation of pupils between the local school district and the innovative schools, to encourage attendance of pupils who are representative of the regional attendance area, may be included in budgets prepared under Section 586.9.

586.11. The pupils in each innovative school shall be limited to those in grades 1 through 3. They shall, as nearly as possible, be representative of the ethnic and socioeconomic characteristics of the regional attendance area served by the school. Efforts shall be made by the staff of the innovative school and the school districts in the regional area to inform parents and recruit pupils for attendance at the innovative school.

586.12. Pupils enrolled in the innovative schools shall attend the innovative schools only one-half of the regular school-

day and one-half in the schools of the participating school district. Participating school districts and innovative schools shall cooperate in the appropriate scheduling of subjects in the schools of such district to complement the program of the innovative schools.

586.13. For the purpose of computing apportionments from the State School Fund, the attendance of a pupil for any part of a schoolday in the regular day schools of the district shall be credited with one day of attendance where the pupil attended an innovative school for the remainder of such schoolday.

586.14. The innovative schools shall emphasize instruction in reading and mathematics.

586.15. The committee shall annually review the operation of the innovative schools as a total program, and for each school, and shall submit a comprehensive report to the State Board of Education. The State Board of Education shall report thereon to the Legislature on or before the fifth legislative day of each regular session.

586.16. The Superintendent of Public Instruction shall report to the Legislature on or before the 13th legislative day of each regular session regarding the findings of the innovative schools program. Such report shall specifically include a review of specific positive and negative findings, including (a) those positive findings which require legislation and (b) the steps being taken to implement those positive findings which do not require legislation.

Article 7. Advisory Committee on Special Education

587. There is in the Department of Education the Advisory Committee on Special Education consisting of nine members appointed by the Superintendent of Public Instruction.

The members shall serve at the pleasure of the appointing power.

587.1. The members of the committee shall serve without compensation, except that they shall receive their actual and necessary expenses incurred in the performance of their duties and responsibilities, including traveling expenses.

587.2. The committee shall study and provide assistance and advice to the State Board of Education and the Superintendent of Public Instruction in new or continuing areas of research, program development, and evaluation in special education.

587.3. As used in this article, "committee" means the Advisory Committee on Special Education.

Article 8. Educational Task Forces

588. The Superintendent of Public Instruction is hereby empowered to establish educational task forces consisting of ad hoc groups appointed by the Superintendent of Public In-

struction to provide special assistance to the Department of Education. Such educational task forces shall, in the manner and to the extent directed by the Superintendent of Public Instruction, render to the Superintendent of Public Instruction recommendations on procedures and standards as referred to in Section 575.1.

SEC. 12. Section 5799.2 of the Education Code is amended to read:

5799.2. The State Board of Education shall select achievement tests to be administered to pupils who are participating in programs authorized by this chapter. The selection of such tests shall be with the advice of the Advisory Committee on Educational Research in Basic Educational Programs.

SEC. 13. Section 5799.3 of the Education Code is amended to read:

5799.3. In addition to any tests otherwise required to be administered to pupils by this chapter, the State Board of Education, on the advice of the Advisory Committee on Educational Research in Basic Educational Programs, shall develop an achievement test in mathematics for grades 3, 6, and 8. The test shall measure the degree to which mathematics programs in the public schools meet the objectives of the revised outline of the mathematics curriculum developed by the Advisory Committee on Educational Research in Basic Educational Programs.

This test may be designated by the State Board of Education for use in studies to evaluate state-recommended course content as authorized by Section 12840 and for other appropriate assessment purposes.

SEC. 14. Section 5799.15 of the Education Code is amended to read:

5799.15. The State Board of Education shall select particular school districts which are to establish specialized teacher programs in mathematics. The selections shall be made on the basis of applications submitted by the governing boards of school districts, and the recommendations of the Superintendent of Public Instruction and the Advisory Committee on Educational Research in Basic Educational Programs. The board shall prescribe the standards by which specialized teachers in mathematics shall be designated, and provide for the state-level approval of all such designations.

SEC. 15. Section 5799.16 of the Education Code is amended to read:

5799.16. The State Board of Education shall establish regional in-service training programs for specialized teachers in mathematics, to be conducted in each of the fiscal years 1968-1969, 1969-1970, 1970-1971, 1971-1972, 1972-1973, and 1973-1974. The programs shall be conducted in the summer months in each of the fiscal years at centralized locations in the state. Instruction and training shall be provided by experts in mathematics from public and private institutions of

higher education and from other fields of endeavor, as determined by the board.

The governing board of each school district which has applied to establish a specialized teacher program in mathematics may nominate to the State Board of Education teachers employed by the district for participation in regional in-service training programs. For every four teachers designated to participate in summer regional in-service training, a district may nominate one of its supervisors or administrators to the training program. For every eight teachers, a district shall nominate one supervisor or administrator.

The location of centers where the in-service training is to be provided, and the form and content of the instruction and training afforded, shall be determined by the State Board of Education upon recommendation of the Superintendent of Public Instruction with the advice of the Advisory Committee on Educational Research in Basic Educational Programs.

SEC. 16. Section 5799.22 of the Education Code is amended to read:

5799.22. The State Board of Education shall select school districts which apply to establish mathematics specialist programs. The selections shall be made on the basis of applications submitted by the governing board of the school district, and the recommendations of the Superintendent of Public Instruction and the Advisory Committee on Educational Research in Basic Educational Programs. The State Board of Education shall prescribe the standards by which mathematics specialists shall be designated, and shall approve all such designations.

SEC. 17. Section 5799.26 of the Education Code is amended to read:

5799.26. The State Board of Education shall direct the testing of pupils for purposes of evaluating accelerated instructional programs in mathematics in the several school districts in which they are established. The Advisory Committee on Educational Research in Basic Educational Programs and the Statewide Advisory Committee on Advanced Placement shall assist the State Board of Education in the selection of appropriate tests.

SEC. 18. Section 6468 of the Education Code is repealed.

SEC. 19. Section 6469 of the Education Code is repealed.

SEC. 20. Section 6469.5 of the Education Code is repealed.

SEC. 21. Section 6470 of the Education Code is repealed.

SEC. 22. Section 6499.203 of the Education Code is repealed.

SEC. 23. Section 6499.204 of the Education Code is repealed.

SEC. 24. Section 6499.205 of the Education Code is repealed.

SEC. 25. Section 9302 of the Education Code is amended to read:

9302. The Curriculum Development and Supplemental Materials Commission shall:

(a) Recommend to the board specifications for textbooks and teachers' manuals for use in the schools of the state, so that the textbooks and teachers' manuals adopted shall conform to the minimum standards for the subjects in the indicated grade or grades.

(b) Study and evaluate all books submitted for adoption to the board as basic textbooks or supplementary textbooks or teachers' manuals.

(c) Recommend to the board textbooks which it approves for adoption as basic textbooks or supplementary textbooks or teachers' manuals for a given subject, at a given grade level. In making such recommendations, the Curriculum Development and Supplemental Materials Commission shall give preference to California-produced books of equal or superior merit.

SEC. 26. Section 9303 of the Education Code is amended to read:

9303. The board shall give the Curriculum Development and Supplemental Materials Commission a public hearing before making any adoption of textbooks or teachers' manuals for use in the elementary schools of the state.

SEC. 27. Section 18104.1 of the Education Code is repealed.

SEC. 28. Section 18104.2 of the Education Code is repealed.

SEC. 29. Section 18104.3 of the Education Code is repealed.

SEC. 30. Article 2 (commencing with Section 20621) of Chapter 2 of Division 16 of the Education Code is repealed.

SEC. 31. Chapter 6 (commencing with Section 32001) of Division 22 of the Education Code is repealed.

SEC. 32. Section 2 of Chapter 1493 of the Statutes of 1969 is repealed.

SEC. 33. The State Board of Education in approving any state plan for the administration of federal funds to be received under the provisions of Title III of the Elementary and Secondary Education Act of 1965 shall assure that in the 1970-1971 fiscal year an amount not to exceed two million two hundred eighty-four thousand dollars (\$2,284,000), and in the 1971-1972 fiscal year an amount not to exceed four million four hundred fifty-nine thousand dollars (\$4,459,000), shall be reserved and allocated for the purposes authorized by Article 6 (commencing with Section 586) of Chapter 6 of Division 2 of the Education Code.

CHAPTER 1189

An act to amend Section 8084 of the Education Code and to amend Section 3 of Chapter 1251 of the Statutes of 1970, relating to educational programs.

The people of the State of California do enact as follows:

SECTION 1. Section 8084 of the Education Code is amended to read:

8084. In order to provide this state with a long-term program for educational conversion, the Department of Education shall develop a plan to systematically individualize instruction in the schools of this state and to integrate vocational education with the regular curriculum. The plan shall:

(a) Be submitted on or before September 15, 1973, to the Joint Legislative Budget Committee, the Chairman of the Senate Committee on Education, and the Chairman of the Assembly Committee on Education to allow for the legislative policy committees to hold public hearings and carry out such other activities as may be necessary to develop legislative proposals.

(b) Specify the fiscal requirements for the school conversion effort and the support of such schools following conversion to individualized instruction and integration of vocational education. In determining such requirements, the department shall prescribe the role, if any, which funds from at least the following sources shall play:

- (1) The Elementary Secondary Education Act.
- (2) The National Defense Education Act.
- (3) The Economic Opportunity Act.
- (4) The Vocational Education Act; and,
- (5) The Miller-Unruh Basic Reading Act.

(c) Specify criteria for selection of school districts, including, but not be limited to, the criteria set forth in subdivisions (c), (d), (e), (g), and (h) of Section 8078. Such criteria shall also indicate that the next schools to participate in the conversion program shall each reflect distinctly different educational environments such as a high concentration of racial or ethnic minority students, a significant percentage of bilingual or non-English-speaking students, or very low assessed valuation per average daily attendance.

(d) Present a design for a long-term evaluation of the success and progress of the conversion program.

(e) Outline the requirements for technical assistance to school districts in the conversion program, including a description of the most effective involvement of the staff of the State Department of Education.

(f) Specify changes needed in the state textbook policy to assist the conversion program.

(g) Set forth such other information as the department may deem necessary.

SEC. 2. Section 3 of Chapter 1251 of the Statutes of 1970 is amended to read:

Sec. 3. From funds made available to it under the Federal Vocational Education Act of 1963, as amended, and under the Elementary and Secondary Education Act of 1965, as

amended, the State Board of Education shall provide to the school district selected pursuant to the provisions of this act: for fiscal year 1971-1972, forty-two thousand dollars (\$42,000); for fiscal year 1972-1973, four hundred fifty-six thousand dollars (\$456,000); for fiscal year 1973-1974, six hundred thousand dollars (\$600,000); for fiscal year 1974-1975, one hundred seventy thousand dollars (\$170,000).

CHAPTER 1190

An act to amend Section 6553 of, and to add Chapter 4 (commencing with Section 25500) to Division 13, of the Elections Code, relating to candidates for legislative offices.

[Approved by Governor October 20, 1971. Filed with
Secretary of State October 20, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 6553 of the Elections Code is amended to read:

6553. The filing fee required to be paid to the Secretary of State pursuant to subdivisions (a) and (b) of Section 6552 shall be paid to the county clerk at the time the forms for nomination are obtained from the county clerk. The filing fee required to be paid to the Secretary of State pursuant to subdivision (c) of Section 6552 shall be paid upon the filing of the candidate's declaration of his intention to become a candidate, pursuant to Section 25500, and such filing fee shall be nonrefundable. The county clerk shall not accept any papers unless the fees are paid at the time required by this section, or unless satisfactory evidence is given to the county clerk or to the registrar of voters that such fee has been paid at the time of the declaration of candidacy in another county. The county clerk shall transmit the fees to the Secretary of State at the time he delivers the declarations of candidacy for filing.

SEC. 2. Chapter 4 (commencing with Section 25500) is added to Division 13 of the Elections Code, to read:

CHAPTER 4. STATE LEGISLATORS

25500. (a) Each candidate for a party nomination for the office of State Senator or Member of the Assembly at the direct primary election, whether his declaration of candidacy is to be made personally or by sponsors, shall file in the office in which his nomination papers are required to be filed a written and signed declaration of his intention to become a candidate for his party's nomination for that office. The declaration of intention shall be filed, on a form to be supplied by the county clerk or registrar of voters, not more than 15 nor less than 5 days prior to the first day on which his nomination papers may

be presented for filing. The declaration of intention provided for in this section shall be in substantially the following form:

I hereby declare my intention to become a candidate for the
 ----- Party's nomination for the office of
 (Name of political party)

-----, at the direct primary election.
 (Name of office and district)

 (Signature of candidate)

 (Address of candidate)

(b) No person may be a candidate nor have his name printed upon any ballot as a candidate for a party nomination for the office of State Senator or Member of the Assembly at the direct primary election unless he has filed the declaration of intention provided for in this section; provided, however, that if the incumbent of the office, for any reason, fails to qualify for nomination for the office by the last day prescribed for the filing of nomination papers, an additional five days shall be allowed for the filing of nomination papers for the office, and any person, if otherwise qualified, may file nomination papers for the office during the extended period, notwithstanding that he has not filed a written and signed declaration of intention to become a candidate for the office as provided in subdivision (a) of this section.

CHAPTER 1191

An act to add Article 4.3 (commencing with Section 13385) to Chapter 2 of Division 10 of the Education Code, relating to in-service training of secondary educational personnel.

[Approved by Governor October 20, 1971 Filed with
 Secretary of State October 20, 1971]

The people of the State of California do enact as follows:

SECTION 1. Article 4.3 (commencing with Section 13385) is added to Chapter 2 of Division 10 of the Education Code, to read:

Article 4.3. In-Service Training of Secondary Educational Personnel

13385. It is the intent of the Legislature to encourage California's institutions of higher education, whether public or private, to enter into cooperative arrangements with local school districts for the provision of training programs designed to improve high school teachers' instructional skills. The Legislature recognizes that the usual teacher preparation required by law and provided by most teacher-training institutions—

while meeting high quality standards—may not provide desirable exposure to the range of new and innovative teaching techniques being developed and tested by and in cooperation with major universities throughout the United States; nor does the usual preparation provide, even with practice teaching, on-the-job experience under the guidance of resource and consulting personnel involved in development of new techniques or of so-called master teachers chosen for their exceptional ability and supplementary research in the field.

The Legislature, therefore, intends, in enacting this article, to facilitate the process whereby institutions of higher education, research centers, or regional educational laboratories may provide resource personnel and special courses under contracts or other cooperative arrangements with local school districts.

13385.5. As used in this article, the term "staff development project," means training programs established to improve high school teachers' instructional skills pursuant to this article.

13386. Staff development projects shall be made available whenever possible to the following personnel:

(a) New high school teachers of the district who have not yet completed the fifth year of university or college education requirements for a standard teaching credential with a specialization in secondary teaching.

(b) New teachers of the district, whether from California or out of state, who may already have completed all requirements for a standard teaching credential with a specialization in secondary teaching.

(c) Teachers who may already be teaching in the district, including those who have, as well as those who have not, completed the fifth year requirement for a standard teaching credential with a specialization in secondary teaching.

(d) High school counselors or visiting teachers.

(e) High school administrators.

13386.5. The governing board of any school district may establish a staff development project to improve high school teachers' instructional skills pursuant to this article.

A staff development project may include, but not be limited to, the following components, as determined by the governing board:

(a) A statement of the school district's objectives in establishing the project, specifying the school district's particular needs with reference to specialized instructional personnel.

(b) A description of the component parts of the proposed staff development project, including:

(1) Courses to be made available to trainees through arrangements with an institution of higher education, research center, or regional education laboratory; and

(2) Other planned trainee activities.

(c) A statement outlining methods and criteria to be used in selecting trainees for the project.

(d) A statement indicating generally the duration of the program and the number of hours per week each trainee would be involved in designated activities.

(e) A statement describing the manner in which the staff development project is to be evaluated upon termination of a unit of training.

(f) A statement of proposed expenditures and reasonably expected costs, and an outline of proposed federal or state and local fund matching arrangements.

13387. The governing board of any school district may contract with institutions of higher education, including the University of California, the California State Colleges, and private institutions, and with research centers or regional education laboratories, for such institutions, centers, or laboratories to furnish academic and consulting services for purposes of a staff development project. The school district shall be deemed the contracting agency and shall be responsible for coordination and administration of the staff development project.

13387.5. The school district shall provide the necessary facilities, equipment, and instructional materials for the project.

13388. Certificated employees participating as trainees in a staff development project shall be remunerated on a basis consistent with usual procedures of the school district.

13388.5. The school district shall pay, out of the funds of the school district, all costs of the project.

13389. Any institution of higher learning participating in a staff development project pursuant to this article shall grant academic credit for the courses established under terms of the contract arranged with respect to a staff development project. Such academic credit shall be granted on whatever hour or unit basis is the practice at the participating institution.

CHAPTER 1192

An act to add Section 19258.5 to the Government Code, relating to state employees.

[Approved by Governor October 21, 1971 Filed with
Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 19258.5 is added to the Government Code, to read:

19258.5. The department in which an employee is employed may pay the cost of replacing personal tools or other equipment required in the employee's work when stolen from the jobsite without fault of the employee. The Board of Control

shall adopt rules setting forth the criteria under which payment may be made, including the method of payment, determination of cost, and conditions which constitute absence of fault by the employee.

SEC. 2. This act shall be operative until December 31, 1973, and thereafter shall be of no force or effect.

SEC. 3. The Legislative Analyst shall report to the Legislature on the effect of this act by March 1, 1974.

CHAPTER 1193

An act making an appropriation for maintenance and capital outlay at Hearst San Simeon State Historical Monument.

[Approved by Governor October 21, 1971. Filed with Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the General Fund in the State Treasury the sum of three hundred thousand dollars (\$300,000) from funds accumulated under the provisions of Item 214, Budget Act of 1970, for expenditure by the Department of Parks and Recreation for capital outlay at Hearst San Simeon State Historical Monument, in accordance with the following schedule:

- | | |
|--|-----------|
| (a) Repairs to "A" House and Roman Pool_____ | \$100,000 |
| (b) Repairs to access road _____ | \$60,000 |
| (c) Augmentation to participation in sanitary district _____ | \$45,000 |
| (d) Augmentation to sewer trunkline _____ | \$95,000 |

provided, that the Department of Parks and Recreation shall bear any and all costs required to remove, relocate, or adjust such sewer main placed within the State Highway Route 1 right-of-way from the entrance to Hearst San Simeon State Historical Monument (approximately Station 480) to a point just south of Peco Creek (Station 320+50), a distance of approximately three miles when and if required for the construction, reconstruction, or improvement of this section of state highways, notwithstanding the provisions of Section 703 of the Streets and Highways Code.

CHAPTER 1194

An act to add Section 7321.1 to the Business and Professions Code, relating to cosmetology.

[Approved by Governor October 21, 1971. Filed with Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 7321.1 is added to the Business and Professions Code, to read:

7321.1. The board may adopt regulations relating to the issuance of a special certificate authorizing the holder thereof to engage in the practice of wig styling without holding a certificate and license as a cosmetologist issued pursuant to this chapter upon completion of a designated number of hours of instruction in that practice. The holder of such a special certificate shall only engage in the limited practice of the art of cosmetology authorized by such special certificate. Nothing in this section shall be deemed to require the possession of such a certificate to practice wig styling. The board shall fix a fee for the issuance of such special certificate not to exceed the cost to the board in issuing such certificate.

CHAPTER 1195

An act to amend Section 39295.6 of, and to add Section 39299.4 to, the Health and Safety Code, relating to air pollution.

[Approved by Governor October 21, 1971. Filed with Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 39295.6 of the Health and Safety Code is amended to read:

39295.6. "Agricultural burning," as used in this chapter, means open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, forest management, or range improvement, or used in the improvement of land for wildlife and game habitat.

SEC. 2. Section 39299.4 is added to the Health and Safety Code, to read:

39299.4. No burning shall be conducted for the improvement of land for wildlife or game habitat until the person desiring to conduct such burning obtains from the Department of Fish and Game a written statement certifying that the burning is desirable and proper for the improvement of land for wildlife or game habitat and such statement is filed with the regional or county air pollution control officer of the region or county in which the burning is to take place. As to burning conducted by the Department of Fish and Game, the department shall on its own behalf issue and file such statements.

CHAPTER 1196

An act to amend Sections 939.2, 1326 and 1327 of the Penal Code, relating to subpoenas in criminal cases.

[Approved by Governor October 21, 1971. Filed with Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 939.2 of the Penal Code is amended to read:

939.2. A subpoena requiring the attendance of a witness before the grand jury may be signed and issued by the district attorney, his investigator or, upon request of the grand jury, by any judge of the superior court, for witnesses in the state, in support of the prosecution, for those witnesses whose testimony, in his opinion is material in an investigation before the grand jury, and for such other witnesses as the grand jury, upon an investigation pending before them, may direct.

SEC. 2. Section 1326 of the Penal Code is amended to read:

1326. The process by which the attendance of a witness before a court or magistrate is required is a subpoena. It may be signed and issued by any of the following:

(1) A magistrate before whom a complaint is laid or his clerk, the district attorney or his investigator, or the public defender or his investigator, for witnesses in the state.

(2) The district attorney, his investigator, or, upon request of the grand jury, any judge of the superior court, for witnesses in the state, in support of an indictment or information, to appear before the court in which it is to be tried.

(3) The district attorney or his investigator, the public defender or his investigator, the clerk of the court in which a criminal action is to be tried, or, if there is no clerk, the judge of the court. The clerk or judge shall, at any time, upon application of the defendant, and without charge, issue as many blank subpoenas, subscribed by him, for witnesses in the state, as the defendant may require.

SEC. 3. Section 1327 of the Penal Code is amended to read:

1327. A subpoena authorized by Section 1326 shall be substantially in the following form:

The people of the State of California to A. B.:

You are commanded to appear before C. D., a judge of the Justice Court of ----- Judicial District, in ----- County (or as the case may be), at (naming the place), on (stating the day and hour), as a witness in a criminal action prosecuted by the people of the State of California against E. F.

Given under my hand this ----- day of -----, A.D. 19___. G. H., Judge of the Justice Court (or "J. K., District Attorney," or "J. K., District Attorney Investigator," or "D. E., Public Defender," or "D. E., Public Defender Investiga-

tor," or "By order of the court, L. M., Clerk," or as the case may be). If books, papers, or documents are required, a direction to the following effect must be contained in the subpoena: "And you are required, also, to bring with you the following" (describing intelligibly the books, papers, or documents required).

CHAPTER 1197

An act to add Sections 27502 and 27503 to the Vehicle Code, relating to motor vehicle noise standards.

[Approved by Governor October 21, 1971 Filed with
Secretary of State October 21, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 27502 is added to the Vehicle Code, to read:

27502. No dealer or person holding a retail seller's permit shall sell, offer for sale, expose for sale, or install on a vehicle for use on a highway, a tire which is not in compliance with regulations adopted pursuant to Section 27503.

SEC. 2. Section 27503 is added to the Vehicle Code, to read:

27503. (a) The commissioner, after public hearings, shall adopt regulations setting noise standards for pneumatic tires. Such standards shall be the lowest level of noise consistent with economic and technological feasibility and with public safety as stated in the regulations adopted pursuant to Section 27500. Such standards may be adopted for each tire-vehicle type combination. The regulations may require the manufacturer to prove to the commissioner that the tire meets the standards, subject to such inspection as the commissioner prescribes. The regulations shall be filed with the Legislature eight months after the federal study on tire noise is available, and shall become operative one year after such filing.

(b) It is the intent of the Legislature in enacting this section that the commissioner shall consider recommendations of the United States Department of Transportation before developing independent standards for tire noise.

SEC. 3. Section 1 of this act shall become operative one year after the regulations adopted pursuant to subdivision (a) of Section 27503 of the Vehicle Code are filed with the Legislature.

CHAPTER 1198

An act to amend Section 6723 of the Agricultural Code, relating to nursery stock.

[Approved by Governor October 21, 1971 Filed with
Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 6723 of the Agricultural Code is amended to read:

6723. The minimum license fee shall be established by the director at an amount not to exceed thirty-five dollars (\$35).

The director may fix the minimum license fee at an amount which is less than thirty-five dollars (\$35) and may adjust the license fee if, after investigation and due notice, he finds that the cost of administering the provisions of this division and Chapter 5 (commencing with Section 53301) of Division 18, which relate to nursery stock can be defrayed from revenues which are derived from such license fee in combination with such sums as are provided by Sections 435 and 5822.

To the amount of the minimum license fee which is established by the director shall be added, as an additional license fee, (1) an equal sum for each branch salesyard, store, or sales location which is owned and operated by the applicant in the state and (2) an acreage fee in an amount to be established by the director for land used in the production, storage, or sale of nursery stock in excess of one acre, which he determines is necessary to carry out the provisions of this part and any portion of this code which relates to nursery stock. Such total acreage fee shall not be less than twenty-five dollars (\$25) nor more than one hundred forty dollars (\$140) for each licensee.

CHAPTER 1199

An act to amend Section 263.4 of the Streets and Highways Code, relating to state highways.

[Approved by Governor October 21, 1971. Filed with Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 263.4 of the Streets and Highways Code is amended to read:

263.4. The state scenic highway system shall also include:

Route 37 from:

(a) Route 17 near Nicasio to Route 101 near Novato.

(b) Route 101 near Ignacio to Route 29 near Vallejo.

Route 39 from Route 210 near Azusa to Route 2.

Route 41 from:

(a) Route 1 near Morro Bay to Route 101 near Atascadero.

(b) Route 46 near Cholame to Route 33.

(c) Route 49 near Oakhurst to Yosemite National Park.

Route 44 from:

(a) Route 5 near Redding to Lassen Volcanic National Park.

(b) Lassen Volcanic National Park to Route 89 near Old Station.

Route 46 from:

- (a) Route 1 near Cambria to Route 101 near Paso Robles.
- (b) Route 101 near Paso Robles to Route 41 near Cholame.

Route 49 from:

(a) Route 41 near Oakhurst to Route 120 near Moccasin Creek.

(b) Route 120 to Route 20 near Grass Valley.

(c) Route 20 near Nevada City to Route 89 near Sattley.

Route 50 from Route 49 near Placerville to the Nevada state line near Lake Tahoe.

Route 57 from Route 90 to Route 60 near Industry.

Route 58 from Route 14 near Mojave to Route 15 near Barstow.

Route 68 from Monterey to Route 101 near Salinas.

Route 70 from Route 149 near Wicks Corner to Route 89 near Blairsden.

Route 71 from:

(a) Route 15 to Route 91 near Corona.

(b) Route 91 near Corona to Route 83 north of Corona.

CHAPTER 1200

An act to amend Section 4500 of, to amend Section 10843, as added by Chapter 143, Statutes of 1971, of, and to add Section 4500.5 to, the Fish and Game Code, and to add Section 653q to the Penal Code, relating to seals.

[Approved by Governor October 21, 1971 Filed with
Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 4500 of the Fish and Game Code is amended to read:

4500. It is unlawful to take any sea lion other than pursuant to such regulations as may be prescribed by the commission, except that any fisherman while engaged in fishing from a boat at sea may take any sea lion which is damaging his nets, tackle, or fish. The department may reduce the sea lion herds by humane methods whenever such a course is deemed advisable.

SEC. 2. Section 4500.5 is added to the Fish and Game Code, to read:

4500.5. It is unlawful to take any seal, except that any fisherman while engaged in fishing from a boat at sea may take any seal which is damaging his nets, tackle, or fish.

SEC. 3. Section 10843 of the Fish and Game Code, as added by Chapter 143, Statutes of 1971, is amended to read:

10843. The following constitutes the Farallon Islands Game Refuge: the Southeast Farallons, including Maintop Island, Middle Farallon, the North Farallons, Noonday Rock, and the

waters lying around each island within one nautical mile from the coastline of each island.

Section 10513 shall have no application in this refuge. Notwithstanding the provisions of Section 10500, persons on commercial vessels may possess unloaded firearms when traveling through the navigable waters of this refuge. Fishermen, however, may not take any seal or sea lion while in this refuge, notwithstanding the provisions of Section 4500 or 4500.5.

SEC. 4. Section 653c is added to the Penal Code, to read:

653q. It is unlawful to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or any part or product thereof, of any seal.

Any person who violates any provision of this section is guilty of a misdemeanor and shall be subject to a fine of not less than one thousand dollars (\$1 000) and not to exceed five thousand dollars (\$5,000) or imprisonment in the county jail for not to exceed six months, or both such fine and imprisonment, for each violation.

SEC. 5. This act shall not prohibit the sale or the possession with the intent to sell of any part or product of any seal when the seller can demonstrate that such part or product was imported into this state before the effective date of this act, and shall not prohibit the sale of such part or product thereof by an individual not normally engaged in such sale, if it was originally possessed by the seller for his own use and so used by him. This act also shall not prohibit the importation of such animals or any part or product thereof for zoological, educational, or scientific purposes.

CHAPTER 1201

An act to amend Sections 35784 and 38181 of the Agricultural Code, relating to milk and milk products.

[Approved by Governor October 21, 1971. Filed with Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 35784 of the Agricultural Code is amended to read:

35784. Market milk, at the time of delivery to the consumer, shall contain not less than 3.5 percent of milk fat and not less than 8.7 percent solids not fat, except that milk produced and marketed pursuant to Article 7 (commencing with Section 35921) of this chapter as whole milk shall contain not less than 3.5 percent of milk fat and not less than 8.5 percent solids not fat. Market milk may be standardized to a milk fat content of not less than 3.5 percent.

SEC. 2. Section 38181 of the Agricultural Code is amended to read:

38181. Skim milk or nonfat milk is the product which results from the complete or partial removal of milk fat from milk. It shall contain not more than twenty-five hundredths of 1 percent of milk fat and not less than 9 percent of milk solids not fat, except that milk produced and marketed pursuant to Article 7 (commencing with Section 35921) of Chapter 2 of Part 2 of this division as skim milk shall contain not more than twenty-five hundredths of 1 percent of milk fat and not less than 8.5 percent of milk solids not fat.

SEC. 3. The provisions of this act shall become operative on January 1, 1972.

CHAPTER 1202

An act to amend Section 13009 of the Health and Safety Code, relating to fires.

[Approved by Governor October 21, 1971. Filed with Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 13009 of the Health and Safety Code is amended to read:

13009. Any person who negligently, or in violation of the law, sets a fire, allows a fire to be set, or allows a fire kindled or attended by him to escape onto any forest, range or nonresidential grass-covered land is liable for the expense of fighting the fire and such expense shall be a charge against that person. Such charge shall constitute a debt of such person, and is collectible by the person, or by the federal, state, county, public, or private agency, incurring such expenses in the same manner as in the case of an obligation under a contract, expressed or implied.

CHAPTER 1203

An act to amend Section 13010 of the Penal Code, relating to the Bureau of Criminal Statistics.

[Approved by Governor October 21, 1971. Filed with Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 13010 of the Penal Code is amended to read:

13010. It shall be the duty of the bureau:

(a) To collect data necessary for the work of the bureau, from all persons and agencies mentioned in Section 13020 and from any other appropriate source;

(b) To prepare and distribute to all such persons and agencies, cards or other forms used in reporting data to the bureau. Such cards or forms may, in addition to other items, include items of information needed by federal bureaus or departments engaged in the development of national and uniform criminal statistics;

(c) To recommend the form and content of records which must be kept by such persons and agencies in order to insure the correct reporting of data to the bureau;

(d) To instruct such persons and agencies in the installation, maintenance, and use of such records and in the reporting of data therefrom to the bureau;

(e) To process, tabulate, analyze and interpret the data collected from such persons and agencies;

(f) To supply, at their request, to federal bureaus or departments engaged in the collection of national criminal statistics data they need from this state; and

(g) To present to the Governor, on or before July 1st, a printed annual report containing the criminal statistics of the preceding calendar year and to present at such other times as the Attorney General may approve reports on special aspects of criminal statistics. A sufficient number of copies of all reports shall be printed or otherwise prepared to enable the Attorney General to send a copy to all public officials in the state dealing with criminals and to distribute them generally in channels where they will add to the public enlightenment.

(h) To periodically review the requirements of units of government using criminal justice statistics, and to make recommendations to the Attorney General for changes it deems necessary in the design of criminal justice statistics systems, including new techniques of collection and processing made possible by automation.

CHAPTER 1204

An act to amend Sections 28020, 28023, 28024, 28025, 28026, 28027, 28028, 28029, 28030, 28031, 28032, 28033, 28034, 28035, 28036, 28037, 28038, 28039, 28040, 28041, 28042, 28043, 28044, 28045, 28046, 28047, 28048, 28049, 28050, 28051, 28052, 28053, 28054, 28055, 28056, 28057, 28058, 28059, 28060, 28061, 28062, 28063, 28064, 28065, 28066, 28067, 28068, 28069, 28070, 28071, 28072, 28073, 28074, 28075, 28076, 28077, and 28078 of, to add Chapter 12 (commencing with Section 76000) to Title 8 of, and to repeal Chapter 12 (commencing with Section 76000) of Title 8 of, the Government Code, relating to counties.

[Approved by Governor October 21, 1971. Filed with
Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 28020 of the Government Code is amended to read:

28020. The population of the counties of this state is hereby ascertained and determined to be and is as follows:

1	Los Angeles	7,032,075
2	Orange	1,420,386
3	San Diego	1,357,854
4	Alameda	1,073,184
5	Santa Clara	1,064,714
6	San Francisco	715,674
7	San Bernardino	684,072
8	Sacramento	631,498
9	Contra Costa	558,389
10	San Mateo	556,234
11	Riverside	459,074
12	Fresno	413,053
13	Ventura	376,430
14	Kern	329,162
15	San Joaquin	290,208
16	Santa Barbara	264,324
17	Monterey	250,071
18	Marin	206,038
19	Sonoma	204,885
20	Stanislaus	194,506
21	Tulare	188,322
22	Solano	169,941
23	Santa Cruz	123,790
24	San Luis Obispo	105,690
25	Merced	104,629
26	Butte	101,969
27	Humboldt	99,692
28	Yolo	91,788
29	Napa	79,140
30	Shasta	77,640
31	Placer	77,306
32	Imperial	74,492
33	Kings	64,610
34	Mendocino	51,101
35	Yuba	44,736
36	El Dorado	43,833
37	Sutter	41,935
38	Madera	41,519
39	Siskiyou	33,225
40	Tehama	29,517
41	Nevada	26,346
42	Tuolumne	22,169
43	Lake	19,548
44	San Benito	18,226

45	Glenn -----	17,521
46	Inyo -----	15,571
47	Lassen -----	14,960
48	Del Norte -----	14,580
49	Calaveras -----	13,585
50	Colusa -----	12,430
51	Amador -----	11,821
52	Plumas -----	11,707
53	Trinity -----	7,615
54	Modoc -----	7,469
55	Mariposa -----	6,015
56	Mono -----	4,016
57	Sierra -----	2,365
58	Alpine -----	484

SEC. 2. Section 28023 of the Government Code is amended to read:

28023. Counties containing a population of 1,400,000 and under 4,000,000 are counties of the second class.

SEC. 3. Section 28024 of the Government Code is amended to read:

28024. Counties containing a population of 1,300,000 and under 1,400,000 are counties of the third class.

SEC. 4. Section 28025 of the Government Code is amended to read:

28025. Counties containing a population of 1,070,000 and under 1,300,000 are counties of the fourth class.

SEC. 5. Section 28026 of the Government Code is amended to read:

28026. Counties containing a population of 1,000,000 and under 1,070,000 are counties of the fifth class.

SEC. 6. Section 28027 of the Government Code is amended to read:

28027. Counties containing a population of 700,000 and under 1,000,000 are counties of the sixth class.

SEC. 7. Section 28028 of the Government Code is amended to read:

28028. Counties containing a population of 650,000 and under 700,000 are counties of the seventh class.

SEC. 8. Section 28029 of the Government Code is amended to read:

28029. Counties containing a population of 600,000 and under 650,000 are counties of the eighth class.

SEC. 9. Section 28030 of the Government Code is amended to read:

28030. Counties containing a population of 558,000 and under 600,000 are counties of the ninth class.

SEC. 10. Section 28031 of the Government Code is amended to read:

28031. Counties containing a population of 500,000 and under 558,000 are counties of the 10th class.

SEC. 11. Section 28032 of the Government Code is amended to read:

28032. Counties containing a population of 450,000 and under 500,000 are counties of the 11th class.

SEC. 12. Section 28033 of the Government Code is amended to read:

28033. Counties containing a population of 400,000 and under 450,000 are counties of the 12th class.

SEC. 13. Section 28034 of the Government Code is amended to read:

28034. Counties containing a population of 370,000 and under 400,000 are counties of the 13th class.

SEC. 14. Section 28035 of the Government Code is amended to read:

28035. Counties containing a population of 300,000 and under 370,000 are counties of the 14th class.

SEC. 15. Section 28036 of the Government Code is amended to read:

28036. Counties containing a population of 290,000 and under 300,000 are counties of the 15th class.

SEC. 16. Section 28037 of the Government Code is amended to read:

28037. Counties containing a population of 260,000 and under 290,000 are counties of the 16th class.

SEC. 17. Section 28038 of the Government Code is amended to read:

28038. Counties containing a population of 250,000 and under 260,000 are counties of the 17th class.

SEC. 18. Section 28039 of the Government Code is amended to read:

28039. Counties containing a population of 205,000 and under 250,000 are counties of the 18th class.

SEC. 19. Section 28040 of the Government Code is amended to read:

28040. Counties containing a population of 200,000 and under 205,000 are counties of the 19th class.

SEC. 20. Section 28041 of the Government Code is amended to read:

28041. Counties containing a population of 190,000 and under 200,000 are counties of the 20th class.

SEC. 21. Section 28042 of the Government Code is amended to read:

28042. Counties containing a population of 185,000 and under 190,000 are counties of the 21st class.

SEC. 22. Section 28043 of the Government Code is amended to read:

28043. Counties containing a population of 160,000 and under 185,000 are counties of the 22nd class.

SEC. 23. Section 28044 of the Government Code is amended to read:

28044. Counties containing a population of 120,000 and under 160,000 are counties of the 23rd class.

SEC. 24. Section 28045 of the Government Code is amended to read:

28045. Counties containing a population of 105,000 and under 120,000 are counties of the 24th class.

SEC. 25. Section 28046 of the Government Code is amended to read:

28046. Counties containing a population of 103,000 and under 105,000 are counties of the 25th class.

SEC. 26. Section 28047 of the Government Code is amended to read:

28047. Counties containing a population of 100,000 and under 103,000 are counties of the 26th class.

SEC. 27. Section 28048 of the Government Code is amended to read:

28048. Counties containing a population of 95,000 and under 100,000 are counties of the 27th class.

SEC. 28. Section 28049 of the Government Code is amended to read:

28049. Counties containing a population of 90,000 and under 95,000 are counties of the 28th class.

SEC. 29. Section 28050 of the Government Code is amended to read:

28050. Counties containing a population of 78,000 and under 90,000 are counties of the 29th class.

SEC. 30. Section 28051 of the Government Code is amended to read:

28051. Counties containing a population of 77,500 and under 78,000 are counties of the 30th class.

SEC. 31. Section 28052 of the Government Code is amended to read:

28052. Counties containing a population of 77,000 and under 77,500 are counties of the 31st class.

SEC. 32. Section 28053 of the Government Code is amended to read:

28053. Counties containing a population of 70,000 and under 77,000 are counties of the 32nd class.

SEC. 33. Section 28054 of the Government Code is amended to read:

28054. Counties containing a population of 60,000 and under 70,000 are counties of the 33rd class.

SEC. 34. Section 28055 of the Government Code is amended to read:

28055. Counties containing a population of 50,000 and under 60,000 are counties of the 34th class.

SEC. 35. Section 28056 of the Government Code is amended to read:

28056. Counties containing a population of 44,000 and under 50,000 are counties of the 35th class.

SEC. 36. Section 28057 of the Government Code is amended to read:

28057. Counties containing a population of 42,000 and under 44,000 are counties of the 36th class.

SEC. 37. Section 28058 of the Government Code is amended to read:

28058. Counties containing a population of 41,800 and under 42,000 are counties of the 37th class.

SEC. 38. Section 28059 of the Government Code is amended to read:

28059. Counties containing a population of 40,000 and under 41,800 are counties of the 38th class.

SEC. 39. Section 28060 of the Government Code is amended to read:

28060. Counties containing a population of 30,000 and under 40,000 are counties of the 39th class.

SEC. 40. Section 28061 of the Government Code is amended to read:

28061. Counties containing a population of 28,000 and under 30,000 are counties of the 40th class.

SEC. 41. Section 28062 of the Government Code is amended to read:

28062. Counties containing a population of 24,000 and under 28,000 are counties of the 41st class.

SEC. 42. Section 28063 of the Government Code is amended to read:

28063. Counties containing a population of 20,000 and under 24,000 are counties of the 42nd class.

SEC. 43. Section 28064 of the Government Code is amended to read:

28064. Counties containing a population of 19,000 and under 20,000 are counties of the 43rd class.

SEC. 44. Section 28065 of the Government Code is amended to read:

28065. Counties containing a population of 18,000 and under 19,000 are counties of the 44th class.

SEC. 45. Section 28066 of the Government Code is amended to read:

28066. Counties containing a population of 17,000 and under 18,000 are counties of the 45th class.

SEC. 46. Section 28067 of the Government Code is amended to read:

28067. Counties containing a population of 15,000 and under 17,000 are counties of the 46th class.

SEC. 47. Section 28068 of the Government Code is amended to read:

28068. Counties containing a population of 14,600 and under 15,000 are counties of the 47th class.

SEC. 48. Section 28069 of the Government Code is amended to read:

28069. Counties containing a population of 14,000 and under 14,600 are counties of the 48th class.

SEC. 49. Section 28070 of the Government Code is amended to read:

28070. Counties containing a population of 13,000 and under 14,000 are counties of the 49th class.

SEC. 50. Section 28071 of the Government Code is amended to read:

28071. Counties containing a population of 12,000 and under 13,000 are counties of the 50th class.

SEC. 51. Section 28072 of the Government Code is amended to read:

28072. Counties containing a population of 11,800 and under 12,000 are counties of the 51st class.

SEC. 52. Section 28073 of the Government Code is amended to read:

28073. Counties containing a population of 11,500 and under 11,800 are counties of the 52nd class.

SEC. 53. Section 28074 of the Government Code is amended to read:

28074. Counties containing a population of 7,500 and under 11,500 are counties of the 53rd class.

SEC. 54. Section 28075 of the Government Code is amended to read:

28075. Counties containing a population of 7,000 and under 7,500 are counties of the 54th class.

SEC. 55. Section 28076 of the Government Code is amended to read:

28076. Counties containing a population of 6,000 and under 7,000 are counties of the 55th class.

SEC. 56. Section 28077 of the Government Code is amended to read:

28077. Counties containing a population of 4,000 and under 6,000 are counties of the 56th class.

SEC. 57. Section 28078 of the Government Code is amended to read:

28078. Counties containing a population of 2,000 and under 4,000 are counties of the 57th class.

SEC. 58. Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code is repealed.

SEC. 59. Chapter 12 (commencing with Section 76000) is added to Title 8 of the Government Code, to read:

CHAPTER 12. COMPENSATION OF GRAND JURORS, TRIAL JURORS AND WITNESSES

76000. For the purpose of regulating the compensation of jurors and witnesses as provided in this chapter, the several counties of the state are classified according to their population, as ascertained and determined in Section 28020.

76001. In a county of the first class, each member of the grand jury shall be allowed ten dollars (\$10) for each day's attendance upon sessions of the grand jury, or for each day's attendance as a member of any committee of the grand jury, even though a full jury quorum of 12 is not present, and mileage, at the rates payable to officers and employees of such county, for each mile actually and necessarily traveled in attending meetings of the grand jury, or any session of a grand

jury committee duly called by the foreman or committee chairman.

76002. In a county of the second class, trial jurors in superior courts and municipal courts shall receive for each day's attendance in court, five dollars (\$5) a day. Grand jurors shall receive for each day's attendance, upon regularly called jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, twenty-five dollars (\$25) a day; provided, that a grand juror shall receive a maximum of not to exceed seventy-five dollars (\$75) for any week. In justice courts in civil cases, jurors shall receive for each day's attendance, three dollars (\$3). In justice courts and in criminal cases jurors shall receive for each day's attendance, three dollars (\$3). Grand jurors and trial jurors in superior courts and municipal courts shall receive twenty cents (\$.20) for each mile actually and necessarily traveled from their residences to the places of service, in going only, mileage to be allowed but once in any one day, during any session of the court where the jurors serve; all other jurors shall receive ten cents (\$.10) per mile. The fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid.

76003. In a county of the third class the fees of the grand jurors are ten dollars (\$10) for each day's attendance and mileage at the rate of ten cents (\$.10) a mile necessarily traveled in attending court, in going and returning.

The fees of trial jurors in the superior courts are the amounts provided by law for each day's attendance and mileage at the rate of fifteen cents (\$.15) a mile for each mile necessarily traveled in attending court, in going only. In criminal cases fees and mileage of trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the court in which the juror was in attendance, and the treasurer of the county shall pay the warrants.

76004. In a county of the fourth class the fees of grand jurors and trial jurors in the superior court and the municipal courts are five dollars (\$5) and mileage at the rate of fifteen cents (\$.15) per mile for each mile necessarily traveled from their residence, in going only, for each day's attendance upon the court or a session or committee meeting of the grand jury and are a charge against the county and paid from county funds unless deposited by litigants or otherwise provided for. Fees of jurors for services rendered in any calendar month are payable on or about the first day of the following month, as certified to by the district attorney as to grand jurors and as certified to by the clerk of the court in which the juror appeared as to trial jurors.

76005. In a county of the fifth class, grand jurors and trial jurors in the superior courts shall receive three dollars (\$3)

for each day's attendance and mileage at the rate of fifteen cents (\$0.15) a mile for each mile necessarily traveled in attending court, in going only. In criminal cases the fees and mileage of trial jurors in the superior court shall be paid out of the general fund of the county on warrants drawn by the county auditor upon the written order of the judge of the court in which the juror was in attendance.

76006. In a county of the sixth class, the fees of grand jurors and trial jurors in the superior court, and trial jurors in the municipal court, in both civil and criminal cases, shall be six dollars (\$6) for each day's attendance upon the court or a session of the grand jury. Notwithstanding any other provisions in law, trial jurors and grand jurors shall not be paid any mileage for travel either coming or going in attending the court or a session of the grand jury. Fees of grand jurors and trial jurors in criminal cases shall be a charge against the county or city and county and shall be paid from county or city and county funds on or about the first day of the following month as certified to by the court. Fees in civil cases, unless otherwise provided for, are to be deposited by the litigants and shall be payable to jurors only for each day's actual service upon a jury.

76007. In a county of the seventh class, jurors' fees shall be as follows: for attending as a grand juror for each day's attendance, including each day's attendance at committee meetings and investigations upon the order of the grand jury, five dollars (\$5); for attending as a juror in the superior court, for each day's attendance, five dollars (\$5). For each mile actually traveled in attending court as a juror, ten cents (\$0.10) shall be allowed; for attending meetings of the grand jury, committee meetings or investigations, necessary expenses and ten cents (\$0.10) for each mile actually traveled. The grand jury may order members to act as committees thereof and to conduct investigations on its behalf.

76008. In a county of the eighth class, the fee for trial jurors for attendance in any court is five dollars (\$5) for each day's attendance and mileage at the rate of fifteen cents (\$0.15) a mile for each mile actually and necessarily traveled in attending upon court, in going only, the mileage to be computed for daily attendance, irrespective of whether the daily attendance covers one or more sessions of court.

For attending as a grand juror for each day's attendance, including each day's attendance at committee meetings and investigations upon the order of the grand jury, jurors shall receive five dollars (\$5). For each mile actually traveled, in going only, in attending court as a juror, meetings of the grand jury, grand jury committee meetings, and in making investigations upon the order of the grand jury, fifteen cents (\$0.15) shall be allowed.

76009. In a county of the ninth class, grand jurors and trial jurors shall receive six dollars (\$6) a day and mileage for each attendance at the rate of ten cents (\$0.10) for each mile

actually traveled. Grand jurors shall also receive as compensation three dollars (\$3) for each day's attendance as a member of any committee of the grand jury called by the secretary or committee of the grand jury or committee chairman and mileage at ten cents (\$0.10) for each mile actually traveled in attending such committee meeting.

76010. In a county of the 10th class, in addition to the fee for trial jurors for attendance in any court otherwise provided for by law the board of supervisors may, by resolution, establish a parking allowance for such trial jurors for parking expense necessarily incurred by them in the performance of their duties as trial jurors. The parking allowance in civil cases shall be deposited and shall be deemed a cost of suit for all purposes and in the same manner as jury fees in such civil cases.

Each grand juror shall receive for each day's attendance, eight dollars (\$8) and for each mile actually and necessarily traveled from his residence to the county seat, in going only, twenty cents (\$0.20) to be allowed but once during each session the juror is required to attend. Each grand juror shall receive for each day's attendance at any committee meeting or session called by a grand jury committee chairman, five dollars (\$5).

76011. In a county of the 11th class, for acting as a grand juror, each juror shall be paid for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, six dollars (\$6) a day and ten cents (\$0.10) for each mile actually traveled in the performance of such duties, together with other actual and necessary expenses. No mileage shall be allowed for traveling outside of the county.

Trial jurors in the superior court, municipal court and justice courts shall receive for each day's required attendance in court, five dollars (\$5), and eight cents (\$0.08) for each mile from their residence to and from the place where the court is held, to be allowed only for each day the jurors are required to and do attend.

The board of supervisors may increase the mileage rates for jurors to rates equal to mileage rates paid to county officers and employees.

76012 In a county of the 12th class, grand jurors and trial jurors in the superior court, municipal court, and justice courts shall receive five dollars (\$5) a day while engaged in the performance of the duties required of them by law, including committee meetings of the grand jury, and mileage at the rate of fifteen cents (\$0.15) per mile one way only.

76013. In a county of the 13th class, for acting as a grand juror for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, each juror shall be allowed five dollars (\$5). For every mile actually traveled as a grand juror in attending court, grand

jury meetings, regularly called committee meetings, or when properly appointed by the foreman of the grand jury to make individual investigations, nine cents (\$0.09) shall be allowed for each mile actually traveled.

76014. In a county of the 14th class, each member of the grand jury shall be allowed six dollars (\$6) for each day's attendance upon sessions of the grand jury, or for each day's attendance as a member of any committee of the grand jury even though a full quorum of the grand jury as a whole be not present, and mileage, at the rate payable to officers and employees of such county, for each mile actually and necessarily traveled in attending meetings of the grand jury which are held within the county, or any session of a grand jury committee duly called by the foreman of the grand jury or chairman of the committee.

For attending as a trial juror, in the superior court for each day's actual attendance, each juror shall be allowed five dollars (\$5), and fifteen cents (\$0.15) for each mile actually traveled in going only.

For attending as a trial juror, in the municipal court for each day's actual attendance, each juror shall be allowed five dollars (\$5), and fifteen cents (\$0.15) for each mile actually traveled in going only.

For attending as a trial juror in criminal cases in justice courts, each juror shall be allowed three dollars (\$3), for each day of actual service as a juror.

The judge of the court shall make an order directing the auditor to draw his warrant in favor of the juror for the per diem and mileage and the treasurer shall pay the warrant.

76015. In a county of the 15th class, for attendance in the superior court each trial juror shall be allowed five dollars (\$5) for each day's attendance, and mileage at the rate of ten cents (\$0.10), for each mile actually and necessarily traveled in attending upon and returning from court, mileage to be computed for daily attendance, irrespective of whether the daily attendance covers one or more sessions of court.

Each member of the grand jury shall be allowed five dollars (\$5) for each day in attendance upon the sessions of the grand jury or for each day's service as a member of any committee of the grand jury and mileage at the rate of ten cents (\$0.10) for each mile actually and necessarily traveled in attendance upon and returning from meetings to the grand jury, or any session of the grand jury committee, duly called by the secretary, or committee chairman.

76016. In a county of the 16th class grand jurors, for each day's attendance including each day's attendance at committee meetings, upon the order of the grand jury, shall receive ten dollars (\$10), trial jurors in the superior court, six dollars (\$6), and trial jurors in the justice court, six dollars (\$6) for each day's attendance; provided, that trial jurors shall receive ten dollars (\$10) per day for each day's attendance if

sitting on the jury at the commencement of trial. In addition, for attending court as a juror, or for attending meetings of the grand jury or its committee meetings, each juror shall receive necessary expenses and ten cents (\$0.10) for each mile actually traveled.

76017. In a county of the 17th class, grand jurors and trial jurors in the superior court and municipal courts shall receive for each day's attendance in court, upon regularly called jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, five dollars (\$5) a day. In justice courts, jurors shall receive for each day's attendance five dollars (\$5). Grand jurors and trial jurors shall receive fifteen cents (\$0.15) for each mile actually and necessarily traveled from their residences to the places of service, in going only, mileage to be allowed but once in any one day, during any session of the court where the jurors serve. The fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid.

76018. In a county of the 18th class, trial jurors shall receive five dollars (\$5) per day.

Each grand juror shall receive five dollars (\$5) per day for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, and eight cents (\$0.08) for each mile actually and necessarily traveled in the performance of such duties.

76019. In a county of the 19th class, the fees for jurors shall be as follows:

For each day's attendance as a trial juror in the superior court, or in a justice court in civil and criminal cases, six dollars (\$6) per day.

For each mile actually and necessarily traveled each day in attending court as a juror and returning therefrom, seven and one-half cents (\$0.075).

For acting as a grand juror each juror shall be paid for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, five dollars (\$5), and ten cents (\$0.10) for each mile actually traveled. A grand juror excused at his own request is not entitled to a per diem fee, but is entitled to mileage, at the rate of ten cents (\$0.10) for each mile actually and necessarily traveled.

76020. In a county of the 20th class, for acting as a grand juror or as a trial juror in the superior, municipal, or justice court, each juror shall be paid five dollars (\$5) for each day's attendance and mileage as allowed county employees traveling on county business for each mile actually traveled. At regularly called grand jury meetings, or committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, grand jurors shall be paid five dollars (\$5) and mileage as allowed county employees traveling on county business for each mile actually traveled.

76021. In a county of the 21st class, each member of the grand jury shall be allowed four dollars (\$4) for each day in attendance upon the sessions of the grand jury or for each day's active and necessary service as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of five cents (\$0.05) a mile for each mile actually and necessarily traveled in attendance upon and returning from meetings of the grand jury or any actual or necessary session of a grand jury committee duly called by the secretary or committee chairman, but no mileage shall be allowed outside of the county. For attending as a trial juror in a criminal action in the superior court, each juror shall receive three dollars (\$3) per day if called but not sworn to try the cause, and four dollars (\$4) per day if called and sworn to try the cause. For attending as a trial juror in a civil action in the superior court, each juror shall receive four dollars (\$4) per day if called but not sworn to try the cause and five dollars (\$5) per day if called and sworn to try the cause. For attending as a trial juror in the justice court for each juror sworn to try the cause, each juror shall receive two dollars (\$2) a day. For each mile actually traveled in attending court as a juror, each juror shall receive seven cents (\$0.07) a mile each way from the place of residence to the court.

76022. In a county of the 22nd class, trial jurors in the superior court shall receive five dollars (\$5) for each day's attendance. In addition, mileage fees shall be allowed trial jurors for attendance in court at the rate of fourteen cents (\$0.14) for each mile traveled one way each day.

Grand jurors shall receive five dollars (\$5) for each day's attendance upon the duly called sessions of the grand jury. In addition, mileage fees shall be allowed grand jurors for attendance at grand jury sessions at the rate of fourteen cents (\$0.14) for each mile traveled one way each day.

76023. In a county of the 23rd class, grand jurors and trial jurors in the superior court shall receive three dollars (\$3) for each day's attendance, and ten cents (\$0.10) for each mile actually and necessarily traveled from their residence to the county seat, in going only, to be allowed but once during each session the jurors are required to attend.

76024. In a county of the 24th class, each juror, for acting as a grand juror for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, shall receive seven dollars (\$7), and ten cents (\$0.10) for each mile actually traveled in the performance of such duties.

Each juror, for acting as a trial juror in criminal or civil cases for each day's attendance for trial, shall receive seven dollars (\$7), and ten cents (\$0.10) for each mile actually and necessarily traveled from their residence to and from the superior court or justice court.

Mileage shall be allowed grand jurors and trial jurors but once for each day they are required to and do attend. No mileage shall be allowed for traveling outside of the county.

76025. In a county of the 25th class, for each day's attendance as a grand juror or a trial juror in the superior court, each juror shall receive three dollars (\$3) a day; and for each mile traveled in attending court as such juror, twelve cents (\$.12), in going only.

A grand juror, when attending as a member of a regularly constituted committee or subcommittee of the grand jury, shall receive the same per diem and mileage as is allowed for attending court.

76026. In a county of the 26th class, grand jurors in the superior court shall receive ten dollars (\$10) for each day's attendance and ten cents (\$.10) for each mile actually traveled in attending court as such jurors. Such per diem and mileage allowance shall be paid to grand jurors for attendance at meetings of committees appointed by the foreman of the grand jury and to grand jurors making individual investigations when such investigations are authorized in writing by the foreman. Trial jurors in the superior court shall receive five dollars (\$5) for the first day's attendance at court and seven dollars (\$7) for each succeeding day's attendance, together with fifteen cents (\$.15) for each mile traveled in attending court as such jurors, one way only.

76027. In a county of the 27th class, the fees of grand jurors are five dollars (\$5) for each day's attendance, and mileage at the rate of fifteen cents (\$.15) for each mile necessarily traveled in attending court, in going only. The fees of trial jurors in the superior courts are five dollars (\$5) for each day's attendance and mileage at the rate of fifteen cents (\$.15) for each mile necessarily traveled in attending court, in going only. The fees of jurors in justice courts are three dollars (\$3) for each day's attendance and mileage at the rate of fifteen cents (\$.15) for each mile necessarily traveled in attending the court, in going only.

In criminal cases the fees and mileage of all trial jurors shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the court in which the jury was in attendance.

The fees of jurors on coroner's juries are two dollars (\$2) for each day's attendance, to be paid out of the general fund of the county upon the presentation and filing with the board of supervisors of a duly verified claim, proper allowance of the claim by the board, and the approval of the coroner.

76028. In a county of the 28th class, grand jurors and trial jurors in the superior court in civil and criminal cases, shall receive as compensation for each day's attendance, per day, five dollars (\$5); and trial jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, twenty-five cents (\$.25); and grand jurors for each mile

actually and necessarily traveled in attendance as such in going only, per mile, fifteen cents (\$0.15).

76029. In a county of the 29th class, grand jurors and trial jurors in the superior court shall receive five dollars (\$5) for each day's attendance, and mileage at the rate of fifteen cents (\$0.15) for each mile necessarily traveled in attending court or in attending sessions of the grand jury, in going only. In criminal actions the fees and mileage of trial jurors shall be paid by the treasurer out of the general funds of the county upon warrants drawn by the auditor, who shall draw the warrants upon the written order of the judge of the superior court in which the jurors were in attendance.

76030. In a county of the 30th class, trial jurors in the superior court and the justice courts shall receive five dollars (\$5) for each day's attendance and ten cents (\$0.10) per mile for each mile necessarily traveled in such attendance. Grand jurors shall receive six dollars (\$6) for each day's attendance on regularly called grand jury meetings and for each day's active and necessary services as a member of any committee appointed by the foreman of the grand jury, and ten cents (\$0.10) per mile for each mile necessarily traveled in attendance on regularly called grand jury meetings and meetings of grand jury committees of which the juror is a member.

76031. In a county of the 31st class, trial jurors in the superior court shall receive six dollars (\$6) for each day's attendance and ten cents (\$0.10) for each mile actually and necessarily traveled for attending upon and returning from court, such mileage to be computed for each day's attendance.

Each member of the grand jury shall be allowed seven dollars (\$7) for each day in attendance upon the sessions of the grand jury or for each day's active and necessary service as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of ten cents (\$0.10) a mile for each mile actually traveled in attendance upon and returning from meetings of the grand jury or any actual or necessary session of a grand jury committee duly called by the secretary or committee chairman, but no mileage shall be allowed outside of the county.

76032. In a county of the 32nd class, grand jurors, for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations shall receive five dollars (\$5) per day and fifteen cents (\$0.15) for each mile actually and necessarily traveled from their residences to the places of service, in going only.

Trial jurors in superior and justice courts, in civil and criminal cases, shall receive compensation and mileage as provided by law; provided, nevertheless, that the fees of all trial jurors in all civil cases shall be paid by the litigants as other costs are paid.

76033. In a county of the 33rd class, trial jurors in the superior court shall receive for each day's attendance, six dol-

lars (\$6). In justice courts, the jurors sworn to try the case shall receive for each day's attendance three dollars (\$3). Each trial juror shall receive mileage at the rate of seven cents (\$0.07) each way for each mile actually traveled in attending court, except that in justice courts mileage shall be allowed only to those jurors sworn to try the case.

Grand jurors shall receive for each day's attendance at regular sessions of the grand jury or of any regularly constituted committee or subcommittee thereof, or when appointed in writing by the foreman of the grand jury to make individual investigations, six dollars (\$6). A juror excused at his own request is not entitled to a per diem fee. Each juror driving his own automobile upon jury business, or in attendance upon meetings of the jury or committees thereof, shall receive mileage at the rate of seven cents (\$0.07) each way for every mile actually and necessarily traveled. Such claims for per diem, for mileage and any incidental expenses incurred by jurors pursuant to the exercise of their official duties (excluding meal expense) shall be paid out of the general fund of the county by the county treasurer upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

76034. In a county of the 34th class, grand jurors and trial jurors in the superior court shall receive six dollars (\$6) for each day's attendance, and twenty cents (\$0.20) for each mile actually and necessarily traveled from their residences to the place of service, in going only, to be allowed but once during any one session of the court or grand jury. Jurors in justice courts and coroner's inquests shall receive three dollars (\$3) for each day's attendance, and twenty cents (\$0.20) for each mile actually and necessarily traveled from their residences to the place of service, in going only. The fees of trial jurors in civil cases shall be paid by the litigants, as other costs are paid.

76035. In a county of the 35th class, grand jurors and trial jurors in the superior court shall receive six dollars and fifty cents (\$6 50) for each day's attendance, and mileage at the rate of fifteen cents (\$0.15) for each mile actually and necessarily traveled from their residences to the county seat, in going only for each and every day a juror is required by law to attend upon the particular duty assigned to him. Fees and mileage shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

76036. In a county of the 36th class, grand jurors and all trial jurors in the superior courts shall receive for each day's attendance six dollars (\$6), and fifteen cents (\$0.15) for each mile actually traveled, in going only. The judge of the court shall make an order directing the auditor to draw his warrant in favor of the juror for the per diem and mileage and the treasurer shall pay the warrant.

76037. In a county of the 37th class, grand jurors and jurors in the superior court shall receive ten dollars (\$10) for each day's attendance and fifteen cents (\$.15) for each mile actually traveled in attending court as a juror, and for attending regularly called grand jury meetings and grand jury committee meetings, one way. Mileage shall be paid for each time a regularly empaneled jury or grand jury is called in separate session.

76038. In a county of the 38th class, for attending as a juror in the superior court, or in the justice courts, each juror shall be paid three dollars (\$3) for each day's attendance upon the court and eight cents (\$.08) a mile for each mile actually traveled each way in attending each day's session of the court.

For serving as a grand juror, each grand juror shall be paid six dollars (\$6) for each day's attendance upon the duly called sessions of the grand jury and the meetings of committees appointed by the foreman of the grand jury and for each day's service when authorized in writing by the foreman to make individual investigations. When using a privately owned automobile, each grand juror shall also be allowed eight cents (\$.08) a mile for each mile actually traveled by him each way in attending each day's sessions of the grand jury and meetings of committees appointed by the foreman of the grand jury and when making individual investigations upon being authorized in writing to make such investigations by the foreman.

The fees and traveling expenses shall be paid out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in the case of grand jurors and jurors attending the superior court, and upon written order of the judge of the court in which the juror was in attendance in the case of jurors attending the justice courts.

76039. In a county of the 39th class, grand jurors and trial jurors in the superior court shall receive five dollars (\$5) for each day's attendance in court, upon regularly called jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, and twenty cents (\$.20) for each mile actually and necessarily traveled from their residences to the places of service, in going only. Trial jurors in the justice court shall receive five dollars (\$5) for each day's attendance and twenty cents (\$.20) for each mile actually and necessarily traveled from their residences to the justice courts, in going only.

76040. In a county of the 40th class, grand jurors shall receive three dollars (\$3) a day for each day's attendance and mileage at the rate of fifteen cents (\$.15) a mile for each mile necessarily traveled in attending court, in going only. Trial jurors in the superior and justice courts shall receive three dollars (\$3) per day for the first day and six dollars (\$6) per

day thereafter during that particular trial, with mileage at the rate of eight cents (\$.08) per mile each way. In criminal cases the fees and mileage of the trial jurors in the superior court shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor on the written order of the judge of the court in which the jurors were in attendance, and the treasurer shall pay the warrants.

76041. In a county of the 41st class, grand jurors shall receive seven dollars (\$7) for each day's attendance and ten cents (\$.10) for each mile actually traveled. Grand jurors shall also receive, with the approval of the judge of the superior court, expenses incurred by them in the performance of their duties. The fees and mileage shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

76042. In a county of the 42nd class, the official reporter of the superior court shall receive as full compensation for taking notes in criminal cases and orders to show cause in domestic relations cases in the superior court, before the grand jury, and for coroner's inquests, a monthly salary of six hundred dollars (\$600) payable out of the county treasury at the same time and in the same manner as the salaries of the county officers are paid. He shall receive as compensation for taking notes when required in civil cases a per diem as provided by law, to be paid by the litigants as the court directs, and for transcription of such notes in civil cases, and in criminal cases on appeal from the superior court, such fees as are provided by law. The compensation for transcriptions in criminal cases on appeal from the superior court shall be audited and allowed upon a written order of the court and paid out of the county treasury, and in civil cases shall be paid by the party ordering the transcript, or when ordered by the judge, by either party, or by both or all parties, as the court directs. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

Grand jurors and jurors in the superior court shall be paid seven dollars (\$7) a day for each day's attendance, and twelve cents (\$.12) per mile each way per each day of service. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror. The auditor shall draw his warrants for the fees and mileage due the juror, and the treasurer shall pay the warrant.

Witnesses when legally required to attend upon the superior court in criminal cases and upon the juvenile court in juvenile court matters, shall be paid six dollars (\$6) a day for each day's actual attendance, and twelve cents (\$.12) for each mile actually traveled. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each witness. The auditor shall draw his warrant for the fees and mileage due the witness, and the treasurer shall pay the warrant.

76043. In a county of the 43rd class, for attending as grand juror or as trial juror, each such juror shall be paid six dollars (\$6) per day for each day's attendance and mileage at the rate of twenty cents (\$0.20) per mile one way.

76044. In a county of the 44th class, grand jurors shall receive six dollars (\$6) for each day's attendance while engaged in the performance of the duties required of them, and ten cents (\$0.10) a mile for the first 500 miles actually traveled, and eight cents (\$0.08) for each mile actually traveled thereafter, during any one month, while acting as such jurors. The judge of the superior court shall make an order directing the auditor to draw his warrant on the treasurer in favor of the juror for the per diem and mileage, and the treasurer shall pay the warrant.

Trial jurors in the superior court shall receive six dollars (\$6) for each day's attendance while engaged in the performance of the duties required of them, and ten cents (\$0.10) a mile for the first 500 miles actually traveled, and eight cents (\$0.08) for each mile actually traveled thereafter, during any one month, while acting as such jurors. The judge of the superior court shall make an order directing the auditor to draw his warrant on the treasurer in favor of the juror for the per diem and mileage, and the treasurer shall pay the warrant.

76045. In a county of the 45th class, grand jurors and trial jurors in the superior court shall receive five dollars (\$5) for each day's attendance, and fifteen cents (\$0.15) for each mile actually and necessarily traveled from their residence to the county seat, to be allowed but once during each session the jurors are required to attend.

76046. In a county of the 46th class, jurors shall receive the following fees and mileage:

For attending as a grand juror or as a trial juror in the superior court, for each day's actual attendance six dollars (\$6), and thirty cents (\$0.30) for each mile actually traveled, in going only; for attending as a trial juror in the justice court, in civil cases only, for each day's actual attendance six dollars (\$6), and thirty cents (\$0.30) for each mile actually traveled, in going only. The fees of jurors shall be paid to them on each day during the period of their attendance, if demanded, and the mileage shall be paid at the time the fee for the first day's attendance is paid.

Any juror who travels seventy-five (75) or more miles, one way, to the courthouse shall be reimbursed for the cost of overnight lodging.

76047. In a county of the 47th class, grand jurors and trial jurors shall receive the following fees and mileage:

(1) Grand jurors and jurors in the superior court shall be paid six dollars (\$6) a day for each day's attendance, and fifteen cents (\$0.15) for each mile actually traveled each way while acting as jurors. The judge of the court shall certify to the auditor the number of days' attendance of each juror and

his mileage. The auditor shall draw his warrant on the treasurer in favor of each juror and the treasurer shall pay the warrant.

(2) Trial jurors in any justice court shall receive four dollars (\$4) for each day's attendance, and fifteen cents (\$.15) for each mile actually traveled each way. The judge of the justice court shall certify to the auditor the number of days' attendance of each juror, and the auditor shall draw his warrant therefor, and the treasurer shall pay the warrant.

Witnesses legally required to appear before the grand jury or the superior court shall receive four dollars (\$4) for each day's attendance, and ten cents (\$.10) per mile for each mile actually traveled each day, in going only.

Witnesses legally required to appear in any justice court or before a coroner's jury shall receive three dollars (\$3) for each day's attendance, and ten cents (\$.10) per mile for each mile actually traveled each day, in going only.

76048. In a county of the 48th class, grand jurors and trial jurors in the superior courts shall receive three dollars and fifty cents (\$3 50) for each day's attendance and seven cents (\$.07) for each mile necessarily traveled each way in attending court. In criminal cases the fees and mileage of the trial jurors in the superior court shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor upon the written order of the judge of the court in which the jurors were in attendance, and the treasurer of the county shall pay the warrants. The fees of jurors in justice courts shall be two dollars and fifty cents (\$2.50) for each day's attendance and mileage at the rate of seven cents (\$.07) a mile each way traveled in attending court.

76049. In a county of the 49th class, grand jurors and trial jurors in the superior court shall receive six dollars (\$6) for each day's attendance, and eight cents (\$.08) for each mile actually traveled for each day's attendance.

76050. In a county of the 50th class, jurors' fees shall be as follows: for each day's attendance as a grand juror five dollars (\$5); for each day's attendance as a trial juror five dollars (\$5). Grand and trial jurors shall receive ten cents (\$.10) for each mile actually traveled each way while serving as such grand or trial juror. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror. The auditor shall draw his warrant therefor and the treasurer shall pay the warrant.

76051. In a county of the 51st class, grand jurors and jurors in the superior court shall receive six dollars (\$6) for each day's attendance, and twenty-five cents (\$.25) for each mile actually traveled, in going only, while acting as such jurors. The court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each juror for the per diem and mileage and the treasurer shall pay the warrant.

76052. In a county of the 52nd class, grand jurors shall receive eight dollars (\$8) per day and such mileage fees as are allowed by law.

Trial jurors shall receive seven dollars (\$7) per day and such mileage fees as are allowed by law.

76053. In a county of the 53rd class, grand jurors shall receive six dollars (\$6), and trial jurors in the superior courts, five dollars (\$5), for each day's attendance and mileage at the rate of twenty-five cents (\$.25) for each mile necessarily traveled in attending court, in going only. In the justice courts the jurors shall receive five dollars (\$5) for each day's attendance and twenty-five cents (\$.25) for each mile necessarily traveled in attending court, in going only. In criminal cases the fees and mileage of jurors shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor upon the written order of the judge of the court in which the jurors were in attendance, and the treasurer shall pay the warrants.

76054. In a county of the 54th class, jurors' fees shall be as follows: for attending as a grand juror or as a trial juror in the superior court in criminal cases, five dollars (\$5) for each day's attendance; for each mile actually traveled in attending upon the superior court, ten cents (\$.10). The grand jurors and trial jurors in criminal cases shall be paid by warrants drawn by the county auditor, issued upon the order of the court, or judge thereof. Jurors who serve in civil actions in the superior court shall receive five dollars (\$5) a day and ten cents (\$.10) a mile for each mile actually traveled to be paid by the party demanding the jury.

76055. In a county of the 55th class, grand jurors shall be paid seven dollars (\$7) a day, and jurors in the superior court shall be paid six dollars (\$6) for each day's attendance. Grand and trial jurors shall receive ten cents (\$.10) for each mile actually traveled each way while serving as such grand or trial juror. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror. The auditor shall draw his warrant for the fees and mileage due the juror, and the treasurer shall pay the warrant.

76056. In a county of the 56th class, jurors' fees shall be as follows: for each day's attendance as a grand juror or trial juror in the superior court ten dollars (\$10), and twenty cents (\$.20) for each mile actually traveled in attending court as such juror, in going only. The county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror. The auditor shall draw his warrant therefor, and the treasurer shall pay the warrant.

76057. In a county of the 57th class, jurors' fees shall be as follows: for each day's attendance as a grand juror or a trial juror in the superior court, six dollars (\$6), and thirty-five cents (\$.35) for each mile actually traveled one way as grand juror or trial juror. The county clerk shall certify to the auditor the number of days' attendance, and the number

of miles traveled by each juror. The auditor shall draw his warrant therefor and the treasurer shall pay the warrant.

76058. In a county of the 58th class, each grand juror shall receive seven dollars (\$7), and each trial juror in the superior court five dollars (\$5) for each day's attendance, and thirty cents (\$.30) for each mile actually traveled one way as such juror. The per diem and mileage of the jurors shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor upon the written order of the judge of the superior court.

SEC. 60. It is the intention of the Legislature in enacting this act to reclassify the counties of the state on the basis of the 1970 federal census. It is not the intention of the Legislature in enacting this act to change the compensation of any person whose compensation it is empowered to regulate, and such compensation shall remain the same as it was on January 1, 1971, except as the Legislature may by law otherwise expressly provide.

SEC. 61. It is not the intention of the Legislature to change the law applicable to any county by reason of its classification. Such law shall continue to remain applicable to such county on the basis of the 1960 federal census, except as the Legislature may by law otherwise expressly provide.

CHAPTER 1205

An act to amend Section 13671 of the Revenue and Taxation Code, relating to inheritance tax.

[Approved by Governor October 21, 1971. Filed with Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 13671 of the Revenue and Taxation Code is amended to read:

13671. Where two or more persons hold property in joint tenancy, or deposit property in a bank or similar depository in their joint names subject to payment to either or the survivor, upon the death of one the right of each survivor to the immediate ownership or possession and enjoyment of the property is a transfer subject to this part to the same extent as though the property had belonged absolutely to the decedent and been devised or bequeathed by him to the survivor, except such part thereof as may be proved by the survivor to have originally belonged to him and never to have been received or acquired by the latter from the decedent for less than an adequate and full consideration in money or money's worth. Where such property or any part thereof, or part of the consideration with which such property was acquired, is shown to have been at any time acquired by the survivor from the decedent for less

than an adequate and full consideration in money or money's worth, there shall be excluded only such part of the value of such property as is proportionate to the consideration furnished by such survivor.

When a husband and wife deposit property in a bank or a savings and loan association in their joint names as joint trustees, and where such trust is revocable by either the husband or wife and is subject to payment to either or the survivor, then for all purposes of this part, upon the death of the first spouse, such property shall be treated in the same manner as if such deposit had been held in their joint names as a joint tenancy account.

CHAPTER 1206

An act to add Sections 5010.2 and 5067 to the Public Resources Code, relating to state park lands.

[Approved by Governor October 21, 1971. Filed with Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5010.2 is added to the Public Resources Code, to read:

5010.2. The department shall not collect from any group of pupils in kindergarten or grades 1 to 12, inclusive, or their escorts, including, but not limited to, teachers, other supervisory personnel, and busdrivers, any fee, rental or other return for the use of any unit in the state park system, except Hearst San Simeon State Historic Monument, which would otherwise be collectible pursuant to Section 5010, when the group is visiting the area pursuant to a school outing or field trip under the direction of school personnel and has made prior arrangements with the department either through reservation or contact with the department's historical unit manager.

This section shall apply to both public and private schools located in the state.

It is the intent of the Legislature that this section applies to the day use of units in the state park system unless the Director of Parks and Recreation authorizes overnight camping by those groups designated in this section.

SEC. 2. Section 5067 is added to the Public Resources Code, to read:

5067. Notwithstanding any other provision of law, the department may extend for a period not to exceed 25 years the existing agreement, dated March 30, 1950, between the State of California and the San Diego County Council, Boy Scouts of America, successor in interest to the Cuyamaca Rancho Camp Association, Inc., for the use of a portion of Cuyamaca Rancho State Park, as a recreational playground and camp,

upon such terms and conditions determined to be in the best interests of the state. Any agreement so extended shall be subject to approval by the Director of General Services pursuant to Section 11005.2 of the Government Code.

CHAPTER 1207

An act to amend Section 21669.4 of the Public Utilities Code, relating to airports.

[Approved by Governor October 21, 1971 Filed with
Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 21669.4 of the Public Utilities Code is amended to read:

21669.4. (a) The violation of the noise standards of any aircraft shall be deemed a misdemeanor and the operator thereof shall be punished by a fine of one thousand dollars (\$1,000) for each infraction.

(b) It shall be the function of the county wherein an airport is situated to enforce the noise regulations established by the department. To this end, the operator of an airport shall furnish to the enforcement authority designated by the county the information required by the department's regulations to permit the efficient enforcement thereof. The operator of each airport shall reimburse the county for its costs of implementing the airport noise regulations contained in Article 8 (commencing with Section 5050) of subchapter 6 of Title 4 of the California Administrative Code, which shall, for purposes of subdivision (c), credit the operator for any amounts received from penalties assessed for violations at such airport. Upon request of the operator, the department shall review and shall determine the reasonableness of such costs, and such costs may be considered in fixing any airport user fees.

(c) Penalties assessed for the violation of the noise regulations shall be used first to reimburse the General Fund for the amount of any money appropriated to carry out the purposes for which the noise regulations are established, and second be used in the enforcement of the noise regulations at participating airports.

CHAPTER 1208

An act to add Section 24206 to the Education Code, relating to the California State Colleges.

[Approved by Governor October 21, 1971 Filed with
Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 24206 is added to the Education Code, to read:

24206. The trustees, subject to such conditions as they may impose, may establish a program of motor vehicle liability and automobile insurance with respect to any class of their employees they may designate or with respect to all such employees, with any insurer or insurers, insurance broker or brokers, or insurance agent or agents, they may select, provided that all applicable provisions of the Insurance Code relating to any such insurance, or to the qualifications of the insurer, broker, or agent, are satisfied. The premiums of such a program of insurance shall be borne by the employees participating therein.

CHAPTER 1209

An act relating to a certain agreement entered into by the Orange County Harbor District and the Avco Community Developers, Inc., and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 21, 1971. Filed with Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby approves and ratifies that certain agreement dated September 22, 1971, entered into by and between the Orange County Harbor District and the Avco Community Developers, Inc., pursuant to which the Orange County Harbor District shall acquire fee title to certain beaches and parking areas, and right of access to such beaches, located within the County of Orange and described in such agreement. In consideration for the Avco Community Developers, Inc., conveying to the Orange County Harbor District the described beaches, parking areas, and access to such beaches, any rights which the public may have acquired by prescription, or otherwise, in the real property of the Avco Community Developers, Inc., described in such agreement, other than the property being conveyed, are hereby released to the Avco Community Developers, Inc. The real property is described as follows:

Those portions of Sections 16, 21 and 22 of Township 8 South, Range 8 West, S.B.M. in the County of Orange, State of California, as per the Official Plat of said land filed in the District Land Office on April 12, 1875, bounded Northeasterly by the Southwesterly line of Pacific Coast Highway, 100.00 feet wide, as shown on map filed in Book 89 page 40 of Records

of Surveys of said County, bounded Northwesterly by the Southeasterly line of Rancho Niguél as shown on map filed in Book 89 page 17 of Records of Surveys of said County, bounded Southerly by the Southerly boundary of said map filed in Book 89 page 17 of Records of Surveys, and bounded Southwesterly by the mean high tide line of the Pacific Ocean.

This approval by the Legislature shall not be effective until such time as the agreement has been approved by the State Lands Commission and the Orange County Board of Supervisors. Prior to granting any such approval, the State Lands Commission shall seek the advice of the Attorney General, who shall render a report analyzing the need for the agreement, the rights of the public, if any, surrendered thereby, the privileges to the public acquired thereby, and the terms contained in the agreement and their legal effect, and making his recommendation to the commission. Any such report shall be made available to the public by the commission. The State Lands Commission and the Orange County Board of Supervisors shall not approve the agreement unless and until the State Lands Commission and the board of supervisors have separately conducted at least one public hearing in Orange County and have made a finding that such agreement is in the best interests of the public. Neither the State of California, nor any political subdivision thereof, shall prosecute any action to perfect prescriptive rights which the public may have acquired in the real property owned by the Avco Community Developers, Inc., and described in such agreement.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health and safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Avco Community Developers, Inc., is presently attempting to develop coastal lands owned by it and upon which the public contends it may have acquired by prescription or otherwise access or other rights which could only be perfected by legal action. The Avco Community Developer Inc., by agreement with the Orange County Harbor District, is conveying fee title to certain beaches and parking areas, and rights of access to such beaches, on the terms and conditions set forth in the agreement referred to in Section 1 hereof, in exchange for the release by the public of any such access and other rights which may have been acquired by prescription or otherwise. In order to avoid costly litigation, permit the orderly development of the lands involved, and to permit the early use by the public thereof without the substantial delay which would otherwise occur, and to protect the public's rights with respect to the use of the beaches and adjoining areas, it is necessary that this act take effect immediately.

CHAPTER 1210

An act to amend Sections 232, 1300, 1301, 1304, 4700, and 4801 of the Civil Code, and to amend Sections 904.1 and 917.7 of, and to add Section 397.5 to, the Code of Civil Procedure, relating to family law.

[Approved by Governor October 21, 1971. Filed with Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 232 of the Civil Code is amended to read:

232. An action may be brought for the purpose of having any person under the age of 21 years declared free from the custody and control of either or both of his parents when such person comes within any of the following descriptions:

(a) Who has been left without provision for his identification by his parent or parents or by others or has been left by both of his parents or his sole parent in the care and custody of another without any provision for his support, or without communication from such parent or parents, for a period of six months with the intent on the part of such parent or parents to abandon such person. Such failure to provide identification, failure to provide, or failure to communicate for a period of six months shall be presumptive evidence of the intent to abandon. Such person shall be deemed and called a person abandoned by the parent or parents abandoning him. If in the opinion of the court the evidence indicates that such parent or parents have made only token efforts to support or communicate with the child, the court may declare the child abandoned by such parent or parents.

The fact that a child is in a foster care home, licensed under subdivision (a) of Section 16000 of the Welfare and Institutions Code, shall not prevent a licensed adoption agency which is planning adoption placement for the child, from instituting, under this subdivision, an action to declare such child free from the custody and control of his parents. When the requesting agency is a licensed county adoption agency, the county counsel and if there is no county counsel, the district attorney shall institute such action.

(b) Who has been cruelly treated or neglected by either or both of his parents, if such person has been a dependent child of the juvenile court, and such parent or parents deprived of his custody for the period of one year prior to the filing of a petition praying that he be declared free from the custody and control of such cruel or neglectful parent or parents.

(c) Whose parent or parents are habitually intemperate, or morally depraved, if such person has been a dependent child of the juvenile court, and the parent or parents deprived of his custody because of such intemperance, or moral depravity,

for the period of one year continuously immediately prior to the filing of the petition praying that he be declared free from the custody and control of such habitually intemperate or morally depraved parent or parents.

(d) Whose parent or parents are deprived of their civil rights due to the conviction of a felony, if the felony of which such parent or parents were convicted is of such nature as to prove the unfitness of such parent or parents to have the future custody and control of the child, or if any term of sentence of such parent or parents is of such length that the child will be deprived of a normal home for a period of years.

(e) Whose parent or parents have been declared by a court of competent jurisdiction to be mentally deficient or mentally ill, if the State Director of Mental Hygiene and the superintendent of the state hospital of which, if any, such parent or parents are inmates or patients certify that such parent or parents so declared to be mentally deficient or mentally ill will not be capable of supporting or controlling the child in a proper manner.

(f) Whose parent or parents are, and will remain incapable of supporting or controlling the child in a proper manner because of mental deficiency or mental illness, if there is testimony to this effect from two medical examiners certified under Section 6750 of the Welfare and Institutions Code. The parent or parents shall be cited to be present at the hearing, and if he or they have no attorney, the judge shall appoint an attorney or attorneys to represent the parent or parents and fix the compensation to be paid by the county for such services, if he determines the parent or parents are not financially able to employ counsel.

A licensed adoption agency may institute under this section, an action to declare a child, as described in this section, free from the custody and control of his parents. When the requesting agency is a licensed county adoption agency, the county counsel, or if there is no county counsel, the district attorney shall in a proper case institute such action.

SEC. 2. Section 1300 of the Civil Code is amended to read:

1300. Following the entry of a judgment decreeing legal separation of the parties or an interlocutory judgment of dissolution of a marriage, each spouse may execute and acknowledge in the same manner as a grant of real property is acknowledged, a declaration of a married person's separate homestead from the separate property of the spouse so declaring same, or from any property awarded to such spouse by said judgment.

SEC. 3. Section 1301 of the Civil Code is amended to read:

1301. The declaration must contain:

(1) A statement that the declarant is a married person, and that there is in existence a judgment decreeing legal separation of the parties or an interlocutory judgment of dissolution of the marriage between declarant and his or her spouse.

(2) A statement showing that declarant is the head of a family, as defined in this chapter, if such is the case.

(3) The matters required by the second and third subdivisions of Section 1263, and in addition thereto may contain the statement and affidavit provided for by subdivision 4 of said section, with like effect as therein provided.

SEC. 4. Section 1304 of the Civil Code is amended to read:

1304. When a homestead has been declared under this chapter by a married person following the entry of an interlocutory judgment of dissolution of a marriage upon property awarded to such person by such judgment, a subsequent reconciliation of the parties when evidenced by a dismissal of such dissolution action executed by both parties or their attorneys of record shall transform such homestead into a joint protection homestead, which shall thereafter have the force and effect of a homestead selected under Chapter 2 of this title. If each such married person has selected a homestead under this chapter, and such a dismissal has been filed after reconciliation, one of the homesteads must be abandoned or the exemption under each shall be reduced by one-half.

SEC. 5. Section 4700 of the Civil Code is amended to read:

4700. (a) In any proceeding where there is at issue the support of a minor child, the court may order either or both parents to pay any amount necessary for the support, maintenance, and education of the child. Upon a showing of good cause, the court may order the parent or parents required to make such payment of support to give reasonable security therefor. Any order for child support may be modified or revoked as the court may deem necessary, except as to any amount that may have accrued prior to the date of the filing of the notice of motion or order to show cause to modify or revoke. The order of modification or revocation may be made retroactive to the date of the filing of the notice of motion or order to show cause to modify or revoke, or to any date subsequent thereto.

(b) When a court orders a person to make specified payments for support of a child during the child's minority, or until such child is married or otherwise emancipated, the liability of such person terminates upon the happening of such contingency. If the custodial parent or other person having physical custody of the child, to whom payments are to be made, fails to notify the person ordered to make such payments, or the attorney of record of such person, of the happening of such contingency, and continues to accept support payments, such person must refund any and all moneys received which accrued after the happening of such contingency, except that such overpayments must first be applied to any and all support payments which are then in default. The court may, in the original order for support, order the custodial parent or other person to whom payments are to be made to notify the person ordered to make such payments, or his attorney of record, of the happening of such contingency.

(e) In the event obligations for support of a child are discharged in bankruptcy, the court may make all proper orders for the support, maintenance and education of such child, as the court may deem just.

SEC. 6. Section 4801 of the Civil Code is amended to read:

4801. (a) In any judgment decreeing the dissolution of a marriage or a legal separation of the parties, the court may order a party to pay for the support of the other party any amount, and for such period of time, as the court may deem just and reasonable having regard for the circumstances of the respective parties, including the duration of the marriage, and the ability of the supported spouse to engage in gainful employment without interfering with the interests of the children of the parties in the custody of such spouse. The court may order the party required to make such payment of support to give reasonable security therefor. Any order for support of the other party may be modified or revoked as the court may deem necessary, except as to any amount that may have accrued prior to the date of the filing of the notice of motion or order to show cause to modify or revoke. The order of modification or revocation may be made retroactive to the date of filing of the notice of motion or order to show cause to modify or revoke, or to any date subsequent thereto.

(b) Except as otherwise agreed by the parties in writing, the obligation of any party under any order or judgment for the support and maintenance of the other party shall terminate upon the death of either party or the remarriage of the other party.

(c) Except as otherwise agreed by the parties in writing, the court may, upon petition of either party, modify or revoke any decree or judgment granting any allowance to the other party upon proof that the wife is living with another man and holding herself out as his wife, although not married to such man, or that the husband is living with another woman and holding himself out as her husband, although not married to such woman, except as to any amount that may have accrued prior to the filing of the petition.

(d) When a court orders a person to make specified payments for support of the other party for a contingent period of time, the liability of such person terminates upon the happening of such contingency. If the party to whom payments are to be made fails to notify the person ordered to make such payments, or the attorney of record of such person, of the happening of such contingency and continues to accept support payments, such party shall refund any and all moneys received which accrued after the happening of such contingency, except that such overpayments shall first be applied to any and all support payments which are then in default. The court may, in the original order for support, order the party to whom payments are to be made to notify the person ordered to make such payments, or his attorney of record, of the happening of such contingency.

(e) An order for payment of an allowance for the support of one of the parties shall terminate at the end of the period specified in the order and shall not be extended unless the court in its original order retains jurisdiction.

SEC. 7. Section 397.5 is added to the Code of Civil Procedure, to read:

397.5. In any enforcement or modification proceedings after a final judgment under the Family Law Act, Part 5 (commencing with Section 4000) of Division 4 of the Civil Code, when it appears that both petitioner and respondent have moved from the county rendering the decree, the court may, when the ends of justice and the convenience of the parties would be promoted by the change, order that the proceedings be transferred to the county of residence of either party.

SEC. 8. Section 904.1 of the Code of Civil Procedure is amended to read:

904.1. An appeal may be taken from a superior court in the following cases:

(a) From a judgment, except (1) an interlocutory judgment, other than as provided in subdivisions (h), (i) and (j), (2) a judgment of contempt which is made final and conclusive by Section 1222, or (3) a judgment on appeal from a municipal court or a justice court or a small claims court.

(b) From an order made after a judgment made appealable by subdivision (a).

(c) From an order granting a motion to quash service of summons or granting a motion to stay or dismiss the action on the ground of inconvenient forum.

(d) From an order granting a new trial or denying a motion for judgment notwithstanding the verdict.

(e) From an order discharging or refusing to discharge an attachment.

(f) From an order granting or dissolving an injunction, or refusing to grant or dissolve an injunction.

(g) From an order appointing a receiver.

(h) From an interlocutory judgment, order, or decree, hereafter made or entered in an action to redeem real or personal property from a mortgage thereof, or a lien thereon, determining such right to redeem and directing an accounting.

(i) From an interlocutory judgment in an action for partition determining the rights and interests of the respective parties and directing partition to be made.

(j) From an interlocutory judgment of dissolution of marriage.

(k) From an order or decree made appealable by the provisions of the Probate Code.

SEC. 9. Section 917.7 of the Code of Civil Procedure is amended to read:

917.7. The perfecting of an appeal shall not stay proceedings as to those provisions of a judgment or order which award, change or otherwise affect the custody, including the right of visitation, of a minor child in any civil action, in an

action filed under the Juvenile Court Law, or in a special proceeding, or the provisions of a judgment or order for the temporary exclusion of a party from the family dwelling or the dwelling of the other party, as provided in Section 5102 of the Civil Code; provided, the trial court may in its discretion stay execution of such provisions pending review on appeal or for such other period or periods as to it may appear appropriate; provided further, that in the absence of a writ or order of a reviewing court providing otherwise, the provisions of such judgment or order allowing, or eliminating restrictions against, removal of the minor child from the state are stayed by operation of law for a period of 30 days from the entry of the judgment or order and are subject to any further stays ordered by the trial court, as herein provided.

SEC. 10. Section 4801 of the Civil Code is amended to read:

4801. (a) In any judgment decreeing the dissolution of a marriage or a legal separation of the parties, the court may order a party to pay for the support of the other party any amount, and for such period of time, as the court may deem just and reasonable having regard for the circumstances of the respective parties, including the duration of the marriage, and the ability of the supported spouse to engage in gainful employment without interfering with the interests of the children of the parties in the custody of such spouse. The court may order the party required to make such payment of support to give reasonable security therefor. Any order for support of the other party may be modified or revoked as the court may deem necessary, except as to any amount that may have accrued prior to the date of the filing of the notice of motion or order to show cause to modify or revoke. The order of modification or revocation may be made retroactive to the date of filing of the notice of motion or order to show cause to modify or revoke, or to any date subsequent thereto.

(b) Except as otherwise agreed by the parties in writing, the obligation of any party under any order or judgment for the support and maintenance of the other party shall terminate upon the death of either party or the remarriage of the other party.

(c) When a court orders a person to make specified payments for support of the other party for a contingent period of time, the liability of such person terminates upon the happening of such contingency. If the party to whom payments are to be made fails to notify the person ordered to make such payments, or the attorney of record of such person, of the happening of such contingency and continues to accept support payments, such party shall refund any and all moneys received which accrued after the happening of such contingency, except that such overpayments shall first be applied to any and all support payments which are then in default. The court may, in the original order for support, order the party to whom payments are to be made to notify the person ordered

to make such payments, or his attorney of record, of the happening of such contingency.

(d) An order for payment of an allowance for the support of one of the parties shall terminate at the end of the period specified in the order and shall not be extended unless the court in its original order retains jurisdiction.

SEC. 11. (a) It is the intent of the Legislature, if this bill and Assembly Bill No. 389 are both chaptered and amend Section 4801 of the Civil Code, and this bill is chaptered after Assembly Bill No. 389, that the amendments to Section 4801 proposed by both bills be given effect and incorporated in Section 4801 in the form set forth in Section 10 of this act. Therefore, Section 10 of this act shall become operative only if this bill and Assembly Bill No. 389 are both chaptered, both amend Section 4801, and Assembly Bill No. 389 is chaptered before this bill, in which case Section 6 of this act shall not become operative.

(b) It is the intent of the Legislature that if Section 10 of this act becomes operative that Section 2 of Assembly Bill No. 389 be operative to express the intention of the Legislature in deleting subdivision (c) of Section 4801 of the Civil Code by the amendments made by Section 10 of this act.

CHAPTER 1211

An act to amend Sections 31701, 37207, and 72094 of, and to add Sections 31701.5, 31701.6, 37212, 37213, 72100, and 72101 to, the Water Code, relating to water districts.

[Approved by Governor October 21, 1971. Filed with Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 31701 of the Water Code is amended to read:

31701. If a district has no revenue or if the revenues of the district are, or in the judgment of the board of directors are likely to be, inadequate to pay the interest on or principal of any bonded debt as it becomes due, or any other expenses or claims against the district, or if there are delinquent and unpaid charges, as defined in subdivision (e), outstanding, the board of directors shall, annually, on or before August 1st, furnish to the board of supervisors and to the auditor of each county, respectively, in writing:

(a) An estimate of the minimum amount of money required to be raised by taxes in the county for the payment of its proportion of the amount required to pay the principal of or interest on any bonded debt of the district or of an improvement district therein as it becomes due.

(b) A description of the improvement district benefited by the purposes of the bonded debt as stated in the resolution declaring the necessity to incur the bonded indebtedness, or, if the whole district was benefited by incurring it, a statement of that fact.

(c) An estimate of the minimum amount of money required to be raised by taxes in the county for the payment of its proportion of the amount required to meet all the charges, claims, expenditures and expenses, other than a bonded debt, of each improvement district created in the county pursuant to this division, together with a description of each such improvement district as determined by resolution of the board.

(d) An estimate of the minimum amount of money required to be raised by taxes in the county for the payment of its proportion of the amount required by the district for other expenses and claims against it.

(e) A statement of any delinquent and unpaid charges for water and other services, or either, requested in writing by the owner of the property that remain delinquent and unpaid for 60 days or more on July 1st.

SEC. 2. Section 31701.5 is added to the Water Code, to read:

31701.5. The amount of any charges for water and other services or either included in the statement of delinquent and unpaid charges pursuant to subdivision (e) of Section 31701 shall be added to and become a part of the annual taxes next levied upon the property upon which the water for which the charges are unpaid was used and upon the property subject to the charges for any other district services and shall constitute a lien on that property as of the same time and in the same manner as does the tax lien securing such annual taxes. The county shall deduct from the charges collected an amount sufficient to compensate the county for costs incurred in collecting such delinquent and unpaid charges. The amount of such compensation shall be fixed by agreement between the board of supervisors and the district's board of directors.

SEC. 2.5. Section 31701.6 is added to the Water Code, to read:

31701.6. A district shall notify the holder of title to land whenever delinquent and unpaid charges for water and other services or either which could become a lien on such property pursuant to Section 31701.5 remain delinquent and unpaid for 60 days.

SEC. 3. Section 37207 of the Water Code is amended to read:

37207. The board of supervisors annually at the time of levying county taxes shall levy an ad valorem assessment upon all lands within that portion of the district within the county sufficient to raise the amount stated in the estimate of the district board and shall levy an additional assessment against those lands upon which there are unpaid charges for water and other services as provided in Section 37212.

SEC. 4. Section 37212 is added to the Water Code, to read:
37212. If any charges for water and other services, or either, remain delinquent and unpaid for 60 days or more on July 1st, the district board may, by resolution, order the secretary to do each of the following:

(a) Prepare a list of the parcels of land upon which water and other services, or either, requested in writing by the owner of the property, was used, and for which the charges remain unpaid.

(b) Certify that such list is true and correct.

(c) Submit such list of unpaid charges and parcels to the county auditor no later than five days after the estimate of the district board was furnished pursuant to Section 37206.

Upon receipt by the county auditor of such list and a certified copy of such resolution, the amount of the unpaid charges attributed to each parcel mentioned in such list shall constitute a special assessment against such parcel, and shall be a lien on that property for such amount. Such lien attaches upon recordation in the office of the county recorder of the county in which the property is situated of a certified copy of such resolution of the district board, with a certified copy of such list attached thereto. The assessment shall be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are collected, and shall be subject to the same penalties, and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to such assessment.

The county shall deduct from the charges collected an amount sufficient to compensate the county for costs incurred in collecting such delinquent and unpaid charges. The amount of such compensation shall be fixed by agreement between the board of supervisors and the district's board of directors.

SEC. 5. Section 37213 is added to the Water Code, to read:

37213. A district which has elected pursuant to Section 37203 to proceed under this part shall notify the holder of title to land whenever delinquent and unpaid charges for water and other services or either which could become a lien on such property pursuant to Section 37212 remain delinquent and unpaid for 60 days.

SEC. 6. Section 72094 of the Water Code is amended to read:

72094. On or before the third Monday in August, the board shall certify to the board of supervisors and county auditor the tax rate or rates fixed for the district and shall furnish a statement in writing containing the following:

(a) An estimate of the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal of and interest on any bonded debt of the district, or of an improvement district therein, that will become due before the proceeds of a tax levied at the next general tax levy will be available.

(b) An estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the district.

(c) A statement of any delinquent and unpaid charges for water and other services, or either, requested in writing by the owner of the property that remain delinquent and unpaid for 60 days or more on July 1st.

SEC. 7. Section 72100 is added to the Water Code, to read:
72100. The amount of any charges for water and other services or either included in the statement of delinquent and unpaid charges pursuant to subdivision (c) of Section 72094 shall be added to and become a part of the annual taxes next levied upon the property upon which the water for which the charges are unpaid was used and upon the property subject to the charges for any other district services and shall constitute a lien on that property as of the same time and in the same manner as does the tax lien securing such annual taxes. The county shall deduct from the charges collected an amount sufficient to compensate the county for costs incurred in collecting such delinquent and unpaid charges. The amount of such compensation shall be fixed by agreement between the board of supervisors and the district's board of directors.

SEC. 8. Section 72101 is added to the Water Code, to read:
72101. A district shall notify the holder of title to land whenever delinquent and unpaid charges for water and other services or either which could become a lien on such property pursuant to Section 72100 remain delinquent and unpaid for 60 days.

CHAPTER 1212

An act to amend Sections 600 and 2382 of, to add Sections 4008.5 and 25763 to, the Business and Professions Code, and to add Article 3 (commencing with Section 3230) to Chapter 4 of Division 4 of the Health and Safety Code, relating to venereal disease.

[Approved by Governor October 21, 1971. Filed with Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 600 of the Business and Professions Code is amended to read:

600. Except as provided in Article 3 (commencing with Section 3230) of Chapter 4 of Division 4 of the Health and Safety Code and Sections 4008.5 and 25763, it is unlawful for any person, firm, corporation or association, except boards of health or agencies approved by the State Department of Public Health, to post or otherwise exhibit or distribute in any manner whatsoever in any place, any advertising or other printed matter concerning venereal diseases, lost manhood, lost vitality,

impotency, seminal emissions, self-abuse, varicocele, or excessive sexual indulgence, and calling attention to any medicine, device, compound, treatment or preparation that may be used therefor.

Any person violating the provisions of this section shall upon conviction therefor be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment.

SEC. 2. Section 2382 of the Business and Professions Code is amended to read:

2382. Except as provided in Article 3 (commencing with Section 3230) of Chapter 4 of Division 4 of the Health and Safety Code and Sections 4008.5 and 25763, advertising, announcing or stating directly, indirectly, or in substance, by any sign, car, newspaper, advertisement or other written or printed sign or advertisement, that the holder of any certificate or any other person, company, or association by which he is employed or in whose service he is, will cure or attempt to cure, or will treat, any venereal disease, or will cure or attempt to cure or treat any person or persons for any sexual disease, for lost manhood, sexual weakness, or sexual disorder or any disease of the sexual organs, or being employed by, or being in the service of, any person, firm, association, or corporation so advertising, announcing or stating constitutes, unprofessional conduct within the meaning of this chapter.

SEC. 3. Section 4008.5 is added to the Business and Professions Code, to read:

4008.5. The board shall do all of the following:

(a) At the time of issuing or renewing a permit, advise the person to whom the permit is being issued or renewed that venereal disease information material is available, and encourage such person to distribute such material upon request.

(b) Distribute samples of such material to pharmacies.

SEC. 4. Section 25763 is added to the Business and Professions Code, to read:

25763. The department shall, at the time of issuing or renewing an on-sale license, advise the person to whom the license is being issued or renewed that venereal disease information is available, and encourage such person to distribute such material upon request.

SEC. 5. Article 3 (commencing with Section 3230) is added to Chapter 4 of Division 4 of the Health and Safety Code, to read:

Article 3. Information on Venereal Disease Materials

3230. The department shall develop and prepare posters and leaflets which inform the public of venereal disease and make such posters and leaflets available to the Department of Alcoholic Beverage Control and to the California State Board of Pharmacy for distribution.

The department may determine the size, shape, and materials of such posters and leaflets so as to adequately fulfill the purposes of this article.

SEC. 6. This act shall become operative July 1, 1972.

CHAPTER 1213

An act to amend Sections 3702, 3720, 3724, 3725, 3726, 3727, 3728, 3729, 3735, 3737, 3738, and 3756 of, and to add Sections 3724.1, 3724.2, 3724.3, and 3724.4 to, the Public Resources Code, relating to geothermal resources.

[Approved by Governor October 21, 1971. Filed with Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 3702 of the Public Resources Code is amended to read:

3702. For the purposes of this chapter, "geothermal resources area" means the same general surface area which is underlaid, or reasonably appears to be underlaid, by geothermal resources.

SEC. 2. Section 3720 of the Public Resources Code is amended to read:

3720. For the purposes of this chapter, the state may be divided into one or more districts, the boundaries of which shall be fixed by the director.

SEC. 3. Section 3724 of the Public Resources Code is amended to read:

3724. The owner or operator of any well, before commencing the original drilling of a well or the redrilling of an abandoned well, shall file with the supervisor or the district deputy a written notice of intention to commence drilling, accompanied by the fee prescribed by this section. Drilling shall not commence until approval is given by the supervisor or the district deputy. If the supervisor or the district deputy fails to give the owner or operator written response to the notice within 10 working days, such failure shall be considered as an approval of the notice and the notice shall, for the purposes and intents of this chapter, be deemed a written report of the supervisor. The notice shall contain the following:

(a) The location and elevation of the floor of the proposed derrick.

(b) The number or other designation by which the well shall be known. Such number or designation shall be subject to the approval of the supervisor.

(c) The owner's or operator's estimate of the depths between which production will be attempted.

(d) Such other pertinent data as the supervisor may require on the printed forms to be supplied by the Division of Oil and Gas, or on forms acceptable to the supervisor.

After the completion of any well the provisions of this section, other than the requirement of the payment of the fee, shall also apply, as far as may be, to the deepening or redrilling of the well, or any operation involving the plugging of the well, or any operations permanently altering in any manner the casing of the well. The number or designation by which any well heretofore drilled has been known, and the number or designation specified for any well in a notice filed as required by this section, shall not be changed without first obtaining a written consent of the supervisor.

The fee required to be filed for the drilling of a new well or the redrilling of an abandoned well, shall be twenty-five dollars (\$25), two hundred dollars (\$200), five hundred dollars (\$500), or one thousand dollars (\$1,000), to be determined by the supervisor with the concurrence of the Geothermal Resources Board based on the estimated cost of supervising geothermal resources operations.

All moneys received under this chapter shall be deposited in the Petroleum and Gas Fund to the credit of an account to be known as the geothermal resources account which is hereby appropriated for the purposes of this chapter.

SEC. 4. Section 3724.1 is added to the Public Resources Code, to read:

3724.1. An owner or operator may submit to the supervisor for approval a written program to drill a shallow well or wells for geothermal observation purposes. In order to qualify under this section, a program shall contain not more than 25 wells and the maximum total depth of each of these wells shall not exceed 250 feet. Each program submitted for approval shall include:

- (a) Well numbers.
- (b) Well locations and elevations.
- (c) Geologic interpretation of the area under investigation, including any known or inferred temperature data.

(d) Such other data as may be required by the supervisor.

The fee required to be filed for the drilling of these shallow wells shall be twenty-five dollars (\$25) per well or two hundred dollars (\$200) per program, whichever is the lesser.

SEC. 5. Section 3724.2 is added to the Public Resources Code, to read:

3724.2. If, after study by the supervisor, it is determined that one or all of the wells proposed pursuant to Section 3724.1 require additional supervision, the supervisor may require that a proposal for such well or wells be submitted in compliance with all the provisions of Section 3724.

SEC. 6. Section 3724.3 is added to the Public Resources Code, to read:

3724.3. Drilling of program wells, as described in Section 3724.1, shall not commence until approval is given by the supervisor or the district deputy. If the supervisor or the district deputy fails to give the owner or operator written response to the program within 10 working days, such failure shall be considered as an approval of the program and the program shall, for the purposes and intents of this chapter, be deemed a written report of the supervisor.

SEC. 7. Section 3724.4 is added to the Public Resources Code, to read:

3724.4. The proposal, and all other data submitted as required by Sections 3724.1, 3724.2, and 3724.3, shall be maintained in a confidential status as provided for in Section 3752.

SEC. 8. Section 3725 of the Public Resources Code is amended to read:

3725. Every person who engages in the drilling, redrilling, or deepening of any well shall file with the supervisor an indemnity bond in the sum of five thousand dollars (\$5,000) for each well drilled, redrilled, or deepened. The bond shall be filed with the supervisor at the time of the filing of the notice of intention to drill, redrill, or deepen provided for in Section 3724 or 3724.1. The bond shall be executed by such person, as principal, and by an authorized surety company, as surety, conditioned that the principal named in the bond shall faithfully comply with all the provisions of this chapter, in drilling, redrilling, deepening, maintaining, or abandoning any well or wells covered by the bond, and shall secure the state against all losses, charges, and expenses incurred by it to obtain such compliance by the principal named in the bond.

The condition of the bond shall be stated in substantially the following language:

“If said -----, the above bounden principal, shall well and truly comply with all the provisions of Chapter 4 (commencing with Section 3700) of Division 3 of the Public Resources Code and shall obey all lawful orders of the State Oil and Gas Supervisor, or his district deputy or deputies, if not appealed as provided in that chapter, or upon affirmance thereof by the Geothermal Resources Board, if appealed thereto, and shall pay all charges, costs, and expenses incurred by the supervisor or his district deputy or deputies in respect of such well or wells or the property or properties of said principal, or assessed against such well or wells or the property or properties of such principal, in pursuance of the provisions of said chapter, then this obligation shall be void; otherwise, it shall remain in full force and effect.”

SEC. 9. Section 3726 of the Public Resources Code is amended to read:

3726. Any person who engages in the drilling, redrilling, deepening, maintaining, or abandoning of one or more wells at any time, may file with the supervisor one bond for twenty-five thousand dollars (\$25,000) to cover all his operations in drilling, redrilling, deepening, maintaining or abandoning of any of his wells in this state in lieu of a five thousand dollar (\$5,000) bond for each well being drilled, redrilled, deepened, maintained, or abandoned by him. The bond shall be executed by such person, as principal, and by an authorized surety company, as surety, and shall be in substantially the same language and upon the same conditions as provided in Section 3725, except as to the difference in the amount.

SEC. 10. Section 3727 of the Public Resources Code is amended to read:

3727. Any bond issued in compliance with this chapter may, with the consent of the supervisor, be terminated and canceled and the surety be relieved of all obligations thereunder. The supervisor shall not consent to the termination and cancellation of any bond until the well or wells for which it has been issued have been properly abandoned or another valid bond substituted therefor.

SEC. 11. Section 3728 of the Public Resources Code is amended to read:

3728. Any twenty-five thousand dollar (\$25,000) bond issued in compliance with this chapter may, with the consent of the supervisor, be terminated and canceled and the surety be relieved of all obligations thereunder when all wells covered by such bond have been properly abandoned. Should the person who has filed a twenty-five thousand dollar (\$25,000) bond properly abandon a portion of his wells covered by the bond, the bond may, with the consent of the supervisor, be terminated and canceled and the surety be relieved of all obligations thereunder upon the filing by such person of a five thousand dollar (\$5,000) bond for each well which he is still engaged in drilling, redrilling, deepening, maintaining, or abandoning. Liability as to individual wells that have been drilled and abandoned under a twenty-five thousand dollar (\$25,000) bond may also be terminated with the consent of the supervisor.

SEC. 12. Section 3729 of the Public Resources Code is amended to read:

3729. For the purposes of Sections 3727 and 3728, a well is properly abandoned when the person drilling, redrilling, deepening, or maintaining it has shown to the satisfaction of the supervisor that all proper steps have been taken to protect underground or surface water suitable for irrigation or farm or domestic purposes from the infiltration or addition of any detrimental substance, and to prevent the escape of all fluids to the surface.

SEC. 13. Section 3735 of the Public Resources Code is amended to read:

3735. Upon the completion or abandonment of any well or upon the suspension of operations upon any well, true copies of the log, core record, history, and, if made, true copies of all electrical, physical, or chemical logs, tests, or surveys, in duplicate and in such form as the supervisor may direct, shall be filed with the district deputy within 60 days after such completion or abandonment. Like copies shall be filed upon the recompletion of any well.

SEC. 14. Section 3737 of the Public Resources Code is amended to read:

3737. A well is completed, for the purposes of this chapter, 30 days after it has commenced to produce a geothermal resource unless drilling operations are resumed before the end of the 30-day period.

SEC. 15. Section 3738 of the Public Resources Code is amended to read:

3738. The supervisor, upon application of an owner or operator, shall determine and designate what wells are prospect wells, and reports shall not be required from such prospect wells until six months after suspension of drilling operations. Upon a showing of hardship, the supervisor may extend the time within which to comply with the provisions of Section 3735 for a period not to exceed six additional months.

SEC. 16. Section 3756 of the Public Resources Code is amended to read:

3756. Whenever the Geothermal Resources Board finds that it is in the interest of the protection of geothermal resources from unreasonable waste, the lessors, lessees, operators or other persons owning or controlling royalty or other interests in the separate properties of the same producing or prospective geothermal resources area, may, with the approval of the board, enter into agreements for the purpose of bringing about the cooperative development and operation of all or a part or parts of the area, or for the purpose of bringing about the development or operation of all or a part or parts of such area as a unit, or for the purpose of fixing the time, location, and manner of drilling and operating of wells for the production of geothermal resources. Any such agreement shall bind the successors and assigns of the parties thereto in land affected thereby and shall be enforceable in an action for specific performance. No such agreement when approved by the board hereunder shall be held to violate any of the statutes of this state prohibiting monopolies or acts, arrangements, agreements, contracts, combinations or conspiracies in restraint of trade or commerce.

CHAPTER 1214

An act to amend Sections 9262, 9264, 9550, 9551, 11501, 11502, 11503, 11503.1, 11504, 11505, 11506, 11507, 11508, 11509, 11510, 11512, 11513, 11514, 11517, 11518, 11700, 11701, 11702, 11703, 11703.1, 11704, 11706, 11708, 11709, 11710, 11710.5, 11712, 11713, 11717, 11718, 11719, 11720, and 11721 of the Vehicle Code, relating to vehicles.

[Approved by Governor October 21, 1971 Filed with
Secretary of State October 21, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 9262 of the Vehicle Code is amended to read:

9262. The fees for a license and special plates issued to manufacturers, transporters and dealers shall be:

(a) For the license and the first set of special plates where, in the discretion of the department, an investigation is necessary, the fee shall be fifty dollars (\$50), plus the prevailing vehicle registration fee as set forth in Section 9250 during the period for which the special plates are to be issued.

(b) For the first set of special plates where no investigation is necessary or upon annual renewal, the fee shall be the prevailing vehicle registration fee as set forth in Section 9250 during the period for which the special plates are to be issued.

(c) For each additional set of special plates, or upon annual renewal, the fee shall be the prevailing vehicle registration fee as set forth in Section 9250 during the period for which the special plates are to be issued.

SEC. 2. Section 9264 of the Vehicle Code is amended to read:

9264. (a) The fees for a license and special plates issued to automobile dismantlers shall be:

(1) For the license and the first set of special plates where, in the discretion of the department, an investigation is necessary, the fee shall be fifty dollars (\$50), plus the prevailing vehicle registration fee as set forth in Section 9250 during the period for which the special plates are to be issued.

(2) For the first set of special plates where no investigation is necessary, or upon annual renewal, the fee shall be the prevailing vehicle registration fee as set forth in Section 9250 during the period for which the special plates are to be issued.

(3) For each additional set of special plates, or upon annual renewal, the fee shall be the prevailing vehicle registration fee as set forth in Section 9250 during the period for which the

special plates are to be issued.

(b) Should an automobile dismantler make application for a license and special plates as a manufacturer, transporter, or dealer, then in that event he shall pay such additional fees as are set forth under Section 9262.

SEC. 3. Section 9550 of the Vehicle Code is amended to read:

9550. All fees required to be paid by a vehicle dealer, manufacturer, or transporter in accordance with this code, for any license or special plates shall be paid at the time application is made to the department.

SEC. 4. Section 9551 of the Vehicle Code is amended to read:

9551. All fees required to be paid by an automobile dismantler, in accordance with this code, for any license, or special plates, shall be paid at the time application is made to the department.

SEC. 5. Section 11501 of the Vehicle Code is amended to read:

11501. Every automobile dismantler as defined in Section 220 shall make application to the department upon the appropriate form for a license containing a general distinguishing number and for one or more pair of special plates. The applicant shall submit proof of his status as a bona fide automobile dismantler as may reasonably be required by the department.

SEC. 6. Section 11502 of the Vehicle Code is amended to read:

11502. The department shall have the power and duty to issue and for reasonable cause shown to refuse to issue a license, and special plates. The department may refuse to any applicant therefor a license and special plates provided for herein, if such applicant does not meet the requirements of the terms and provisions of this code relating to the conduct of an automobile dismantling business.

SEC. 7. Section 11503 of the Vehicle Code is amended to read:

11503. The department may refuse to issue a license and special plates to an applicant when it determines that:

(a) The applicant was previously the holder of a license and special plates issued under this code, which license and special plates were revoked for cause and never reissued by the department, or which license and special plates were suspended for cause and the terms of suspension have not been terminated.

(b) The applicant was previously a partner, stockholder, director, or officer controlling or managing a partnership or corporation whose license and special plates issued under the authority of this chapter were revoked for cause and never

reissued or were suspended for cause and the terms of suspension have not been terminated.

(c) If the applicant is a partnership or corporation, that one or more of the partners, stockholders, directors or officers who will control or manage it was previously the holder or a partner, stockholder, director or officer controlling or managing a partnership or corporate license holder whose license and special plates issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated, or that by reason of the facts and circumstances touching the organization, control and management of the partnership or corporation, business will be directed, controlled, or managed by individuals who, by reason of their conviction of violations of this code, would be ineligible for a license and that by licensing such corporation or partnership the purposes of this code would likely be defeated.

(d) The applicant, or one of the partners, if the applicant be a partnership, or one or more of the officers or directors of the corporation, if a corporation be the applicant, or one or more of the stockholders if the policy of such business will be directed, controlled, or managed by such stockholder or stockholders, has ever been convicted of a felony or a crime involving moral turpitude. A conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

(e) The information contained in an application is incorrect.

(f) The applicant, or one of the partners, if the applicant be a partnership, or one or more of the officers, directors or stockholders of the corporation, if a corporation be the applicant, based on the information contained in the application or by subsequent investigation, is not of good moral character.

(g) The decision of the department to suspend or revoke a license under the provisions of subdivision (b) of Section 11518 or subdivision (c) of Section 11721 has been entered, and the applicant was the licensee, a copartner, or an officer, director, or stockholder of such suspended or revoked licensee.

SEC. 8. Section 11503.1 of the Vehicle Code is amended to read:

11503.1. Any of the causes specified in Section 11509 as a cause to suspend or revoke the license and special plates issued to a dismantler, shall be cause to refuse to issue a license and special plates to a dismantler.

SEC. 9. Section 11504 of the Vehicle Code is amended to read:

11504. (a) The department shall prescribe and provide forms to be used for applications for licenses to be issued under the terms and provisions of this chapter and require of such applicants, as a condition to issuance of such license, such information, including but not limited to, fingerprints and personal history statements, touching on and concerning the applicant's character, honesty, integrity, and reputation as it may consider necessary, except that every application for an automobile dismantler's license shall contain in addition to such information as the department may require, a statement of the following facts:

(1) The name and residence address of the applicant and the trade name, if any, under which he intends to conduct his business; and if the applicant be a copartnership, the name and residence addresses of each member thereof, whether a limited or general partner, and the name under which the partnership is to be conducted; and if the applicant be a corporation, the name and residence address of each of its principal officers and directors and controlling stockholders.

(2) A complete description, including the city and town or village, with the street and number, if any, of the established place of business and such other and additional place or places of business as shall be operated and maintained by the applicant in conjunction with the principal established place of business.

(b) Upon receipt of an application accompanied with the appropriate fee as provided in Section 9264, the department shall make a thorough investigation of the applicant.

SEC. 10. Section 11505 of the Vehicle Code is amended to read:

11505. (a) The department, upon granting a license shall issue to the applicant a license containing the applicant's name and address and the general distinguishing number assigned to the applicant.

(b) The department shall also issue special plates as applied for which shall have displayed thereon the general distinguishing number assigned to the applicant. Each set of plates so issued shall also contain a number or symbol identifying the same from every other set of plates bearing a like general distinguishing number.

(c) The department shall also furnish books and forms as it may determine necessary, which books and forms are and shall remain the property of the department and may be taken up at any time for inspection.

SEC. 11. Section 11506 of the Vehicle Code is amended to read:

11506. Except where the provisions of this code require the refusal to issue a license and special plates, the department may issue a license and special plates restricted

by conditions to be observed in the exercise of the privilege granted. The terms and conditions to be attached to the exercise of the privilege under such restricted license and special plates shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department.

SEC. 12. Section 11507 of the Vehicle Code is amended to read:

11507. Pending the satisfaction of the department that the applicant has met the requirements under this code, it may issue a temporary permit to any person applying for an automobile dismantler license and special plates. The temporary permit shall permit the operation by the automobile dismantler for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualification of the applicant to such license and special plates. Such temporary permit shall be invalid when the applicant's license and special plates have been issued or refused.

SEC. 13. Section 11508 of the Vehicle Code is amended to read:

11508. (a) Every special plate and license issued hereunder shall expire at midnight on the 31st day of December of each year and new plates and license for the ensuing year may be obtained by the person to whom any such expired plates and license were issued upon application to the department and payment of the fee provided in this code.

(b) Every application for the renewal of special plates and license which expires on the date above mentioned shall be made by the person to whom issued between November 1st and midnight of November 30th preceding such expiration date, and shall be made by presenting the application form provided by the department and by payment of the full annual renewal fee for such plates and license.

SEC. 14. Section 11509 of the Vehicle Code is amended to read:

11509. The department after notice and hearing may suspend or revoke the license and special plates issued to an automobile dismantler upon determining that any such automobile dismantler is not lawfully entitled thereto, has made or knowingly or negligently permitted an illegal use of the special plates issued to said person, used a false or fictitious name, knowingly made any false statements or concealed any material fact in any application or other document filed with the department, failed to provide and maintain a clear physical division between the type of business licensed hereunder and any other type of business conducted at the

established place of business, or has violated one or more terms and provisions of Division 3 (commencing with Section 4000) or Division 4 (commencing with Section 10500) or Chapter 3 (commencing with Section 11500) of Division 5, of this code or Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code; or any of the rules and regulations adopted pursuant thereto; or has been convicted of a felony or a crime involving moral turpitude; or has purchased, or concealed, or had in his possession, or has otherwise acquired or disposed of a vehicle, knowing the same to be stolen; or has failed to meet and maintain the requirements for issuance of an automobile dismantler license and special plates as provided for in this code; or has failed to pay within 30 days after written demand from the department any fees or penalties due on vehicles acquired for dismantling.

When a check, draft, or money order submitted to the department by a licensee dismantler for any obligation or fee due the state is dishonored or refused payment upon presentation, it shall be a cause, after notice and hearing, to suspend or revoke a license and special plates issued to such dismantler.

Any of the causes specified in Section 11503 as a cause for refusal to issue a license and special plates to an automobile dismantler applicant, shall be cause, after notice and hearing, to suspend or revoke a license and special plates issued to an automobile dismantler.

Every hearing as provided for in this chapter shall be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 15. Section 11510 of the Vehicle Code is amended to read:

11510. The department may, pending a hearing, temporarily suspend the license and special plates issued to an automobile dismantler for a period not to exceed 30 days if the director finds that such action is required in the public interest. In any such case a hearing shall be held and a decision thereon issued within 30 days after notice of temporary suspension.

Every hearing as provided for in this section shall be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 16. Section 11512 of the Vehicle Code is amended to read:

11512. (a) Upon refusal of the department to issue a license and special plates to an automobile dismantler the applicant shall be entitled to demand in writing a hearing

before the director or his representative within 60 days after notice of refusal.

(b) The hearing shall be conducted pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 17. Section 11513 of the Vehicle Code is amended to read:

11513. The department shall not issue an automobile dismantler's license and special plates to any applicant therefor who has not an established place of business as is defined in this code. Should the automobile dismantler change the site or location of his established place of business, he shall immediately upon making such change so notify the department. Should the automobile dismantler for any reason whatsoever, cease to be in possession of an established place of business, as in this code defined, from and on which he conducts the business for which he is licensed, he shall immediately so notify the department and upon demand therefor by the department shall deliver up unto the department such automobile dismantler's license and special plates, and all books and forms provided by the department in his possession.

SEC. 18. Section 11514 of the Vehicle Code is amended to read:

11514. (a) An automobile dismantler's established place of business and such other sites or locations as may be operated and maintained by such automobile dismantlers in conjunction with their principal established place of business shall have posted in a place conspicuous to the public in each and every location the license issued by the department and shall have erected or posted thereon such signs or devices providing information relating to the automobile dismantler's name, the location and address of the automobile dismantler's established place of business so as to enable any person doing business with such automobile dismantler to identify him properly. Every such sign erected or posted on an established place of business, shall have an area of not less than 32 square feet per side displayed, and shall contain lettering not less than six inches in height. The sign shall indicate the licensee is an automobile dismantler by inclusion of the term "Automobile Dismantler" or the term "Automobile Wrecker" on such sign.

(b) Any local authority may provide for a sign and lettering smaller than that specified in subdivision (a), however, no local authority shall require a sign to have an area of less than four square feet per side displayed.

SEC. 19. Section 11517 of the Vehicle Code is amended to read:

11517. The department may issue a certificate of

convenience to the executor, executrix, administrator or administratrix of the estate of a deceased holder of validly outstanding special plates and license issued under this chapter, or if no executor, executrix, administrator or administratrix had been appointed, and until a certified copy of an order making such appointment is filed with the department, to the widow or other heir otherwise entitled to conduct the business of the deceased, permitting such person to exercise the privileges granted by such special plates and license for a period of one year from and after the date of death, pending, but not later than, disposal of the business and qualifications of the vendor of the business or such surviving widow or heir for such special plates and license under the provisions of this chapter. The department may restrict or condition the license and special plates and attach to the exercise of the privileges thereunder such terms and conditions as in its judgment the protection of the public requires.

SEC. 20. Section 11518 of the Vehicle Code is amended to read:

11518. The special plates and license provided for in this chapter shall be automatically canceled upon:

(a) The abandonment of the established place of business of the automobile dismantler or the change thereof without notice to the department as provided in Section 11513 of this code.

(b) The voluntary or involuntary surrender for any cause by the licensee of the special plates and license; provided, that such surrender, or the cessation of business by the licensee, or the suspension of the corporate charter of the licensee by the State of California, shall not prevent the filing of an accusation for revocation or suspension of the surrendered license as provided in Section 11509, and the department's decision that such license should be suspended or revoked; and provided further, that such decision may be considered in granting or refusing to grant any subsequent license authorized by this division to such licensee, copartner, or any officer, director, or stockholder of such prior licensee.

(c) When the person designated as licensee has changed, except that the special plates issued to the original licensee may be transferred upon application as provided in Section 11501 and the newly designated licensee as transferee thereof shall succeed to the privileges evidenced by said plates until the expiration thereof.

SEC. 21. Section 11700 of the Vehicle Code is amended to read:

11700. It shall be unlawful for any person to act as a dealer, manufacturer, or transporter without having first procured a license and special plates as required in Section 11701 or

temporary permit issued by the department, or when such license or temporary permit issued by the department has been canceled, suspended, revoked, or invalidated or has expired.

SEC. 22. Section 11701 of the Vehicle Code is amended to read:

11701. Every manufacturer of, transporter of, or dealer in vehicles of a type subject to registration or of snowmobiles shall make application to the department for a license and special plates containing a general distinguishing number. The applicant shall submit proof of his status as a bona fide manufacturer, transporter, or dealer as may reasonably be required by the department.

SEC. 23. Section 11702 of the Vehicle Code is amended to read:

11702. The department may issue, or for reasonable cause shown, refuse to issue a license and special plates to any applicant applying for a manufacturer's, transporter's, or dealer's license and special plates.

SEC. 24. Section 11703 of the Vehicle Code is amended to read:

11703. The department may refuse to issue a license and special plates to a manufacturer, transporter, or dealer, when it determines that:

(a) The applicant was previously the holder of a license and special plates issued under this chapter, which license and special plates were revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of suspension have not been fulfilled.

(b) The applicant was previously a partner, stockholder, director, or officer controlling or managing a partnership or corporation whose license and special plates issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated.

(c) If the applicant is a partnership or corporation, that one or more of the partners, stockholders, directors or officers who will control or manage it was previously the holder or a partner, stockholder, director or officer controlling or managing a partnership or corporate license holder whose license and special plates issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated, or that by reason of the facts and circumstances touching the organization, control, and management of the partnership or corporation business the policy of such business will be directed, controlled, or managed by individuals who, by reason of their conviction of violations of the provisions of this code, would be ineligible for

a license and that by licensing such corporation or partnership the purposes of this code would likely be defeated.

(d) The applicant, or one of the partners, if the applicant be a partnership, or one or more of the officers or directors of the corporation, if a corporation be the applicant, or one or more of the stockholders if the policy of such business will be directed, controlled, or managed by such stockholder or stockholders, has ever been convicted of a felony or a crime involving moral turpitude. A conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

(e) The information contained in the application is incorrect.

(f) The decision of the department to suspend or revoke a license under the provisions of subdivision (c) of Section 11721 has been entered, and this applicant was the licensee, a copartner, or an officer, director or stockholder of such suspended or revoked licensee.

SEC. 25. Section 11703.1 of the Vehicle Code is amended to read:

11703.1. Any of the causes specified in Section 11705 as a cause to suspend or revoke the license and special plates issued to a dealer, manufacturer, or transporter, shall be cause to refuse to issue a license and special plates to a dealer, manufacturer, or transporter.

SEC. 26. Section 11704 of the Vehicle Code is amended to read:

11704. The department shall prescribe and provide forms to be used for application for licenses to be issued under the terms and provisions of this article and require of such applicants, as a condition precedent to issuance of such license, such information, including, but not limited to, fingerprints and personal history statements, touching on and concerning the applicant's character, honesty, integrity and reputation as it may consider necessary; provided, however, that every application for a dealer's license shall contain, in addition to such information as the department may require, a statement of the following facts:

(a) The name and residence address of the applicant and the trade name, if any, under which he intends to conduct his business; and if the applicant be a copartnership, the name and residence address of each member thereof, whether a limited or general partner, and the name under which the partnership business is to be conducted; and if the applicant be a corporation, the name of the corporation and the name and address of each of its principal officers and directors.

(b) A complete description, including the city, town or village with the street and number, if any, of the established place of business and such other and additional place or places

of business as shall be operated and maintained by the applicant in conjunction with the established place of business.

(c) If the application be for a dealer's license, the name or names of the new motor vehicle or vehicles that the applicant has been enfranchised to sell or exchange and the name or names and address of the manufacturer or distributor who has enfranchised the applicant.

(d) Upon receipt of an application accompanied with the appropriate fee, the department shall within 120 days, make a thorough investigation of the information contained in the application.

SEC. 28. Section 11706 of the Vehicle Code is amended to read:

11706. The department may, pending a hearing, temporarily suspend the license and special plates issued to a manufacturer, transporter, or dealer, for a period not to exceed 30 days, if the director finds that such action is required in the public interest. In any such case a hearing shall be held and a decision thereon issued within 30 days after notice of the temporary suspension.

Every hearing as provided for in this section shall be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 29. Section 11708 of the Vehicle Code is amended to read:

11708. (a) Upon refusal of the department to issue a license and special plates to a manufacturer, transporter, or dealer the applicant shall be entitled to demand in writing a hearing before the director or his representative within 60 days after notice of refusal.

(b) The hearing shall be conducted pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 30. Section 11709 of the Vehicle Code is amended to read:

11709. A dealer's established place of business and such other sites or locations as may be operated and maintained by such dealers in conjunction with their established place of business shall have posted in a place conspicuous to the public in each and every location the license issued by the department to the dealer and to each salesman employed by the dealer and shall have erected or posted thereon such signs or devices providing information relating to the dealer's name, the location and address of such dealer's established place of business to enable any person doing business with such dealer to identify him properly. Every such sign erected or posted on an established place of business, shall have an

area of not less than two square feet per side displayed, and shall contain lettering of sufficient size to enable the sign to be read from a distance of at least 50 feet.

Notwithstanding the provisions of Section 11704 and this section, a dealer may display vehicles at a fair, exposition or similar exhibit without securing a branch license providing no actual sales are made at such events, and that such display does not exceed 30 days.

This section shall not be applicable to a dealer in snowmobiles.

SEC. 31. Section 11710 of the Vehicle Code is amended to read:

11710. (a) Before any dealer's license shall be issued or renewed by the department to any applicant therefor, the applicant shall procure and file with the department a good and sufficient bond in the amount of five thousand dollars (\$5,000) with corporate surety thereon, duly licensed to do business within the State of California, or a cash bond in such amount, approved as to form by the Attorney General, and conditioned that the applicant shall not practice any fraud, make any fraudulent representation which will cause a monetary loss to a purchaser, seller, financing agency, or governmental agency.

(b) Liability under such bond is to remain at five thousand dollars (\$5,000). If the amount of liability under the bond is decreased or there is outstanding a final court judgment for which the dealer and bonding company is liable, the dealer's license shall be automatically suspended. In order to reinstate the license and special plates, the licensee shall either file an additional bond or restore the bond on file to the original amount, or shall terminate the outstanding judgment for which he and the bonding company are liable.

(c) A dealer's license, or renewal of such license, shall not be issued to any applicant therefor, unless and until such applicant shall file with the department a good and sufficient instrument in writing in which he shall appoint the director as the true and lawful agent of the applicant upon whom all process may be served in any action, or actions, which may thereafter be commenced against such applicant, arising out of any claim for damages suffered by any firm, person, association or corporation, by reason of the violation of the applicant of any of the terms and provisions of this code or any condition of the dealer's bond. The applicant shall stipulate and agree in such appointment that any process directed to the applicant, when personal service of process upon him cannot be made in this state after due diligence, in such a case which is served upon the director, or in the event of his absence from his office, upon any employee in charge of the office of such director, shall be of the same legal force and

effect as if served upon the applicant personally. The applicant shall further stipulate and agree in writing that the agency created by such appointment shall continue for and during the period covered by any license that may be issued and so long thereafter as the applicant may be made to answer in damages for a violation of this code or any condition of his bond, as aforesaid. The instrument appointing the director as the agent for the applicant for service of process shall be acknowledged by the applicant before a notary public. In any case wherein the licensee be served with process by service thereof upon the director one copy of the summons and complaint shall be left with the director or in his office in Sacramento or mailed to the office of the director in Sacramento. A fee of five dollars (\$5) shall also be paid to the director at the time of service of the copy of the summons and complaint. Such service on the director shall be a sufficient service on the licensee; provided, a notice of such service and a copy of the summons and complaint shall be forthwith sent by registered mail by the plaintiff or his attorney to the licensee. A copy of the summons and complaint shall also be mailed by the plaintiff or his attorney to the surety on the applicant's bond at the address of the surety given in such bond, postpaid and registered with request for return receipt. The director shall keep a record of all process so served upon him which record shall show the day and hour of service and shall retain the summons and complaint so served on him on file. Where the licensee is served with process by service thereof upon the director, the licensee shall have and be allowed 30 days from and after the service thereof within which to answer any complaint or other pleading which may be filed in said cause; and provided further, that for purposes of venue, where the licensee is served with process by service thereof upon the director, the service shall be deemed to have been made upon the licensee in the county in which he has or last had his established place of business.

SEC. 32. Section 11710.5 of the Vehicle Code is amended to read:

11710.5. A dealer in vehicles of a type subject to registration, who holds a license and special plates issued pursuant to this article and is bonded, shall not be required to procure and file with the department another bond, as required by Section 11710 or 11710.1, before being issued or renewed a license as a dealer of snowmobiles.

SEC. 33. Section 11712 of the Vehicle Code is amended to read:

11712. (a) The department shall not issue a dealer's license to any applicant therefor who has not an established place of business as is defined in this code. Should the dealer change the site or location of his established place of business,

he shall immediately upon making such change so notify the department. Should a dealer for any reason whatsoever, cease to be in possession of an established place of business from and on which he conducts the business for which he is licensed, he shall immediately notify the department and upon demand by the department shall deliver to the department such dealer's license, dealer's special plate or plates, and all report of sale books in his possession.

(b) Should the dealer change to, or add another franchise for the sale of new vehicles, or cancel or, for any cause whatever, otherwise lose a franchise for the sale of new vehicles, he shall immediately so notify the department.

SEC. 34. Section 11713 of the Vehicle Code is amended to read:

11713. It shall be unlawful and a violation of this code for the holder of any license issued under this article:

(a) To make or disseminate or cause to be made or disseminated before the public in this state, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatever, any statement which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading; or to so make or disseminate or cause to be so disseminated any such statement as part of a plan or scheme with the intent not to sell any vehicle or service so advertised at the price stated therein, or as so advertised.

(b) To advertise or offer for sale or exchange in any manner, any vehicle not actually for sale at the premises of such dealer or available to said dealer from the manufacturer or distributor of such vehicle at the time of the advertisement or offer; provided however, that this subdivision does not apply to advertising or offering for sale or exchange any used mobilehome, as defined by Section 18008 of the Health and Safety Code, or used commercial coach, as defined by Section 18012 of the Health and Safety Code, other than a recreational vehicle, as defined by Section 18010.5 of the Health and Safety Code, where such advertising or offering for sale is not contrary to any terms of a contract between the seller of the mobilehome or commercial coach and the owner of the mobilehome park, and which mobilehome or commercial coach is either in place on a lot rented or leased for human habitation within an established mobilehome park, as defined in Section 18214 of the Health and Safety Code, or is otherwise located, pursuant to a local zoning ordinance or permit, on a lot where its presence has been authorized or its continued presence and such use would be authorized, for a total and uninterrupted period of at least one year.

(c) To fail within 48 hours in writing to withdraw any

advertisement of a vehicle that has been sold or withdrawn from sale.

(d) To advertise or represent a vehicle as a new vehicle if such vehicle falls within the purview of Section 665 of this code.

(e) To engage in the business for which licensee is licensed without having in force and effect a good and sufficient bond with corporate surety as hereinbefore provided.

(f) For any licensee dealer to engage in the business for which such dealer is licensed without at all times maintaining an established place of business as required by this code.

(g) To include as an added cost to the selling price of a vehicle, an amount for licensing or transfer of title of the vehicle, which amount is not due to the state unless such amount has in fact been paid by the dealer prior to such sale.

(h) To employ any person as a salesman who has not been licensed pursuant to Article 2 (commencing with Section 11800) of this chapter, and whose license is not displayed on the premises of the dealer as provided in Section 11804.

(i) To deliver, following sale, a vehicle for operation on California highways, if such vehicle does not meet all of the equipment requirements of Division 19 (commencing with Section 24000) of this code.

(j) To use or permit the use of the special plates assigned to him for any purpose other than permitted by Section 11715.

(k) To advertise or otherwise represent, or knowingly to allow to be advertised or represented on his behalf or at his place of business, that no downpayment is required in connection with the sale of a vehicle when a downpayment is in fact required and the buyer is advised or induced to finance such downpayment by a loan in addition to any other loan financing the remainder of the purchase price of the vehicle.

(l) To participate in the sale of a motor vehicle reported to the Department of Motor Vehicles under the provisions of Section 5900 of this code without making the return and payment of any sales tax due and required by Section 6451 of the Revenue and Taxation Code

(m) To permit the use of his dealer's license, supplies, or books by any other person for the purpose of permitting that person to engage in the sale of vehicles required to be registered under this code, or to permit the use of his dealer's license, supplies, or books to operate a branch location to be used by any other person, if, in either situation, the licensee has no financial or equitable interest or investment in the vehicles sold by, or the business of, or branch location used by, such person, or has no such interest or investment other than commissions, compensations, fees, or any other thing of value received for the use of the dealer's license, supplies, or books

to engage in the sale of vehicles.

(n) To disconnect, turn back, or reset the odometer of any motor vehicle in violation of Section 28050 or 28051.

SEC. 35. Section 11717 of the Vehicle Code is amended to read:

11717. (a) Every special plate and license issued hereunder shall expire at midnight on the 31st day of December of each year and a new plate or plates and license for the ensuing year may be obtained by the person to whom any such expired plate or plates and license were issued upon application to the department and payment of the fee provided in this code.

(b) Every application for the renewal of a special plate or plates and license which expires on the date above mentioned shall be made by the person to whom issued between November 1st and midnight of November 30th preceding such expiration date and shall be made by presenting the application form provided by the department and by payment of the full annual renewal fee for such plate or plates and license.

SEC. 36. Section 11718 of the Vehicle Code is amended to read:

11718. Except where the provisions of this code require the refusal to issue a license, the department may issue a probationary license subject to conditions to be observed by the licensee in the exercise of the privilege granted. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license but shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

SEC. 37. Section 11719 of the Vehicle Code is amended to read:

11719. Pending the satisfaction of the department that the applicant has met the requirements under this article, it may issue a temporary permit to any person applying for a manufacturer's, transporter's or dealer's license and special plates. The temporary permit shall permit the operation by the manufacturer, transporter or dealer for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant to such a license and special plates. Such temporary permit shall be invalid when the applicant's license has been issued or refused.

SEC. 38. Section 11720 of the Vehicle Code is amended to read:

11720. The department may issue a certificate of convenience to the executor, executrix, administrator or

administratrix of the estate of a deceased holder of validly outstanding special plates and license issued under this article, or if no executor, executrix, administrator or administratrix has been appointed, and until a certified copy of an order making such appointment is filed with the department, to the widow or other heir otherwise entitled to conduct the business of the deceased, permitting such person to exercise the privileges granted by such special plates and license for a period of one year from and after the date of death and necessary one-year renewals thereafter, pending, but not later than, disposal of the business and qualification of the vendee of the business or such surviving widow, heir or other persons for such special plates and license under the provisions of this article. The department may restrict or condition the license and attach to the exercise of the privileges thereunder such terms and conditions as in its judgment the protection of the public requires.

SEC. 39. Section 11721 of the Vehicle Code is amended to read:

11721. The special plates and licenses provided for in this article shall be automatically canceled upon:

(a) The abandonment of the established place of business of the dealer or the change thereof without notice to the department as provided in Section 11712.

(b) The failure of the licensee to procure and file another bond as provided in Section 11710 prior to the effective date of the termination by the surety of any existing bond.

(c) The voluntary or involuntary surrender for any cause by the licensee of the special plates and licenses; provided, that such surrender, or the cessation of business by the licensee, or the suspension of the corporate charter of the licensee by the State of California, shall not prevent the filing of an accusation for revocation or suspension of the surrendered license as provided in Section 11705, and the department's decision that such license should be suspended or revoked; and provided further, that such determination may be considered in granting or refusing to grant any subsequent license authorized by this division to such licensee, copartner, or any officer, director, or stockholder of such prior licensee.

(d) Notification that the person designated as licensee has changed, except that the special plates issued to the original licensee may be transferred and the newly designated licensee as transferee thereof shall succeed to the privileges evidenced by said plates until the expiration thereof.

SEC. 40. Section 11503 of the Vehicle Code is amended to read:

11503. The department may refuse to issue a license and special plates to an applicant when it determines that:

(a) The applicant was previously the holder of a license and special plates issued under this code, which license and special plates were revoked for cause and never reissued by the department, or which license and special plates were suspended for cause and the terms of suspension have not been terminated.

(b) The applicant was previously a limited or general partner, stockholder, director, or officer of a partnership or corporation whose license and special plates issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated.

(c) If the applicant is a partnership or corporation, that one or more of the limited or general partners, stockholders, directors or officers was previously the holder or a limited or general partner, stockholder, director or officer of a partnership or corporation whose license and special plates issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated, or that by reason of the facts and circumstances touching the organization, control and management of the partnership or corporation, business will be directed, controlled, or managed by individuals who, by reason of their conviction of violations of this code, would be ineligible for a license and that by licensing such corporation or partnership the purposes of this code would likely be defeated.

(d) The applicant, or one of the limited or general partners, if the applicant be a partnership, or one or more of the officers or directors of the corporation, if a corporation be the applicant, or one or more of the stockholders if the policy of such business will be directed, controlled, or managed by such stockholder or stockholders, has ever been convicted of a felony or a crime involving moral turpitude. A conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

(e) The information contained in an application is incorrect.

(f) The applicant, or one of the limited or general partners, if the applicant be a partnership, or one or more of the officers, directors or stockholders of the corporation, if a corporation be the applicant, based on the information contained in the application or by subsequent investigation, is not of good moral character.

(g) The decision of the department to suspend or revoke a license under the provisions of subdivision (b) of Section 11518 or subdivision (c) of Section 11721 has been entered, and the applicant was the licensee, a copartner, or an officer, director, or stockholder of such suspended or revoked

licensee.

SEC. 41. Section 11703 of the Vehicle Code is amended to read:

11703. The department may refuse to issue a license and special plates to a manufacturer, transporter, or dealer, when it determines that:

(a) The applicant was previously the holder of a license and special plates issued under this chapter, which license and special plates were revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of suspension have not been fulfilled.

(b) The applicant was previously a limited or general partner, stockholder, director, or officer of a partnership or corporation whose license and special plates issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated.

(c) If the applicant is a partnership or corporation, that one or more of the limited or general partners, stockholders, directors or officers was previously the holder or a limited or general partner, stockholder, director or officer of a partnership or corporation whose license and special plates issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated, or that by reason of the facts and circumstances touching the organization, control, and management of the partnership or corporation business the policy of such business will be directed, controlled, or managed by individuals who, by reason of their conviction of violations of the provisions of this code, would be ineligible for a license and that by licensing such corporation or partnership the purposes of this code would likely be defeated.

(d) The applicant, or one of the limited or general partners, if the applicant be a partnership, or one or more of the officers or directors of the corporation, if a corporation be the applicant, or one or more of the stockholders if the policy of such business will be directed, controlled, or managed by such stockholder or stockholders, has ever been convicted of a felony or a crime involving moral turpitude. A conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

(e) The information contained in the application is incorrect.

(f) The decision of the department to suspend or revoke a license under the provisions of subdivision (c) of Section 11721 has been entered, and this applicant was the licensee, a copartner, or an officer, director or stockholder of such suspended or revoked licensee.

SEC. 42. It is the intent of the Legislature, if this bill and Assembly Bill No. 1778 are both chaptered and amend Section 11503 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 1778, that the amendments to Section 11503 proposed by both bills be given effect and incorporated in Section 11503 in the form set forth in Section 40 of this act. Therefore, Section 40 of this act shall become operative only if this bill and Assembly Bill No. 1778 are both chaptered, both amend Section 11503, and Assembly Bill No. 1778 is chaptered before this bill, in which case Section 7 of this act shall not become operative.

SEC. 43. It is the intent of the Legislature, if this bill and Assembly Bill No. 1778 are both chaptered and amend Section 11703 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 1778, that the amendments to Section 11703 proposed by both bills be given effect and incorporated in Section 11703 in the form set forth in Section 41 of this act. Therefore, Section 41 of this act shall become operative only if this bill and Assembly Bill No. 1778 are both chaptered, both amend Section 11703, and Assembly Bill No. 1778 is chaptered before this bill, in which case Section 24 of this act shall not become operative.

CHAPTER 1215

An act authorizing the lease of all or a part of the Castaic Lake Project.

[Approved by Governor October 21, 1971 Filed with
Secretary of State October 21, 1971]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any other provision of law to the contrary, the Department of Parks and Recreation may lease, subject to such terms and conditions as may be necessary for the protection of both the state park system and the operations of the State Water Facilities, land in the area of the Castaic Lake Project in Los Angeles County for a period not in excess of 40 years to a county with a population of over 4 million persons or to any agency or entity created pursuant to a joint exercise of powers agreement between any such county and a public agency authorized under the provision of Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code; provided, that such leased lands shall be devoted exclusively for public park or public recreational purposes.

CHAPTER 1216

An act to amend Section 1442.3 of, and to add Section 1442.4 to, the Education Code, relating to school district elections.

[Approved by Governor October 21, 1971. Filed with Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1442.3 of the Education Code is amended to read:

1442.3. If any voter by affidavit filed with the county clerk or registrar of voters shows facts sufficient reasonably to justify the belief that the vote of any precinct has not been correctly counted to the extent that a recount would change the result of the election, he may appear on the day and at the place fixed for the county clerk or registrar of voters to canvass the returns and demand a recount of the vote of the precinct that is claimed to have been incorrectly counted.

The cost of the recount shall be deemed to be a cost of the election, and shall be paid by the school district involved pursuant to Article 10 (commencing with Section 1421) of this chapter.

This section shall apply to all school district elections of any type or class, except school district governing board member elections, and shall be liberally construed.

SEC. 2. Section 1442.4 is added to the Education Code, to read:

1442.4. (a) The county clerk or registrar of voters shall order a recount if the provisions of this subdivision are complied with. A recount shall be ordered upon the filing with the county clerk or registrar of voters of an affidavit by any voter and his appearance and demand pursuant to this subdivision. The affidavit shall show that the vote was within: (1) the lesser of 10 votes or 1 percent of the total votes cast in any one precinct; or (2) the lesser of 100 votes or 1 percent of the total votes cast in all precincts. The voter who files the affidavit shall appear on the day and at the place fixed for the county clerk or registrar of voters to canvass the returns and shall demand a recount. Except as provided in subdivisions (b) and (c), if the affidavit is based upon the number or percentage of votes cast in one precinct, any recount shall be confined to that precinct. If the affidavit is based upon the number or percentage of votes cast in all precincts, the recount shall be conducted in all precincts.

(b) The county clerk or registrar of voters may, in his discretion, order a recount in all precincts whenever an affidavit is filed pursuant to subdivision (a).

(c) The county clerk or registrar of voters may, in his discretion, order a recount whenever there is filed with him by any voter an affidavit showing facts sufficient to justify the

belief that the result of the election could be changed by a recount.

(d) The cost of the recount shall be deemed to be a cost of the election, and shall be paid by the school district involved pursuant to Article 10 (commencing with Section 1421) of this chapter.

(e) This section shall apply only to school district governing board member elections of any type or any class.

CHAPTER 1217

An act to amend Section 437.1 of, and to amend, repeal, and add Section 437 to, the Health and Safety Code, relating to health planning.

[Approved by Governor October 21, 1971. Filed with Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 437 of the Health and Safety Code is amended to read:

437. In order to provide comprehensive state health planning in response to the enactment of Public Law 89-749, there is hereby created a Health Planning Council, to be composed of 25 members.

The Governor shall appoint 14 members, one of whom shall be representative of nongovernmental organizations or groups concerned with the operation, construction, or utilization of hospitals or other health care facilities, one of whom shall be representative of a public agency concerned with the operation, construction, or utilization of hospitals or general health activities, one of whom shall be concerned with the operation, construction or utilization of nongovernmental facilities or services for the retarded, one of whom shall be representative of nongovernmental organizations or groups concerned with the operation, construction or utilization of mental health services, one of whom shall be a provider of health care, one of whom shall be a representative of consumers of services for the mentally retarded, one of whom shall be a representative of consumers of mental health services, one of whom shall be a representative of local government, and six of whom shall be representatives of the general consumer public, as defined.

The Senate Committee on Rules shall appoint three members, one of whom shall be a Member of the Senate, one of whom shall be a provider of health care, and one of whom shall be a representative of the general consumer public.

The Speaker of the Assembly shall appoint three members, one of whom shall be a Member of the Assembly, one of whom

shall be a provider of health care, and one of whom shall be a representative of the general consumer public.

The California Committee on Regional Medical Programs shall appoint one member.

The Administrator of Veterans' Affairs shall appoint one ex officio member.

The Director of the Department of Public Health, the Director of the Department of Mental Hygiene, and a state government official concerned with health who is appointed by and serves at the pleasure of the Governor shall be members of the council.

The chairman and vice chairman of the council shall be appointed by the Governor. The chairman shall be chosen from among the representatives of the general consumer public or public officials, except for legislators and except for representatives of major purchasers of health care services. The chairman and vice chairman shall serve at the pleasure of the Governor.

The representatives of the general consumer public shall be bona fide public representatives whose occupations are neither the administration of health activities nor the performance of health services, who have no fiduciary obligation to a hospital or other health agency, and who have no material financial interest in the rendering of health services.

The Member, or Members, of the Senate, appointed by the Senate Committee on Rules, and the Member, or Members, of the Assembly, appointed by the Speaker, shall meet with and participate in the work of the council to the extent that such participation is not incompatible with their positions as Members of the Legislature. The Members of the Legislature appointed to the council shall serve at the pleasure of the appointing power. For purposes of this part, such Members of the Legislature shall constitute a joint legislative committee on the subject of this part and shall have the powers and duties imposed upon such committee by the Joint Rules of the Senate and Assembly.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

SEC. 2. Section 437 is added to the Health and Safety Code, to read:

437. In order to provide comprehensive state health planning in response to the enactment of Public Law 89-749, and to advise the Director of Health, there is hereby created the Advisory Health Council, to be composed of 21 members.

The Governor shall appoint 12 members, one of whom shall be representative of nongovernmental organizations or groups concerned with the operation, construction, or utilization of hospitals or other health care facilities, one of whom shall be representative of a public agency concerned with the operation, construction, or utilization of hospitals or general health activities, one of whom shall be concerned with the operation,

construction or utilization of nongovernmental facilities or services for the retarded, one of whom shall be representative of nongovernmental organizations or groups concerned with the operation, construction or utilization of mental health services, one of whom shall be a provider of health care, one of whom shall be a representative of consumers of services for the mentally retarded, one of whom shall be a representative of consumers of mental health services, one of whom shall be a representative of local government, and four of whom shall be representatives of the general consumer public, as defined.

The Senate Committee on Rules shall appoint three members, one of whom shall be a Member of the Senate, one of whom shall be a provider of health care, and one of whom shall be a representative of the general consumer public.

The Speaker of the Assembly shall appoint three members, one of whom shall be a Member of the Assembly, one of whom shall be a provider of health care, and one of whom shall be a representative of the general consumer public.

The California Committee on Regional Medical Programs shall appoint one member.

The Administrator of Veterans' Affairs shall appoint one ex officio member.

The Governor shall appoint a state government official concerned with health.

The chairman and vice chairman of the council shall be appointed by the Governor. The chairman shall be chosen from among the representatives of the general consumer public or public officials, except for legislators and except for representatives of major purchasers of health care services. The chairman and vice chairman shall serve at the pleasure of the Governor.

The representatives of the general consumer public shall be bona fide public representatives whose occupations are neither the administration of health activities nor the performance of health services, who have no fiduciary obligation to a hospital or other health agency, and who have no material financial interest in the rendering of health services.

The Member, or Members, of the Senate, appointed by the Senate Committee on Rules, and the Member, or Members, of the Assembly, appointed by the Speaker, shall meet with and participate in the work of the council to the extent that such participation is not incompatible with their positions as Members of the Legislature. The Members of the Legislature appointed to the council shall serve at the pleasure of the appointing power. For purposes of this part, such Members of the Legislature shall constitute a joint legislative committee on the subject of this part and shall have the powers and duties imposed upon such committee by the Joint Rules of the Senate and Assembly.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 3. Section 437.1 of the Health and Safety Code is amended to read:

437.1. Of the members first appointed by the Governor, two shall hold office for four years, four shall hold office for three years, and two shall hold office for two years.

Of the members first appointed by the Senate Committee on Rules, one shall hold office for four years and one shall hold office for two years.

Of the members first appointed by the Speaker of the Assembly, one shall hold office for four years and one shall hold office for two years.

The members first appointed to the additional offices created by the amendments to this part effective November 10, 1969 and those enacted at the 1971 Regular Session of the Legislature shall hold office for four-year terms, except that members appointed by the California Committee on Regional Medical Programs and the Administrator of Veterans' Affairs shall serve at the pleasure of the appointing power.

Thereafter, each member, except a member appointed by the California Committee on Regional Medical Programs or the Administrator of Veterans' Affairs, shall hold office for four years. No appointing authority specified in Section 437 shall appoint any person to alternate membership on the Health Planning Council, unless to fill the vacant term of an appointment.

The terms of Members of the Legislature appointed to the council shall be figured as indicated above, but the members shall serve at the pleasure of the appointing power and in no event after they cease to be Members of the Legislature.

SEC. 3.5. Notwithstanding any other provision of law, including Chapter 1434 of the Statutes of 1970, the provisions of Governor's Reorganization Plan No. 1 of 1970 shall not become operative until July 1, 1973.

SEC. 4. It is the intent of the Legislature that, if Reorganization Plan No. 1 of 1970 becomes operative, the amendments to Section 437 of the Health and Safety Code which are made by Section 1 of this act shall remain in effect only until the date Reorganization Plan No. 1 of 1970 becomes operative, and on that date Section 2 of this act shall become operative.

CHAPTER 1218

An act to amend Sections 14981, 14987, and 20021 of, and to add Section 14988 to, the Elections Code, relating to elections.

[Approved by Governor October 21, 1971. Filed with Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 14981 of the Elections Code is amended to read:

14981. The commission has the right to withdraw its approval previously granted under this article of any voting machine or vote tabulating device should the machine or device prove defective or otherwise unacceptable after use in any election.

SEC. 2. Section 14987 of the Elections Code is amended to read:

14987. A copy of each election computer vote count program for a statewide election or state special election to fill vacancies shall be deposited with the Secretary of State at least one week before the election. Copies of any subsequent alterations in the program shall be deposited in the same manner prior to the election.

The Secretary of State shall hold the deposited programs for a period of not less than six months, at which time the program shall be returned to the depositor. The programs deposited in accord with this section shall be used only for an official recount, court action or for logic and accuracy tests required by the Secretary of State or the Commission on Voting Machines and Vote Tabulating Devices.

SEC. 3. Section 14988 is added to the Elections Code, to read:

14988. Section 14987 shall apply unless a court orders the program held pending the conclusion of litigation challenging the outcome of an election. If court action or an official recount is initiated while the program is on deposit, the Secretary of State shall make the program available to the court or the county clerk in whose jurisdiction the court action or recount takes place, upon written request.

SEC. 3. Section 20021 of the Elections Code is amended to read:

20021. Any elector of a county, city, or of any political subdivision of either may contest any election held therein, for any of the following causes:

(a) That the precinct board or any member thereof was guilty of malconduct.

(b) That the person who has been declared elected to an office was not, at the time of the election, eligible to that office.

(c) That the defendant has given to any elector or member of a precinct board any bribe or reward, or has offered any bribe or reward for the purpose of procuring his election, or has committed any other offense against the elective franchise defined in Chapter 3 (commencing at Section 12000) of Division 8 or Division 15, of this code.

(d) That illegal votes were cast.

(e) That the precinct board in conducting the election or in canvassing the returns, made errors sufficient to change

the result of the election as to any person who has been declared elected.

(f) That there was an error in the vote counting programs or summation of ballot counts.

CHAPTER 1219

An act to amend Sections 45, 46, 213.1 of, and to add Section 46.5 to, the Elections Code, relating to elections.

[Approved by Governor October 21, 1971. Filed with Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 45 of Elections Code is amended to read:

45. Wherever, by the Constitution or laws of this state, any initiative, referendum, recall, nominating petition or paper, or any other petition or paper, is required to be signed by voters, only a person who is a registered qualified voter at the time he signs the petition or paper is entitled to sign it. Each signer of a petition or paper, other than a nomination petition or paper, shall at the time of signing the petition or paper personally affix the date of signing and his place of residence, giving street and number, and if no street or number exists, then a designation of his place of residence which will enable the location to be readily ascertained. Each signer of a nomination petition or paper shall not, however, affix the date of his signing. No such petition or paper may be signed within 100 feet of any election booth, polling place, or any place where registration of electors is being conducted.

SEC. 2. Section 46 of the Elections Code is amended to read:

46. Wherever, by the Constitution or laws of this state, the county clerk is required to determine what number of voters have signed any petition or paper, the petition or paper, other than a nomination petition or paper, when filed with the officer, shall have designated therein the name or number of the respective precinct in which each of the signers reside. Whenever a nomination petition or paper is filed, the county clerk shall determine and affix to the petition or paper the precinct of each signer. The county clerk shall determine that fact with respect to the purported signature of any voter from his original affidavit of registration current and in effect within the dates designated by the circulator as those between which all signatures to the petition or paper were obtained.

SEC. 3. Section 46.5 is added to the Elections Code, to read:

46.5. Wherever, by the Constitution or laws of this state, any nomination petition or paper is required to be signed by

voters, the circulator of the petition or paper shall indicate by affidavit, to be filed at the same time as such petition or papers, the dates between which all signatures to the petition or paper were obtained.

SEC. 4. Section 213.1 of the Elections Code is amended to read:

213.1. The county clerk of any county in this state may take the affidavit of registration of any elector who resides or claims residence in another county in this state if it is within seven days prior to the close of registration for any statewide primary or general election, and the elector will not have sufficient time to either return to his county of residence to register or write for registration by mail before the close of registration for the election. The affidavit shall be forwarded to the county clerk of the county in which the elector resides. The county clerk of the county in which the elector resides may use the affidavit of registration from the other county as his permanent record or may copy the information from the affidavit of registration on to the form used in his county and in this instance shall forward the copied form to the elector for signature. If the information from the affidavit of registration is copied on to the form used in his county, the county clerk shall immediately mail the copied form to the elector for his signature. The signature shall not need verification other than comparison by the county clerk on return. The copied form shall be accompanied by a postage prepaid self-addressed envelope for the return of the affidavit. The original affidavit of registration shall serve to qualify the elector to vote in subsequent elections until the return of the copied form. The copied form shall, in all respects, serve as a valid affidavit of registration taken in the county in which the elector resides.

CHAPTER 1220

An act to add Section 161 to the Education Code, relating to certificated employees.

[Approved by Governor October 21, 1971 Filed with
Secretary of State October 21, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 161 is added to the Education Code, to read:

161. The State Board of Education shall develop guidelines which school districts may use in the development of teacher evaluation procedures pursuant to Article 5.5 (commencing with Section 13485) of Chapter 2 of Division 19, and shall distribute such guidelines to every school district.

CHAPTER 1221

An act to amend Sections 9310 and 9310.5 of the Education Code, relating to school textbooks.

[Approved by Governor October 21, 1971. Filed with
Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 9310 of the Education Code is amended to read:

9310. The board shall cause to be acquired and distributed to school districts of the state providing instruction in the elementary school grades, appropriate basic textbooks to be used in the selection process as provided in Section 9316. The board shall determine the necessary quantities and distribution pattern of such textbooks. However, in cases where the district does not qualify as a city school district and is an elementary district with fewer than 901 average daily attendance or a unified district with fewer than 1501 average daily attendance, the county superintendent of schools shall receive for review by districts such basic textbooks.

SEC. 2. Section 9310.5 of the Education Code is amended to read:

9310.5. The board shall cause to be acquired and distributed to school districts of the state providing instruction in the elementary school grades one full and complete set of the supplementary textbooks tentatively adopted by the board to be used in the selection provided in Section 9316. Any district requiring additional copies of tentatively adopted textbooks may request such copies, on forms provided for that purpose, from the Superintendent of Public Instruction. The cost of all supplementary textbooks distributed to districts beyond the one complete set provided herein shall be deducted from the supplementary textbook credit as provided in Section 9308. However, in cases where the district does not qualify as a city school district and is an elementary district with fewer than 901 average daily attendance or a unified district with fewer than 1501 average daily attendance, the county superintendent of schools shall receive for review by districts such tentatively adopted supplementary textbooks. The county superintendent of schools shall receive a set of supplementary textbooks for each 10, or fraction thereof, districts in his jurisdiction which do not qualify to receive samples, except that in no case shall he receive more than three sets. Nothing in this section shall prevent school districts which do not qualify as city school districts or as elementary districts with 901 or more average daily attendance, or as unified districts with 1501 average daily attendance or more from ordering tentatively adopted supplementary textbooks to be purchased with supplementary textbook credit in the manner described above, or the county superintendent of schools from purchasing such supplementary textbooks.

CHAPTER 1222

An act making an appropriation for the development of San Simeon State Beach.

[Approved by Governor October 21, 1971. Filed with Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated to the Department of Parks and Recreation the sum of one hundred twenty-five thousand dollars (\$125,000) from the Special Deposit Fund in accordance with provisions of Item 378.9, Budget Act of 1968, and Item 425.1, Budget Act of 1969, San Simeon Beach, for development.

CHAPTER 1223

An act to amend and supplement the Budget Bill for the 1971-72 fiscal year (enacted as the Budget Act of 1971) by adding thereto Section 2.5A, relating to an appropriation for the state park system, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 21, 1971. Filed with Secretary of State October 21, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 2.5A is added to the Budget Bill for the 1971-72 fiscal year enacted as the Budget Act of 1971 (Chapter 266, Statutes of 1971), to read:

STATE BEACH, PARK, RECREATIONAL AND
HISTORICAL FACILITIES BOND ACT PROGRAM

SEC. 2.5A. The following sum of money, or so much thereof as may be necessary, is hereby appropriated out of the State Beach, Park, Recreational and Historical Facilities Fund in the State Treasury.

PARKS AND RECREATION ACQUISITION
AND DEVELOPMENT PROGRAM

<i>Item</i>	<i>Amount</i>
313A—For capital outlay, Department of Parks and Recreation, in augmentation of Item 313, Section 2.5, Budget Act of 1971, for purposes set forth in Section 5096.15(a) of the Public Resources Code, for expenditure during the 1971-72, 1972-73, and 1973-74	

fiscal years, payable from the State Beach, Park, Recreational and Historical Facilities Fund -----	2,100,000
Schedule:	
(a) Land acquisition, Doheny Beach -----	2,100,000

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The present provisions of the Budget Act of 1971 do not make adequate provision for the existing and anticipated shortage of state park facilities. The capital outlay appropriation in this act is in continuation of an existing program under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964 to remedy the aforesaid shortage of facilities. If the appropriation is not available for expenditure at the earliest possible date, the existing program will be delayed. The expeditious correction of such condition and the efficient operation of the state park system requires the immediate availability of the capital outlay appropriation contained in this measure. It is therefore necessary that this act go into immediate effect.

CHAPTER 1224

An act to amend Section 27643 of the Government Code, relating to county counsels.

[Approved by Governor October 22, 1971 Filed with
Secretary of State October 22, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 27643 of the Government Code is amended to read:

27643. The board of supervisors may by ordinance require that the county counsel shall act as attorney for the public administrator in all estates in which he is executor, administrator with the will annexed, or administrator, where he has priority for appointment as established by law, including all cases under Sections 1143 and 1144 of the Probate Code. However, in the case of a noncharter county or a charter county where there is no conflict with the county charter, the public administrator may employ private counsel (a) in those estates in which he is nominated and would not otherwise have priority, (b) for those estates in which he is appointed administrator with the will annexed, or administrator pur-

suant to Chapter 6 (commencing with Section 480) of Division 3 of the Probate Code, and (c) in those estates in which he is appointed administrator with the will annexed for the reason the executor nominated in the will has refused to serve. In such matters where the county counsel furnishes representation the county counsel shall collect the attorney's fees allowed by law and pay them into the county treasury.

CHAPTER 1225

An act relating to the apportionment of state school funds to the San Joaquin Delta Junior College District.

[Approved by Governor October 22, 1971 Filed with
Secretary of State October 22, 1971.]

The people of the State of California do enact as follows:

SECTION 1. During the 1968-1969 fiscal year, the Superintendent of Public Instruction, pursuant to Section 17414 of the Education Code, withheld from the apportionment of the State School Fund to the San Joaquin Delta Junior College District the sum of eighty-three thousand nine hundred seventy-four dollars (\$83,974) following a recomputation of the apportionment due said district for the preceding fiscal year, by including the assessed valuation of the Sacramento County portion of the Rio Vista Joint Union High School District of Solano County and Sacramento County in the total computation of the assessed valuation of the San Joaquin Delta Junior College District for such preceding fiscal year.

Prior to such recomputation, and in 1965, a petition was filed in the Superior Court for the County of Sacramento by the San Joaquin Delta Junior College District for a writ of mandate and declaratory relief, contending that said Rio Vista Joint Union High School District, which lies partly within Solano County and partly within Sacramento County, was a part of the San Joaquin Delta Junior College District.

After an unfavorable decision in the trial court, the petitioner perfected an appeal to the District Court of Appeal, Third Appellate District, and on June 19, 1968, a decision was rendered in which it was determined that the Rio Vista Joint Union High School District was a part of the San Joaquin Delta Junior College District. (See *San Joaquin Delta Junior College District, et al., v. State Board of Education, et al.*, (1968), 263 Cal. App. 2d 296.)

During the period of the pendency of the action there was much uncertainty regarding the status of the Rio Vista Joint Union High School District for purposes of apportionment of the State School Fund, as well as the levy of taxes in the dis-

trict for junior college purposes. Factually, in the 1966-1967 fiscal year, the State Board of Equalization designated the Rio Vista Joint Union High School District as being a portion of the San Joaquin Delta Junior College District for purposes of levying of taxes, and taxes were levied in the district for junior college purposes. In the succeeding fiscal year of 1967-1968, the State Board of Equalization informed the Auditor of Sacramento County that the Rio Vista Joint Union High School District was not in any junior college district and as a result no junior college tax was levied in the Sacramento County portion of the Rio Vista Joint Union High School District.

Although no tax for junior college purposes was levied in the Sacramento County portion of the Rio Vista Joint Union High School District, the apportionment of the State School Fund for the San Joaquin Delta Junior College District for the fiscal year 1967-1968 was recomputed as aforesaid; that as a result of such inclusion and due to the confusion over the status of the territory of the Rio Vista Joint Union High School District with respect to the levy of taxes for junior college purposes, the San Joaquin Delta Junior College District, in the 1967-1968 fiscal year, not only was deprived of local tax revenues but also sustained a reduction in equalization aid allowances in said amount of eighty-three thousand nine hundred seventy-four dollars (\$83,974).

The Legislature finds that the unique circumstances facing San Joaquin Delta Junior College District require special legislation and that a general statute cannot be made applicable to these circumstances within the meaning of Section 16 of Article IV of the California Constitution. The provision for the repayment of the amount of the apportionment withheld during the 1968-1969 fiscal year by the Superintendent of Public Instruction by Section 2 of this act is made in view of the unique circumstances occurring in the San Joaquin Delta Junior College District, and is made for the purpose of assisting in the financial situation brought on by those circumstances only. It is not the intention of the Legislature to establish a precedent with respect to the repayment of the amount withheld from the apportionment of State School Funds to the San Joaquin Delta Junior College District in the 1968-1969 fiscal year, but rather to assist in a situation involving unique circumstances when appropriate justification for assistance has been found.

SEC. 2. Notwithstanding any provision to the contrary, the Superintendent of Public Instruction shall apportion from the State School Fund to the San Joaquin Delta Junior College District the sum of eighty-three thousand nine hundred seventy-four dollars (\$83,974), which shall be added to the apportionment made to said district during the fiscal year in which this act becomes effective.

CHAPTER 1226

An act to amend Sections 353 and 385 of the Code of Civil Procedure and Section 707 of the Probate Code, relating to decedents.

[Approved by Governor October 22, 1971. Filed with Secretary of State October 22, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 353 of the Code of Civil Procedure is amended to read:

353. If a person entitled to bring an action die before the expiration of the time limited for the commencement thereof, and the cause of action survive, an action may be commenced by his representatives, after the expiration of that time, and within six months from his death. If a person against whom an action may be brought die before the expiration of the time limited for the commencement thereof, and the cause of action survive, an action may be commenced against his representatives, after the expiration of that time, and within one year after the issuing of letters testamentary or of administration; or an action against the estate provided for by subdivision (b) of Section 707 of the Probate Code may be commenced within one year after the expiration of the time otherwise limited for the commencement thereof.

SEC. 2. Section 385 of the Code of Civil Procedure is amended to read:

385. (a) An action or proceeding does not abate by the death, or any disability of a party, or by the transfer of any interest therein, if the cause of action survive or continue. In case of the death or any disability of a party, the court, on motion, may allow the action or proceeding to be continued by or against his representative or successor in interest. In case of any other transfer of interest, the action or proceeding may be continued in the name of the original party, or the court may allow the person to whom the transfer is made to be substituted in the action or proceeding.

(b) In the case of an action for injury to or for the death of a person caused by the wrongful act or neglect of the defendant, and the defendant dies after the commencement of the action, the action may be continued, against the decedent as the original party defendant without the appointment of a representative or successor in interest, if the decedent had liability insurance applicable to the cause of action, the amount of damages sought in the action does not exceed the maximum amount of such insurance, or recovery of excess thereof is waived, and the estate of the decedent otherwise qualifies for summary probate proceedings pursuant to the provisions of Section 630 of the Probate Code. No action may be continued

under this subdivision, unless the insurer has been served with the complaint filed in the action.

SEC. 3. Section 707 of the Probate Code is amended to read:

707. (a) Except as provided in subdivision (b) or Section 707.5 or Section 720, all claims arising upon contract, whether they are due, not due, or contingent, and all claims for funeral expenses and all claims for damages for injuries to or death of a person or injury to property and all claims against the executor or administrator of any testator or intestate who in his lifetime has wasted, destroyed, taken or carried away or converted to his own use, the property of another person or committed any trespass on the real property of another person, must be filed or presented within the time limited in the notice or as extended by the provisions of Sections 702 and 709 of this code; and any claim not so filed or presented is barred forever, unless it is made to appear by the affidavit of the claimant to the satisfaction of the court or a judge thereof that the claimant had not received notice, by reason of being out of the state, in which event it may be filed or presented at any time before a decree of distribution is rendered. The clerk must enter in the register every claim filed, giving the name of the claimant, the amount and character of the claim, the rate of interest, if any, and the date of filing.

(b) The filing and presentation of a claim is not required as a prerequisite to commencing an action against the decedent for damages for injury to or for the death of a person caused by the wrongful act or neglect of the decedent or to recover upon a judgment obtained in the action if (1) the decedent had liability insurance applicable to the cause of action, (2) the amount of damages sought in the action does not exceed the maximum amount of such insurance, or recovery in excess thereof is waived, and (3) the estate of the decedent otherwise qualifies for summary probate proceedings pursuant to the provisions of Section 530 of the Probate Code. If the amount of damages sought in the action exceeds the maximum amount of the insurance, filing and presentation of a claim is required only with respect to the amount sought in excess of the maximum amount of the insurance. The defendant in the action may be designated as "Estate of (name and decedent), Deceased". No action shall be maintained under this subdivision unless the insurer has been served with a copy of the complaint.

SEC. 4. This act shall not apply to claims for damages for injuries to or death of a person for which an action, specified in Section 709 of the Probate Code, is pending at the effective date of this act; nor shall this act revive any claim for damages for injuries to or death of a person previously barred by Chapter 12 (commencing with Section 700) of Division 3 of the Probate Code.

CHAPTER 1227

An act to amend Section 700 of the Streets and Highways Code, relating to toll bridges.

[Approved by Governor October 22, 1971 Filed with
Secretary of State October 22, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 700 of the Streets and Highways Code is amended to read:

700. (a) "Person," in addition to the definition in Section 19, includes any city, county, public corporation, or public district.

(b) "Utility facility" means any pole, poleline, pipe, pipeline, conduit, cable, aqueduct, or other structure or appurtenance thereof used for public or privately owned utility services or used by any mutual organization supplying water or telephone service to its members.

(c) "Utility" means any person maintaining any utility facility.

(d) "Freeway" includes any toll bridge, including approaches, under the jurisdiction of the California Toll Bridge Authority.

CHAPTER 1228

An act to amend Section 13002 of the Education Code, relating to school employees' expenses.

[Approved by Governor October 22, 1971 Filed with
Secretary of State October 22, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 13002 of the Education Code is amended to read:

13002. The governing board of any school district shall provide for the payment of the actual and necessary expenses, including traveling expenses, of any employee of the district incurred in the course of performing services for the district, whether within or outside the district, under the direction of the governing board. The board may authorize an advance of funds to cover such necessary expense. Such advance shall be repaid or adjusted upon filing of a regular claim for the actual and necessary expenses incurred. The governing board may direct any employee of the district to attend any convention or conference or to visit schools for the discussion or observation of any school matter appertaining to the duties of the employee or any question of interest to the school district.

SEC. 2. Section 13002 of the Education Code is amended to read:

13002. The governing board of any school district shall provide for the payment of the actual and necessary expenses, including traveling expenses, of any employee of the district incurred in the course of performing services for the district, whether within or outside the district, under the direction of the governing board. The board may authorize an advance of funds to cover such necessary expense. Such advance shall be repaid or adjusted upon filing of a regular claim for the actual and necessary expenses incurred. The governing board may direct any employee of the district to attend any convention or conference or to visit schools for the discussion or observation of any school matter appertaining to the duties of the employee or any question of interest to the school district.

In implementing this section, a governing board of any school district having an average daily attendance in excess of 50,000 pupils may, by rule or regulation, delegate to the district superintendent the authority to perform all powers described in this section; provided, that funds expended pursuant to such delegation shall not exceed the amount previously budgeted for such purposes by the governing board.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 1271 are both chaptered and amend Section 13002 of the Education Code and this bill is chaptered after Assembly Bill No. 1271, that the amendments to Section 13002 proposed by both bills be given effect and incorporated in Section 13002 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 1271 are both chaptered, both amend Section 13002, and Assembly Bill No. 1271 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 1229

An act to amend Sections 17297 and 24436 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor October 22, 1971. Filed with Secretary of State October 22, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 17297 of the Revenue and Taxation Code is amended to read:

17297. In computing taxable income, no deductions shall be allowed to any taxpayer on any of his gross income directly derived from illegal activities as defined in Chapters 9, 10 or 10.5 of Title 9 of Part 1 of the Penal Code of California; nor shall any deductions be allowed to any taxpayer on any of his gross income derived from any other activities which directly

tend to promote or to further, or are directly connected or associated with, such illegal activities. A prior, final determination by a court of competent jurisdiction of this state in any criminal proceedings or any proceeding in which the state, county, city and county, city or other political subdivision was a party thereto on the merits of the legality of the activities of a taxpayer or predecessor in interest of a taxpayer shall be binding upon the Franchise Tax Board and State Board of Equalization.

SEC. 2. Section 24436 of the Revenue and Taxation Code is amended to read:

24436. In computing net income, no deductions shall be allowed to any taxpayer on any of its gross income directly derived from illegal activities as defined in Chapters 9, 10 or 10.5 of Title 9 of Part 1 of the Penal Code of California; nor shall any deduction be allowed to any taxpayer on any of its gross income derived from any other activities which directly tend to promote or to further, or are directly connected or associated with, such illegal activities. A prior, final determination by a court of competent jurisdiction of this state in any criminal proceedings or any proceeding in which the state, county, city and county, city or other political subdivision was a party thereto on the merits of the legality of the activities of a taxpayer or predecessor in interest of a taxpayer shall be binding upon the Franchise Tax Board and State Board of Equalization.

CHAPTER 1230

An act to amend Section 8320 of, to add Article 4 (commencing with Section 13500) to Chapter 5.5 of Part 3 of Division 3 of Title 2 of, and to repeal Article 4 (commencing with Section 8365) of Chapter 5.5 of Division 1 of Title 2 and Section 13891.2 of, the Government Code, relating to the Commission for Economic Development and making an appropriation therefor.

[Approved by Governor October 22, 1971. Filed with
Secretary of State October 22, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 8320 of the Government Code is amended to read:

8320. There is in the Department of Commerce a world trade division.

SEC. 2. Article 4 (commencing with Section 8365) of Chapter 5.5 of Division 1 of Title 2 of the Government Code is repealed.

SEC. 3. Article 4 (commencing with Section 13500) is added to Chapter 5.5 of Part 3 of Division 3 of Title 2 of the Government Code, to read:

Article 4. Commission for Economic Development

13500. There is created a Commission for Economic Development hereinafter referred to as the commission.

13501. The purpose of the commission is to provide continuing bipartisan legislative, executive branch and private sector support and guidance for the best possible overall economic development of the state.

13502. The commission replaces the existing 15-member Industry and World Trade Commission and the 15-member Tourism and Visitor Services Commission, and shall consist of 17 members appointed as follows:

Three Members of the Senate, appointed by the Senate Rules Committee.

Three Members of the Assembly, appointed by the Speaker of the Assembly.

The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power and shall participate in the activities of the commission to the extent that such participation is not incompatible with their respective positions as Members of the Legislature. For the purposes of this chapter, such Members of the Legislature shall constitute a joint investigating committee on the subject of this chapter and as such shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

Ten members appointed by the Governor after consultation with business, industry and labor organizations, with no more than six members registered from the same political party. These 10 members shall include persons from the economic development fields of manufacturing, tourism, world trade and such other fields as may be appropriate. The terms of these 10 members shall be for four years. The terms of the members first appointed shall be as follows: four shall expire January 1, 1973; four January 1, 1974; and two January 1, 1975.

The Lieutenant Governor shall serve as chairman of the commission. The Governor shall appoint an executive secretary, and he shall be the appointing authority for other commission personnel. The Director of the Department of Commerce shall attend meetings of the commission in an advisory capacity. Vacancies in the commission shall be filled in the same manner as the original appointments.

13503. The commission may select from its membership such officers, other than chairman, that it deems necessary. The commission may contract for studies and other special services for purposes of this article.

13504. The commission shall appoint advisory committees from outside its membership to represent the aerospace, manu-

facturing, maritime, tourism and world trade segments of the state's economy, and such other advisory committees as it deems necessary for the purpose of carrying out its responsibilities as set forth in this article. Such committees shall serve at no cost to state government.

13505. Members of the commission shall serve without compensation, but shall be reimbursed for actual necessary expenses incurred in the performance of their duties, as authorized by the commission chairman, excepting those members representing the Senate and Assembly who shall receive reimbursement from their existing legislative funds.

13506. A majority of the members shall constitute a quorum for the transaction of business for the commission.

13507. The commission may act at any regular or special meeting. Regular meetings shall be held once during each three-month period and special meetings may be called by the chairman at any time he deems it is necessary to handle special or emergency matters. The commission may act without a meeting if a majority of the members approve of the action taken in writing. Any member who misses attending three consecutive meetings without good cause, may be replaced.

13508. The commission may adopt such rules and regulations as it deems advisable with respect to the conduct of its own affairs.

13509. The commission shall advise the Department of Commerce in carrying out its functions and responsibilities. The commission shall also consider programs to further the economic development of the state. The commission shall study the laws and programs of other states relating to economic development and the encouragement of business and industry, and shall confer with governmental officials and representatives of business and industry and any other persons or organizations interested in the promotion of economic development. The commission shall make recommendations concerning legislation affecting the economic development of the state.

13510. The commission shall make a report of its activities, findings and recommendations to the Governor and the Legislature not later than February 1 of each year.

SEC. 4. Section 13891.2 of the Government Code is repealed.

SEC. 5. The sum of fifty-seven thousand five hundred dollars (\$57,500) or so much thereof as may be necessary, is appropriated from the General Fund to the commission to carry out the provisions of this act for the remainder of fiscal year 1971-72.

SEC. 6. The provisions of Section 3 of this act shall remain in effect until the 61st day after final adjournment of the 1975 Regular Session of the Legislature, and shall have no force or effect after that date.

CHAPTER 1231

An act to amend Section 1811 of the Insurance Code, relating to bail licenses.

[Approved by Governor October 22, 1971 Filed with
Secretary of State October 22, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 1811 of the Insurance Code is amended to read:

1811. For his services in connection with the filing of any application or request for any license under this chapter, the commissioner shall charge and collect the following fees:

(a) For filing an application or request for bail agent's license, one hundred dollars (\$100).

(b) For filing an application or request for bail solicitor's license, one hundred dollars (\$100).

(c) For filing an application or request for bail permittee's license, two hundred dollars (\$200).

(d) For filing an application for examination, or reexamination twenty dollars (\$20).

(e) For filing each annual notice of intention to keep a bail agent's license in force or a renewal application, a fee of twenty-eight dollars (\$28). In the case of a bail agent with more than one valid notice of appointment on file, the fee to be charged pursuant to this subsection shall be the fee provided herein multiplied by the number of insurers whose valid appointments are on file at the date such document is filed unless such bail agent in such document advises the commissioner of his intent to terminate the appointment of one or more such insurers, in which event the fee shall be based upon the number of insurers remaining.

(f) For filing each renewal notice of intention to keep a bail solicitor's license in force or a renewal application, a fee of twenty-eight dollars (\$28).

(g) For filing each renewal notice of intention to keep a bail permittee's license in force or a renewal application, a fee of one hundred dollars (\$100).

(h) At the time of filing an application for a license, if a qualifying examination is required for issue or in connection with such license, the fee for filing the first application to take the qualifying examination shall be paid at the time of filing application for the license.

(i) For filing application or request for approval of a true or fictitious name pursuant to Section 1724.5, five dollars (\$5), except that there shall be no fee when such name is contained in an original application.

(j) For filing a bond required by this chapter, except when such bond constitutes part of an original application, five dollars (\$5).

(k) For filing a first amendment to an application, two dollars (\$2).

(l) For filing a second and each subsequent amendment to an application, four dollars (\$4).

SEC. 2. The Insurance Commissioner shall, not later than June 1, 1972, report to the Legislature whether or not the increase in license fees for bail agents, bail solicitors, and bail permittees made by this act is sufficient to make the licensing program for such persons self-supporting.

CHAPTER 1232

An act to amend Sections 189, 190, and 190.01 of the Streets and Highways Code, relating to grade separations.

[Approved by Governor October 22, 1971 Filed with
Secretary of State October 22, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 189 of the Streets and Highways Code is amended to read:

189. On or before the first day of each year, the Public Utilities Commission shall establish and furnish to the Department of Public Works a list of crossings at grade in separation of grade districts, of city streets or county roads and the tracks of any railroad corporation or corporations or the tracks of any municipal corporation, transit district, rapid transit district, or other public entity engaged in providing rail passenger transportation services, of projects effecting the elimination of grade crossing by removal or relocation of streets or railroad tracks, and of existing grade separations in need of alteration or reconstruction in the order of priority which in the judgment of the commission justifies the elimination of the crossing at grade by the erection or construction of separation structures, or by removal or relocation of streets or railroad tracks, or justifies the alteration or reconstruction of existing grade separations. The commission shall include in such listing only such crossings which in its judgment are most urgently in need of separation or alteration, taking into consideration the possibility of financing the same under the provisions of this code.

The priority list shall terminate on the last day of the year for which it is established.

SEC. 2. Section 190 of the Streets and Highways Code is amended to read:

190 In each annual budget report prepared by the commission and the department under Section 143.1, the sum of five million dollars (\$5,000,000) shall be set aside for allocations to grade separation projects, including the elimination of grade crossings, the elimination of grade crossings by re-

removal or relocation of streets or railroad tracks, and the alteration or reconstruction of grade separations, of separation of grade districts, cities, cities and counties, and counties on county roads or city streets as provided in Sections 189 to 191, inclusive. An allocation shall be made of one-half of the estimated cost, after deducting therefrom any contribution to be made by the railroad corporations involved, towards any project which qualifies therefor under the provisions of those sections, except that in no event shall allocations be made to projects for the alteration or reconstruction of grade separations unless the affected railroad or railroads have agreed, or have been required by decision of the Public Utilities Commission, to contribute not less than 10 percent of the cost of such alteration or reconstruction project. In no event shall an allocation for a project effecting the elimination of grade crossings by removal or relocation of streets or railroad tracks be in excess of the estimated allocation that would otherwise be made for the construction of grade separation facilities on the existing alignment of the street and railroad tracks and result in the removal or relocation of more than 6,000 feet of railroad tracks. An allocation shall be made only when the affected local agency or agencies furnish evidence to the department that all necessary orders of the Public Utilities Commission have been obtained, that all necessary agreements with affected railroad or railroads have been executed, that sufficient funds from the local agency or agencies are available and that all other matters prerequisite to awarding the construction contract within a period of six months have been or can be taken care of within that time. Funds of a local agency shall be deemed available for purposes of this section to the extent of the amount of any general obligation bonds authorized but unsold if all proceedings prior to the issuance and sale of the bonds have been validly taken and if the bonds may be validly issued and sold by the local agency at any time, even though at the time of allocation under this section the bonds have not been issued or sold. Where such bond proceedings have been taken, if the bonds are not issued and sold within six months after the time of such allocation, the commission may order the allocation canceled, and shall thereupon revert the amount thereof to the fund set aside by this section, for reallocation to another eligible project. In any event, regardless of the method proposed by the local agency for the financing of its share of the project cost, if after an allocation has been made, the construction contract has not been awarded within one year, the commission may order the allocation canceled and the funds allocated shall revert to the fund set aside by this section. In financing its share of the project cost, the local agency may use any funds available to it.

The department and the commission may make allocations from a succeeding fiscal year's sum of five million dollars (\$5,000,000) on and after January 1st preceding the beginning of such fiscal year. Engineering, right-of-way acquired for the

project and utility relocation costs expended by a local agency or agencies prior to an allocation of funds for a project shall be included in the total cost thereof, even though expended prior to an allocation of state funds.

A local agency that furnishes evidence to the department that it has complied with all requirements for an allocation pursuant to this section may, if it has sufficient funds available for that purpose, proceed with the advertising for bids and the construction without prejudice to its right to receive an allocation if an allocation becomes available for that local agency before the termination of the priority list established for the year during which the construction commenced.

Funds set aside for the purposes specified in this section shall be available for allocation and expenditure without regard to fiscal years.

Such project may be constructed by the local agency or agencies concerned, or, by agreement between the local agency or agencies and the department, the department may acquire the necessary rights-of-way in the name of the local agency or agencies, execute agreements with railroad corporations, present necessary applications to the Public Utilities Commission and perform all other acts to complete the project. Construction work by the department shall be subject to the State Contract Act. Agreements between the department and local agencies are authorized relative to the handling and accounting of funds, including the making of advancements thereof so as to permit prompt payment for the work accomplished, and relative to any other phase of the work.

In the event the actual cost is less than that estimated, the allocation shall be reduced accordingly. If, after completion of the project, the actual cost exceeds that estimated, the allocation may be increased proportionately by the department and the commission. If more projects comply with the requirements hereof than can be financed from the fund set aside by this section, allocations shall be made only to those highest on the priority list submitted by the Public Utilities Commission, except for those allocations made for projects which exceed the estimated costs. Allocations to specific projects by the department shall remain available until expended. As used in this section, "local agency" includes a separation of grade district, as well as a city, city and county, or county.

Sec. 3. Section 190 01 of the Streets and Highways Code is amended to read:

190.01. Allocations may be made pursuant to Section 190 to a local agency, as defined in that section, for grade separation projects, including the elimination of grade crossings, the elimination of grade crossings by removal or relocation of streets or railroad tracks, and the alteration or reconstruction of grade separations, of municipal corporations, transit districts, rapid transit districts, or other public entities which provide rail passenger transportation services. Allocations for such a project shall be for one-half of the portion of the cost

of the project which the California Highway Commission and the department determine to be properly allocable to the betterment of traffic conditions on the local street or road involved. In no event shall an allocation for a project effecting the elimination of grade crossings by removal or relocation of streets or railroad tracks be in excess of the estimated allocation that would otherwise be made for the construction of grade separation facilities on the existing alignment of the street and railroad tracks and result in the removal or relocation of more than 6,000 feet of railroad tracks.

Any references in any law or regulation to Section 190 shall also be deemed to include reference to this section.

SEC. 4. Section 189 of the Streets and Highways Code is amended to read:

189. On or before the first day of each year, the Public Utilities Commission shall establish and furnish to the Department of Public Works a list of existing or proposed crossings at grade in need of separation of grade districts, of city streets or county roads and the tracks of any railroad corporation or corporations or the tracks of any municipal corporation, transit district, rapid transit district, or other public entity engaged in providing rail passenger transportation services, of projects effecting the elimination of existing grade crossing by removal or relocation of streets or railroad tracks, and of existing grade separations in need of alteration or reconstruction in the order of priority which in the judgment of the commission justifies the elimination of the crossing at grade by the erection or construction of separation structures, or by removal or relocation of streets or railroad tracks, or justifies the alteration or reconstruction of existing grade separations. The commission shall include in such listing only such existing and proposed crossings and existing separations, which in its judgment are most urgently in need of separation or alteration, taking into consideration the possibility of financing the same under the provisions of this code.

The priority list shall terminate on the last day of the year for which it is established.

SEC. 5. Section 190 of the Streets and Highways Code is amended to read:

190. In each annual budget report prepared by the commission and the department under Section 143.1, the sum of five million dollars (\$5,000,000) shall be set aside for allocations to grade separation projects, including the elimination of existing or proposed grade crossings, the elimination of existing grade crossings by removal or relocation of streets or railroad tracks, and the alteration or reconstruction of existing grade separations, of separation of grade districts, cities, cities and counties, and counties on county roads or city streets as provided in Sections 189 to 191, inclusive. An allocation shall be made of one-half of the estimated cost, after deducting therefrom any contribution to be made by the railroad corporations involved, towards any project which quali-

fies therefor under the provisions of those sections, except that in no event shall allocations be made to projects for the alteration or reconstruction of grade separations unless the affected railroad or railroads have agreed, or have been required by decision of the Public Utilities Commission, to contribute not less than 10 percent of the cost of such alteration or reconstruction project. In no event shall an allocation for a project effecting the elimination of existing grade crossings by removal or relocation of streets or railroad tracks be in excess of the estimated allocation that would otherwise be made for the construction of grade separation facilities on the existing alignment of the street and railroad tracks and result in the removal or relocation of more than 6,000 feet of railroad tracks. An allocation shall be made only when the affected local agency or agencies furnish evidence to the department that all necessary orders of the Public Utilities Commission have been obtained, that all necessary agreements with affected railroad or railroads have been executed, that sufficient funds from the local agency or agencies are available and that all other matters prerequisite to awarding the construction contract within a period of six months have been or can be taken care of within that time. Funds of a local agency shall be deemed available for purposes of this section to the extent of the amount of any general obligation bonds authorized but unsold if all proceedings prior to the issuance and sale of the bonds have been validly taken and if the bonds may be validly issued and sold by the local agency at any time, even though at the time of allocation under this section the bonds have not been issued or sold. Where such bond proceedings have been taken, if the bonds are not issued and sold within six months after the time of such allocation, the commission may order the allocation canceled, and shall thereupon revert the amount thereof to the fund set aside by this section, for reallocation to another eligible project. In any event, regardless of the method proposed by the local agency for the financing of its share of the project cost, if after an allocation has been made, the construction contract has not been awarded within one year, the commission may order the allocation canceled and the funds allocated shall revert to the fund set aside by this section. In financing its share of the project cost, the local agency may use any funds available to it.

The department and the commission may make allocations from a succeeding fiscal year's sum of five million dollars (\$5,000,000) on and after January 1st preceding the beginning of such fiscal year. Engineering, right-of-way acquired for the project and utility relocation costs expended by a local agency or agencies prior to an allocation of funds for a project shall be included in the total cost thereof, even though expended prior to an allocation of state funds

A local agency that furnishes evidence to the department that it has complied with all requirements for an allocation pursuant to this section may, if it has sufficient funds avail-

able for that purpose, proceed with the advertising for bids and the construction without prejudice to its right to receive an allocation if an allocation becomes available for that local agency before the termination of the priority list established for the year during which the construction commenced.

Funds set aside for the purposes specified in this section shall be available for allocation and expenditure without regard to fiscal years.

Such project may be constructed by the local agency or agencies concerned, or, by agreement between the local agency or agencies and the department, the department may acquire the necessary rights-of-way in the name of the local agency or agencies, execute agreements with railroad corporations, present necessary applications to the Public Utilities Commission and perform all other acts to complete the project. Construction work by the department shall be subject to the State Contract Act. Agreements between the department and local agencies are authorized relative to the handling and accounting of funds, including the making of advancements thereof so as to permit prompt payment for the work accomplished, and relative to any other phase of the work.

In the event the actual cost is less than that estimated, the allocation shall be reduced accordingly. If, after completion of the project, the actual cost exceeds that estimated, the allocation may be increased proportionately by the department and the commission. If more projects comply with the requirements hereof than can be financed from the fund set aside by this section, allocations shall be made only to those highest on the priority list submitted by the Public Utilities Commission, except for those allocations made for projects which exceed the estimated costs. Allocations to specific projects by the department shall remain available until expended. As used in this section, "local agency" includes a separation of grade district, as well as a city, city and county, or county.

SEC. 6. Section 190 of the Streets and Highways Code is amended to read:

190. In each annual budget report prepared by the commission and the department under Section 143.1, commencing with the 1972-1973 fiscal year, the sum of ten million dollars (\$10,000,000) shall be set aside for allocations to grade separation projects, including the elimination of grade crossings, the elimination of grade crossings by removal or relocation of streets or railroad tracks, and the alteration or reconstruction of grade separations, of separation of grade districts, cities, cities and counties, and counties on county roads or city streets as provided in Sections 189 to 191, inclusive. An allocation shall be made of two-thirds of the estimated cost, after deducting therefrom any contribution to be made by the railroad corporations involved, towards any project which qualifies therefor under the provisions of those sections, except that in no event shall allocations be made to projects for the alteration or reconstruction of grade separations unless the affected rail-

road or railroads have agreed, or have been required by decision of the Public Utilities Commission, to contribute not less than 10 percent of the cost of such alteration or reconstruction project. In no event shall an allocation for a project effecting the elimination of grade crossings by removal or relocation of streets or railroad tracks be in excess of the estimated allocation that would otherwise be made for the construction of grade separation facilities on the existing alignment of the street and railroad tracks and result in the removal or relocation of more than 6,000 feet of railroad tracks. An allocation shall be made only when the affected local agency or agencies furnish evidence to the department that all necessary orders of the Public Utilities Commission have been obtained, that all necessary agreements with affected railroad or railroads have been executed, that sufficient funds from the local agency or agencies are available and that all other matters prerequisite to awarding the construction contract within a period of six months have been or can be taken care of within that time. Funds of a local agency shall be deemed available for purposes of this section to the extent of the amount of any general obligation bonds authorized but unsold if all proceedings prior to the issuance and sale of the bonds have been validly taken and if the bonds may be validly issued and sold by the local agency at any time, even though at the time of allocation under this section the bonds have not been issued or sold. Where such bond proceedings have been taken, if the bonds are not issued and sold within six months after the time of such allocation, the commission may order the allocation canceled, and shall thereupon revert the amount thereof to the fund set aside by this section, for reallocation to another eligible project. In any event, regardless of the method proposed by the local agency for the financing of its share of the project cost, if after an allocation has been made, the construction contract has not been awarded within one year, the commission may order the allocation canceled and the funds allocated shall revert to the fund set aside by this section. In financing its share of the project cost, the local agency may use any funds available to it.

The department and the commission may make allocations from a succeeding fiscal year's sum of ten million dollars (\$10,000,000) on and after January 1st preceding the beginning of such fiscal year. Engineering, right-of-way acquired for the project and utility relocation costs expended by a local agency or agencies prior to an allocation of funds for a project shall be included in the total cost thereof, even though expended prior to an allocation of state funds.

A local agency that furnishes evidence to the department that it has complied with all requirements for an allocation pursuant to this section may, if it has sufficient funds available for that purpose, proceed with the advertising for bids and the construction without prejudice to its right to receive an allocation if an allocation becomes available for that local

agency before the termination of the priority list established for the year during which the construction commenced.

Funds set aside for the purposes specified in this section shall be available for allocation and expenditure without regard to fiscal years.

Such project may be constructed by the local agency or agencies concerned, or, by agreement between the local agency or agencies and the department, the department may acquire the necessary rights-of-way in the name of the local agency or agencies, execute agreements with railroad corporations, present necessary applications to the Public Utilities Commission and perform all other acts to complete the project. Construction work by the department shall be subject to the State Contract Act. Agreements between the department and local agencies are authorized relative to the handling and accounting of funds, including the making of advancements thereof so as to permit prompt payment for the work accomplished, and relative to any other phase of the work.

In the event the actual cost is less than that estimated, the allocation shall be reduced accordingly. If, after completion of the project, the actual cost exceeds that estimated, the allocation may be increased proportionately by the department and the commission. If more projects comply with the requirements hereof than can be financed from the fund set aside by this section, allocations shall be made only to those highest on the priority list submitted by the Public Utilities Commission, except for those allocations made for projects which exceed the estimated costs. Allocations to specific projects by the department shall remain available until expended. As used in this section, "local agency" includes a separation of grade district, as well as a city, city and county, or county.

SEC. 7. Section 190 of the Streets and Highways Code is amended to read:

190. In each annual budget report prepared by the commission and the department under Section 143.1, commencing with the 1972-1973 fiscal year, the sum of ten million dollars (\$10,000,000) shall be set aside for allocations to grade separation projects, including the elimination of existing or proposed grade crossings, the elimination of existing grade crossings by removal or relocation of streets or railroad tracks, and the alteration or reconstruction of existing grade separations, of separation of grade districts, cities, cities and counties, and counties on county roads or city streets as provided in Sections 189 to 191, inclusive. An allocation shall be made of two-thirds of the estimated cost, after deducting therefrom any contribution to be made by the railroad corporations involved, towards any project which qualifies therefor under the provisions of those sections, except that in no event shall allocations be made to projects for the alteration or reconstruction of grade separations unless the affected railroad or railroads have agreed, or have been required by decision of the Public Utilities Commission, to contribute not less than 10 percent of the cost of

such alteration or reconstruction project. In no event shall an allocation for a project effecting the elimination of existing grade crossings by removal or relocation of streets or railroad tracks be in excess of the estimated allocation that would otherwise be made for the construction of grade separation facilities on the existing alignment of the street and railroad tracks and result in the removal or relocation of more than 6,000 feet of railroad tracks. An allocation shall be made only when the affected local agency or agencies furnish evidence to the department that all necessary orders of the Public Utilities Commission have been obtained, that all necessary agreements with affected railroad or railroads have been executed, that sufficient funds from the local agency or agencies are available and that all other matters prerequisite to awarding the construction contract within a period of six months have been or can be taken care of within that time. Funds of a local agency shall be deemed available for purposes of this section to the extent of the amount of any general obligation bonds authorized but unsold if all proceedings prior to the issuance and sale of the bonds have been validly taken and if the bonds may be validly issued and sold by the local agency at any time, even though at the time of allocation under this section the bonds have not been issued or sold. Where such bond proceedings have been taken, if the bonds are not issued and sold within six months after the time of such allocation, the commission may order the allocation canceled, and shall thereupon revert the amount thereof to the fund set aside by this section, for reallocation to another eligible project. In any event, regardless of the method proposed by the local agency for the financing of its share of the project cost, if after an allocation has been made, the construction contract has not been awarded within one year, the commission may order the allocation canceled and the funds allocated shall revert to the fund set aside by this section. In financing its share of the project cost, the local agency may use any funds available to it.

The department and the commission may make allocations from a succeeding fiscal year's sum of ten million dollars (\$10,000,000) on and after January 1st preceding the beginning of such fiscal year. Engineering, right-of-way acquired for the project and utility relocation costs expended by a local agency or agencies prior to an allocation of funds for a project shall be included in the total cost thereof, even though expended prior to an allocation of state funds.

A local agency that furnishes evidence to the department that it has complied with all requirements for an allocation pursuant to this section may, if it has sufficient funds available for that purpose, proceed with the advertising for bids and the construction without prejudice to its right to receive an allocation if an allocation becomes available for that local agency before the termination of the priority list established for the year during which the construction commenced.

Funds set aside for the purposes specified in this section shall be available for allocation and expenditure without regard to fiscal years.

Such project may be constructed by the local agency or agencies concerned, or, by agreement between the local agency or agencies and the department, the department may acquire the necessary rights-of-way in the name of the local agency or agencies, execute agreements with railroad corporations, present necessary applications to the Public Utilities Commission and perform all other acts to complete the project. Construction work by the department shall be subject to the State Contract Act. Agreements between the department and local agencies are authorized relative to the handling and accounting of funds, including the making of advancements thereof so as to permit prompt payment for the work accomplished, and relative to any other phase of the work.

In the event the actual cost is less than that estimated, the allocation shall be reduced accordingly. If, after completion of the project, the actual cost exceeds that estimated, the allocation may be increased proportionately by the department and the commission. If more projects comply with the requirements hereof than can be financed from the fund set aside by this section, allocations shall be made only to those highest on the priority list submitted by the Public Utilities Commission, except for those allocations made for projects which exceed the estimated costs. Allocations to specific projects by the department shall remain available until expended. As used in this section, "local agency" includes a separation of grade district, as well as a city, city and county, or county.

SEC. 8. Section 190.01 of the Streets and Highways Code is amended to read:

190.01. Allocations may be made pursuant to Section 190 to a local agency, as defined in that section, for grade separation projects, including the elimination of existing or proposed grade crossings, the elimination of existing grade crossings by removal or relocation of streets or railroad tracks, and the alteration or reconstruction of existing grade separations, of municipal corporations, transit districts, rapid transit districts, or other public entities which provide rail passenger transportation services. Allocations for such a project shall be for one-half of the portion of the cost of the project which the California Highway Commission and the department determine to be properly allocable to the betterment of traffic conditions on the local street or road involved. In no event shall an allocation for a project effecting the elimination of existing grade crossings by removal or relocation of streets or railroad tracks be in excess of the estimated allocation that would otherwise be made for the construction of grade separation facilities on the existing alignment of the street and railroad tracks and result in the removal or relocation of more than 6,000 feet of railroad tracks.

Any references in any law or regulation to Section 190 shall also be deemed to include reference to this section.

SEC. 9. Section 190.01 of the Streets and Highways Code is amended to read:

190.01. Allocations may be made pursuant to Section 190 to a local agency, as defined in that section, for grade separation projects, including the elimination of grade crossings, the elimination of grade crossings by removal or relocation of streets or railroad tracks, and the alteration or reconstruction of grade separations, of municipal corporations, transit districts, rapid transit districts, or other public entities which provide rail passenger transportation services. Allocations for such a project shall be for two-thirds of the portion of the cost of the project which the California Highway Commission and the department determine to be properly allocable to the betterment of traffic conditions on the local street or road involved. In no event shall an allocation for a project effecting the elimination of grade crossings by removal or relocation of streets or railroad tracks be in excess of the estimated allocation that would otherwise be made for the construction of grade separation facilities on the existing alignment of the street and railroad tracks and result in the removal or relocation of more than 6,000 feet of railroad tracks.

Any references in any law or regulation to Section 190 shall also be deemed to include reference to this section.

SEC. 10. Section 190.01 of the Streets and Highways Code is amended to read:

190.01. Allocations may be made pursuant to Section 190 to a local agency, as defined in that section, for grade separation projects, including the elimination of existing or proposed grade crossings, the elimination of existing grade crossings by removal or relocation of streets or railroad tracks, and the alteration or reconstruction of existing grade separations, of municipal corporations, transit districts, rapid transit districts, or other public entities which provide rail passenger transportation services. Allocations for such a project shall be for two-thirds of the portion of the cost of the project which the California Highway Commission and the department determine to be properly allocable to the betterment of traffic conditions on the local street or road involved. In no event shall an allocation for a project effecting the elimination of existing grade crossings by removal or relocation of streets or railroad tracks be in excess of the estimated allocation that would otherwise be made for the construction of grade separation facilities on the existing alignment of the street and railroad tracks and result in the removal or relocation of more than 6,000 feet of railroad tracks.

Any references in any law or regulation to Section 190 shall also be deemed to include reference to this section.

SEC. 11. It is the intent of the Legislature, if this bill and Assembly Bill No. 1587 are both chaptered and amend Section

189 of the Streets and Highways Code, and this bill is chaptered after Assembly Bill No. 1587, that the amendments to Section 189 proposed by both bills be given effect and incorporated in Section 189 in the form set forth in Section 4 of this act. Therefore, Section 4 of this act shall become operative only if this bill and Assembly Bill No. 1587 are both chaptered, both amend Section 189, and Assembly Bill No. 1587 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

SEC. 12. It is the intent of the Legislature that if this bill and Assembly Bill No. 1587 or Senate Bill No. 141, or both, are chaptered and amend Section 190 of the Streets and Highways Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Assembly Bill No. 1587 are both chaptered and amend Section 190 of the Streets and Highways Code, but Senate Bill No. 141 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 1587, the amendments proposed by both bills shall be given effect and incorporated in Section 190 in the form set forth in Section 5 of this act. Therefore, if Assembly Bill No. 1587 is chaptered before this bill and both bills amend Section 190, and Senate Bill No. 141 is not chaptered or as chaptered does not amend that section, Section 5 of this act shall be operative and Sections 2, 6, and 7 of this act shall not become operative.

(b) If this bill and Senate Bill No. 141 are both chaptered and amend Section 190 of the Streets and Highways Code, but Assembly Bill No. 1587 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 141, the amendments proposed by both bills shall be given effect and incorporated in Section 190 in the form set forth in Section 6 of this act. Therefore, if Senate Bill No. 141 is chaptered before this bill and both bills amend Section 190, and Assembly Bill No. 1587 is not chaptered or as chaptered does not amend that section, Section 6 shall be operative and Sections 2, 5, and 7 of this act shall not become operative.

(c) If this bill and Assembly Bill No. 1587 and Senate Bill No. 141 are all chaptered, and all three bills amend Section 190 of the Streets and Highways Code, and this bill is chaptered after Assembly Bill No. 1587 and Senate Bill No. 141, the amendments proposed by all three bills shall be given effect and incorporated in Section 190 in the form set forth in Section 7 of this act. Therefore, if Assembly Bill No. 1587 and Senate Bill No. 141 are both chaptered before this bill and all three bills amend Section 190 of the Streets and Highways Code, Section 190 of this act shall be operative and Sections 2, 5, and 6 of this act shall not become operative.

SEC. 13. It is the intent of the Legislature that if this bill and Assembly Bill No. 1587 or Senate Bill No. 141, or both, are chaptered and amend Section 190.01 of the Streets and Highways Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Assembly Bill No. 1587 are both chaptered and amend Section 190.01 of the Streets and Highways Code, but Senate Bill No. 141 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 1587, the amendments proposed by both bills shall be given effect and incorporated in Section 190.01 in the form set forth in Section 8 of this act. Therefore, if Assembly Bill No. 1587 is chaptered before this bill and both bills amend Section 190.01, and Senate Bill No. 141 is not chaptered or as chaptered does not amend that section, Section 8 of this act shall be operative and Sections 3, 9, and 10 of this act shall not become operative.

(b) If this bill and Senate Bill No. 141 are both chaptered and amend Section 190.01 of the Streets and Highways Code, but Assembly Bill No. 1587 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 141, the amendments proposed by both bills shall be given effect and incorporated in Section 190.01 in the form set forth in Section 9 of this act. Therefore, if Senate Bill No. 141 is chaptered before this bill and both bills amend Section 190.01, and Assembly Bill No. 1587 is not chaptered or as chaptered does not amend that section, Section 9 shall be operative and Sections 3, 8, and 10 of this act shall not become operative.

(c) If this bill and Assembly Bill No. 1587 and Senate Bill No. 141 are all chaptered, and all three bills amend Section 190.01 of the Streets and Highways Code, and this bill is chaptered after Assembly Bill No. 1587 and Senate Bill No. 141, the amendments proposed by all three bills shall be given effect and incorporated in Section 190.01 in the form set forth in Section 10 of this act. Therefore, if Assembly Bill No. 1587 and Senate Bill No. 141 are both chaptered before this bill and all three bills amend Section 190.01 of the Streets and Highways Code, Section 10 of this act shall be operative and Sections 3, 8, and 9 of this act shall not become operative.

CHAPTER 1233

An act to amend Sections 18679, 18680, and 18722 of, and to add Sections 18720.5, 18720.7, 18721.5 and 18723.5 to, the Business and Professions Code, relating to boxing and wrestling, and making an appropriation therefor.

The people of the State of California do enact as follows:

SECTION 1. Section 18679 of the Business and Professions Code is amended to read:

18679. Any application for a license to conduct, or give a boxing contest, a sparring or wrestling match, or a wrestling exhibition shall be accompanied by an annual fee, which shall be:

(a) Fifty dollars (\$50) in cities of not more than 5,000 inhabitants.

(b) Eighty dollars (\$80) in cities of not more than 50,000 inhabitants.

(c) One hundred dollars (\$100) in cities of not more than 75,000 inhabitants.

(d) One hundred fifty dollars (\$150) in cities of not more than 150,000 inhabitants.

(e) Two hundred dollars (\$200) in cities having a population of more than 150,000 inhabitants.

The total annual fee shall be paid for any license issued between January 1st and March 31st, both dates inclusive; three-fourths of the annual fee shall be paid for any license issued between April 1st and June 30th, both dates inclusive; one-half the total annual fee shall be paid for any license issued between July 1st and September 30th, both dates inclusive; one-fourth of the total annual fee shall be paid for any license issued between October 1st and December 31st, both dates inclusive. Every license shall expire at midnight on December 31st of the year in which such license is issued.

SEC. 2. Section 18680 of the Business and Professions Code is amended to read:

18680. Each person who is an applicant for an annual license or for a renewal thereof shall, before such license or renewal thereof is issued, pay to the commission, a license fee as follows: referees, fifty dollars (\$50); timekeepers, ten dollars (\$10); professional boxers, ten dollars (\$10); professional wrestlers, ten dollars (\$10); managers, fifty dollars (\$50); trainers, ten dollars (\$10); seconds, ten dollars (\$10); matchmakers, fifty dollars (\$50); assistant matchmakers, fifty dollars (\$50); wrestling booking agents, one hundred dollars (\$100); announcers, ten dollars (\$10). The charge for a duplicate of a license shall be two dollars (\$2). No license fee shall be required of ticket sellers, doormen, ushers, or box office employees.

Every license shall expire at midnight on December 31 of the year in which such license is issued.

SEC. 3. Section 18720.5 is added to the Business and Professions Code, to read:

18720.5. No person shall charge or receive an admission fee for exhibiting a simultaneous telecast of any live, current, or spontaneous boxing or sparring match, or wrestling exhibition or performance, on a closed-circuit telecast viewed within this state without a permit therefor issued by the commission.

Application for such a permit shall be on a form supplied by the commission and shall contain such information as the commission deems necessary, including the locations where such telecasts are to be viewed. Except as otherwise provided in Section 18720.7, the permit shall be issued without charge. The permit may be denied only for the following reasons:

(a) That the information required by the commission is not supplied by the applicant; or

(b) That the applicant is currently in default on the payment of any taxes or fees required by this article.

SEC. 4. Section 18720.7 is added to the Business and Professions Code, to read:

18720.7. The fees for the following permits issued pursuant to Section 18720.5 shall be as follows:

(a) The fee for a permit to exhibit a simultaneous telecast of a live, current, or spontaneous professional heavyweight championship boxing match on a closed circuit telecast viewed within this state shall be fifty dollars (\$50) for every thousand seats of seating capacity in the place where the closed circuit telecast is to be shown.

(b) The fee for a permit to exhibit the simultaneous telecast of a live, current, or spontaneous professional championship boxing match, other than a heavyweight championship, on a closed circuit telecast viewed in this state is twenty-five dollars (\$25) for every thousand seats of seating capacity in the place where the closed circuit telecast is to be shown.

(c) In computing the fee required by this section, the fee shall be reduced proportionately when fractions of a thousand seats are involved in the computation of the fee for the fraction.

The fees authorized by this section are in addition to the tax authorized by Section 18721.

SEC. 5. Section 18721.5 is added to the Business and Professions Code, to read:

18721.5. A representative of the commission shall be present at and observe the computation of the number of tickets issued or sold and the determination of the gross receipts.

SEC. 6. Section 18722 of the Business and Professions Code is amended to read:

18722. Whenever any person fails to make a report of a closed-circuit television showing of any contest, match, or exhibition within the period prescribed by Section 18721 or whenever such report is unsatisfactory to the commission, the executive officer may examine or cause to be examined the books and records of the person and subpoena and examine under oath the person or its officers and other persons as witnesses for the purpose of determining the total amount of the gross receipts of a closed-circuit television showing of any

contest, match, or exhibition and the amount of tax due pursuant to this article, which tax he may upon and as the result of such examination fix and determine.

SEC. 7. Section 18723.5 is added to the Business and Professions Code, to read:

18723.5. In case of default in the payment of any tax ascertained to be due under this article, the commission may refuse to issue a permit to conduct another such telecast to any person so defaulting, regardless of whether the application for such permit is made solely in the name of such person or together with others.

SEC. 8. The sum of forty thousand dollars (\$40,000) is hereby appropriated from the General Fund to the State Athletic Commission for use in the 1971-1972 fiscal year in augmentation of Item 95 of the Budget Act of 1971.

CHAPTER 1234

An act to amend Sections 17846 and 17866 of, to amend and renumber Section 17848 of, and to add Sections 17864.1, 17868.1, 17869 and 17870 to, the Business and Professions Code, relating to behavioral sciences.

[Approved by Governor October 22, 1971. Filed with
Secretary of State October 22, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 17846 of the Business and Professions Code is amended to read:

17846. (a) On the effective date of the amendment made to this section at the 1970 Regular Session of the Legislature, the unencumbered balance of any funds in the Social Worker and Marriage Counselor Fund shall be transferred to the Behavioral Science Examiners Fund and shall be expended by the Board of Behavioral Science Examiners in carrying out and enforcing the provisions of this chapter.

(b) The board shall keep such records as will reasonably insure that funds expended in the administration of each licensing or registration category shall bear a reasonable relation to the revenue derived from each category, and shall so notify the department no later than May 31 of each year.

(c) Surpluses, if any, may be used in such a way so as to bear a reasonable relation to the revenue derived from each category, and may include, but not be limited to, expenditures for education and research related to each of the licensing or registration categories.

SEC. 2. Section 17848 of the Business and Professions Code is amended and renumbered to read:

17868. The amount of the fees prescribed by the provisions of this chapter which relate to the licensing of educational psychologists is that fixed by the following schedule:

(a) The application fee and renewal fee shall be fixed by the board in an amount which does not exceed one hundred fifty dollars (\$150) but is sufficient to support the functions of the board which relate to the licensing of educational psychologists.

(b) The delinquency fee shall be ten dollars (\$10).

SEC. 3. Section 17864.1 is added to the Business and Professions Code, to read:

17864.1. An applicant who has failed the examination can reapply upon payment of a fee of ten dollars (\$10) if he re-applies within the 12-month period subsequent to failure of the examination.

SEC 4. Section 17866 of the Business and Professions Code is amended to read:

17866. The provisions of Sections 17840 through 17844 shall apply to this article.

SEC. 5. Section 17868.1 is added to the Business and Professions Code, to read:

17868.1. Any person who violates any of the provisions of this article is guilty of a misdemeanor.

SEC. 6. Section 17869 is added to the Business and Professions Code, to read:

17869. In addition to other proceedings provided for in this article, whenever any person has engaged, or is about to engage in any acts or practices which constitute, or will constitute, an offense against this article, the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order, restraining such conduct on application of the board, the Attorney General, or the district attorney of the county.

The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

SEC. 7. Section 17870 is added to the Business and Professions Code, to read:

17870. The board may, by rules or regulations, adopt, amend or repeal rules of professional conduct appropriate to the establishment and maintenance of a high standard of integrity and dignity in the profession, provided such rules or regulations are not inconsistent with Section 17867. Every person licensed under this article shall be governed by such rules of professional conduct.

CHAPTER 1235

An act to amend Section 155 of, and to add Section 155.5 to, the Streets and Highways Code, relating to state highways

[Approved by Governor October 22, 1971. Filed with Secretary of State October 22, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 155 of the Streets and Highways Code is amended to read:

155. The department may accept any gift of money or property from any person or group for the purpose of acquiring property for, and establishing and maintaining as a memorial to any person or group, a place adjacent to any state highway in the state scenic highway system established by Article 2.5 (commencing with Section 260) of Chapter 2, Division 1, at a point of special scenic, historical, or cultural interest, where motorists may stop to appreciate and enjoy the point of interest.

Any money which is received by the department pursuant to this section shall be deposited in the Special Interest Stopping Place Fund, which fund is hereby created in the State Treasury. Any money in the fund is continuously appropriated to the department without regard to fiscal years to carry out the purposes for which the money was received by the department.

The department shall, unless otherwise requested by the person or group from whom money or property is received for a stopping place, establish and maintain appropriate signs at the stopping places which indicate the name of the person or group in whose honor the place was established.

The right of eminent domain shall not be exercised by the department to acquire property, or any interest in property, pursuant to this section and the department may not acquire any real property for the purposes of this section unless the board of supervisors of the county in which such real property is located consents to such acquisition.

SEC. 2. Section 155.5 is added to the Streets and Highways Code, to read:

155.5. The commission, to the extent constitutionally permitted and if it determines that such actions constitute a highway purpose, may allocate funds from the State Highway Fund to match on an equal basis the value of any gifts offered and accepted by the department for deposit in the Special Interest Stopping Place Fund and may in such cases, if appropriate, further allocate funds from the State Highway Fund for the maintenance of property acquired pursuant to such gifts.

The amount matched for each gift shall be used in conjunction with the gift for the purpose for which the gift was accepted.

CHAPTER 1236

An act to add Sections 19019, 19021, 19022 and 19023 to the Welfare and Institutions Code, relating to State Department of Rehabilitation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 22, 1971 Filed with Secretary of State October 22, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 19019 is added to the Welfare and Institutions Code, to read:

19019. The Director of Rehabilitation may determine that any real or personal property presently utilized in the program of the California Industries for the Blind and the opportunity work centers is surplus to the needs of the state, and he may request the Director of General Services to transfer any or all of such property in trust to effect the purposes described in Articles 3 (commencing with Section 19550) and 4 (commencing with Section 19600) of Chapter 6 of Part 2 of this division to any nonprofit corporation which operates manufacturing centers, salesrooms, or opportunity centers.

The consideration from any such corporation to the state for such transfer may consist solely of the obligation of the nonprofit corporation to continuously utilize the property so transferred for the purposes herein provided for the term of the trust. As to personal property, the trust shall not extend for a period which exceeds the useful life thereof as determined by the Director of General Services, and at the end of any such period, such property shall become the property of such corporation, provided that it has been continuously devoted to the purpose of the trust. Any other terms or conditions of any such agreement shall be such as the Director of General Services shall determine to be in the best interests of the state. Any such agreement shall be subject to the approval of the Director of Rehabilitation.

SEC. 2. Section 19021 is added to the Welfare and Institutions Code, to read:

19021. Each nonprofit corporation which operates a manufacturing center, as referred to in Section 19019, shall (1) maintain a blind-to-sighted ratio equal to or in excess of 3:1 (75%:25%) of man-hours of direct labor at all times, (2) agree to make those elections permitted of any nonprofit corporation under the Federal Insurance Contributions Act and the California Unemployment Insurance Code in order to provide social security and unemployment and disability benefits for its employees at all times during its corporate existence, (3) provide in its articles of incorporation that at least one-quarter of the directors of its board of directors shall be comprised of totally or legally blind persons including representatives of organizations of the blind whose

membership is open to all blind persons in the state and including at least one totally or legally blind employee from each manufacturing center operated by the nonprofit corporation provided, however, that directors who are also employees of the nonprofit corporation shall not participate in or be present at discussions of the board of directors concerned with labor-management contract negotiations, (4) be bound by the terms set forth in the memorandum of understanding entered into May 21, 1971, including any amendments to that memorandum of understanding, between the Department of Rehabilitation and Local 411 of the Union of State Employees, (5) continue said memorandum of understanding in effect until a subsequent memorandum of understanding or collective bargaining agreement is entered into between each nonprofit corporation referred to in Section 19019 and the representatives designated by a majority of the employees, (6) not commit any unfair labor practice as defined in Section 8(a) of the National Labor Relations Act, and (7) abide by the provisions of the Federal Fair Labor Standards Act, the Walsh-Healy Public Contracts Act, the Wagner O'Day Act, and the regulations of the State Division of Industrial Welfare.

Sec. 3. Section 19022 is added to the Welfare and Institutions Code, to read:

19022. In order to minimize the disruption which may be caused by the assumption by the private sector of the operation of the California Industries for the Blind and of the opportunity work centers, the Director of Rehabilitation, or his successor, shall ensure that the location of none of either the California Industries for the Blind or the opportunity work centers shall be transferred more than 15 miles from the site of its present location and shall at all times be readily accessible to local public transportation.

Sec. 4. Section 19023 is added to the Welfare and Institutions Code, to read:

19023. It is the expressed intent of the Legislature that the Director of Rehabilitation, or his successor, shall monitor the transfer of the California Industries for the Blind and the opportunity work centers to insure that their employees are protected in their rights and benefits and that the present level of employment of those employees is maintained or increased, and the Department of Rehabilitation shall report annually to the Legislature concerning the progress of the transferred programs, for a period of five years beginning January 1, 1972. Nothing in this section shall preclude employees of any nonprofit corporation from seeking enforcement, whether by specific performance or otherwise, of any obligations assumed by that nonprofit corporation under Section 19021.

Sec. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and

shall go into immediate effect. The facts constituting such necessity are:

It has been determined that the California Industries for the Blind and the opportunity work centers should be operated by nonprofit corporations within the private sector rather than by the state. This measure is essential to effecting this change. The employment of nearly 200 blind and other disabled persons is involved and the passage of this act will enable private enterprise to assume control of these functions at the earliest possible time, thereby continuing and enhancing the employment and earning capacity of the employees involved.

CHAPTER 1237

An act to add Chapter 7.5 (commencing with Section 11750) to Part 1 of Division 3 of Title 2 of, and to repeal Article 4 (commencing with Section 11730) of Chapter 7 of Part 1 of Division 3 of Title 2 of, the Government Code, relating to electronic data processing.

[Approved by Governor October 22, 1971. Filed with Secretary of State October 22, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing with Section 11730) of Chapter 7 of Part 1 of Division 3 of Title 2 of the Government Code is repealed.

SEC. 3. Chapter 7.5 (commencing with Section 11750) is added to Part 1 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 7.5. DATA-PROCESSING SERVICES

Article 1. Policy

11750 The Legislature finds electronic data processing in state government is necessary to insure the highest level of efficiency and economy.

11751. It is the intention of the Legislature that the present responsibility for electronic data-processing budgeting and control of expenditures for electronic data processing reside with the Department of Finance.

11752. Agencies in the executive branch of state government and other state users of electronic data processing shall specify their requirements and justify the necessary funds to the Director of Finance and the Legislature for utilization of electronic data-processing services.

11753 There is in the Department of Finance a State Data Processing Officer, appointed by the Governor and serving at the pleasure of the Director of Finance. His salary will be fixed by the director in accordance with law.

Article 2. California Information Systems Implementation
Committee

11755. Electronic data processing policies have been established in Sections 11700 and 11701. It is the intent of the Legislature that these policies and any others deemed necessary be implemented expeditiously.

11756. There is in state government a California Information Systems Implementation Committee, hereafter referred to as the committee. It shall consist of the Governor or his designee, Director of Finance, Director of General Services, Chairman of the Joint Legislative Audit Committee, Chairman of the Joint Legislative Budget Committee, and Chairman of the Assembly Committee on Efficiency and Cost Control. The chairman shall be elected by the committee at its first meeting.

The committee shall exist for the specific purpose of formulating recommendations regarding appropriate legislative and executive actions required for implementing the state's electronic data processing policies as set forth in Article 1 (commencing with Section 11700) of Chapter 7.

11757. The committee shall begin its work immediately and shall expire on June 30, 1972.

11758. The committee, in carrying out its specific purpose, shall:

(a) Review electronic data processing policies set forth in Article 1 (commencing with Section 11700) of Chapter 7, and make recommendations for appropriate additions, deletions or revisions thereto;

(b) Develop an organization structure within state government which will provide (1) for the implementation of the accepted policies, existing plans, and recommendations of the committee and (2) will encourage, accommodate and accomplish the utilization of appropriate electronic data processing technology in meeting the state's information requirements;

(c) Develop a methodology to be used to determine the optimum deployment of the state's computer resources;

(d) Determine the necessary functions and activities required to effectively operate the state's data processing installations; and

(e) Submit a report to the Legislature and the Governor on February 1, 1972 which will specify the recommendations and procedures for implementing the conclusions of the committee.

11759. The Legislature reaffirms its requirement that the Department of Finance administer Section 4 of the Budget Act of 1971 during fiscal year 1971-72 while the California Information Systems Implementation Committee is preparing its report.

CHAPTER 1238

An act to amend Section 109.5 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor October 22, 1971. Filed with Secretary of State October 22, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 109.5 of the Revenue and Taxation Code is amended to read:

109.5. "Machine-prepared roll" means an assessment roll prepared by electronic data-processing equipment, bookkeeping machine, typewriter, or other mechanical device, and such a roll may be displayed in printed form, on microfilm, or by any other means that would make it readily available to the public in a legible form. When so prepared by the assessor, the roll need not contain provision for tax extensions, but the contents thereof may be reproduced by the auditor with provision for tax extensions. Upon such reproduction of the assessment data, the document with provision for tax extensions shall constitute the roll without prejudice to the roll status of the document without such provision.

CHAPTER 1239

An act to amend Sections 6755 and 6873 of, and to add Sections 6760, 6947, and 6802.15 to, the Education Code, relating to special education.

[Approved by Governor October 22, 1971. Filed with Secretary of State October 22, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 6755 of the Education Code is amended to read:

6755. (a) Admission of minors to programs for the educationally handicapped established under the provisions of this chapter shall be made only on the basis of an individual evaluation according to standards established by the State Board of Education and upon individual recommendation of an admission committee which shall include an administrator in charge of special education programs in the school district or county or administrator designated by the school district or county superintendent of schools, an experienced special education teacher, a school nurse, and a school psychologist or other pupil personnel worker authorized to serve as a school psychologist who has examined the child under consideration for eligibility and placement. The admission committee shall use such health reports as are needed to properly evaluate the

child. The admission committee shall have the services or presence of other pupil personnel workers, educational specialists, school nurses, social workers, optometrists, or physicians as the committee may require and request.

The recommendation shall include a statement, that in the professional judgment of the members of the admission committee the minor is recommended for placement in a program for educationally handicapped minors to ameliorate a marked learning disability or behavior disorder, or both, associated with a neurological handicap or emotional disturbance, or both. Any member of the admission committee dissenting from the final committee recommendation shall attach to the final recommendation a statement of reasons for such objection and alternative recommendations.

(b) The administrative head of a school district or office of the county superintendent of schools may make an interim placement of a pupil in a program for the educationally handicapped for a period not to exceed 90 days whenever a pupil transfers into the school district from another school district in which his last enrollment was in a program for educationally handicapped minors, such an interim placement may be made without the complete documentation specified in such division (a). Before the expiration of the 90-day period such interim placement shall be reviewed by the admission committee and a final recommendation shall be made by the admission committee in accord with the requirements of this chapter. The committee may utilize information, records, and reports from the admission committee proceedings of the school district or county program from which the pupil transferred.

Sec. 2. Section 6760 is added to the Education Code, to read:

6760. Educationally handicapped minors who come within the provisions of Sections 6750 and 6752 may be enrolled in experimental programs conducted by a school district or a county superintendent of schools. Experimental programs for such minors shall be approved in advance by the Superintendent of Public Instruction and shall be conducted in accordance with rules and regulations established by him.

The school district or county superintendent of schools conducting the experimental program shall be entitled to an apportionment equal to the amount which would have been credited to them had these minors been enrolled in programs authorized in Section 6751.

The Superintendent of Public Instruction may waive the maximum class size standards prescribed by Section 6751.2 whenever he approves an experimental program submitted by a school district or county superintendent of schools to conduct experimental studies to determine the proper maximum class size standards.

This section shall remain in effect for a period of three years following the effective date of its enactment, and shall have no force or effect thereafter.

SEC. 3. Section 6802.15 is added to the Education Code, to read:

6802.15 Physically handicapped minors who come within the provisions of Section 6802 may be enrolled in experimental programs conducted by a school district or a county superintendent of schools. Experimental programs for such minors shall be approved in advance by the Superintendent of Public Instruction and shall be conducted in accordance with rules and regulations established by him. The school district or county superintendent of schools conducting the experimental program shall be entitled to an apportionment equal to the amount which would have been credited to them had these minors been enrolled in programs authorized in Section 6802.1. The Superintendent of Public Instruction may waive the maximum class size standards prescribed by Section 6802.2 whenever he approves an experimental program submitted by a school district or county superintendent of schools to conduct experimental studies to determine the proper maximum class size standards.

This section shall remain in effect for a period of three years following the effective date of its enactment, and shall have no force or effect thereafter.

SEC. 4. Section 6873 of the Education Code is amended to read:

6873. Upon verification of the attendance reported and the claim submitted, the Superintendent of Public Instruction shall apportion to the school district submitting the report and the claim of the parent or guardian of such minor for the tuition in question an amount sufficient to satisfy the claim but not in excess of the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question and the amount allowable per unit of average daily attendance for the particular category under Section 18102, 18102.2, 18102.4 or 18102.6, and the amount allowable per unit of average daily attendance for the particular category under Section 18060. In the case of a multiply handicapped minor the amount apportioned shall not exceed the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question and the amount allowable per unit of average daily attendance under Section 18102. The apportionments for physically handicapped, mentally retarded and multiply handicapped shall be made from the funds reserved under the provisions of subdivision (e) of Section 17303.5. The apportionment for educationally handicapped shall be made from funds reserved under the provisions of subdivision (g) of Section 17303.5. The apportionment shall be made for each fiscal year immediately following the fiscal year in which the attendance occurs.

SEC. 5. Section 6947 is added to the Education Code, to read:

6947. It is the intent of the Legislature, in enacting this section, to encourage school districts and county superintendents of schools to design, implement, and evaluate innovative exemplary education and training programs for the exceptional minors enrolled in the public schools of this state. Therefore, the Superintendent of Public Instruction is hereby granted broad administrative discretion to approve exemplary experimental programs to operate at variance with Education Code Sections 6421 through 6434, 6750 through 6759, 6801 through 6820, 6901 through 6933, 11054, and 11227.

Such variance may include the guarantee of full apportionment for approved experimental programs which vary from maximum class size or duration or both and other provisions relating to deriving apportionment per average daily attendance when in the opinion of the Superintendent of Public Instruction the quality and innovativeness of the experimental program warrants.

Enrollment in experimental programs for exceptional minors shall be limited to any combinations of children enrolled in programs for exceptional minors as specified in this section, at the time of application for approval to operate the experimental program. In any event, no more than 5 percent of the statewide enrollment of exceptional minors in each of the programs included in this section may be enrolled in experimental programs in a given fiscal year.

The Superintendent of Public Instruction shall adopt rules and regulations relating to the application for, operation of, and evaluation of, exemplary experimental programs for exceptional minors.

This section shall remain in effect for a period of three years following the effective date of its enactment, and shall have no force or effect thereafter.

SEC. 6 The Department of Education shall evaluate the special education experimental programs and innovative, exemplary education and training programs for exceptional minors prescribed by this act, and shall report its findings, conclusions, and recommendations to the Legislature each year, not later than the fifth calendar day of each regular session of the Legislature. Further, the Department of Education shall distribute to school districts information relating to successful special education experimental programs and innovative, exemplary education and training programs for exceptional minors conducted by school districts and county superintendents of schools.

CHAPTER 1240

An act to add Section 15011 to the Education Code, relating to school district property.

[Approved by Governor October 22, 1971 Filed with
Secretary of State October 22, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 15011 is added to the Education Code, to read:

15011. In the event a school district heretofore or hereafter acquires a site for school purposes, as determined by the State Allocation Board, and does not use the site within (1) five years of the date of acquisition for the kindergarten, if any, and any of grades 1 to 8, inclusive, maintained by an elementary school district or a unified school district, or, (2) seven years of the date of acquisition for any of grades 7 to 12, inclusive, maintained by a high school district or a unified school district, the school district shall make payments to each taxing agency and revenue district in which such property is located, unless the State Allocation Board has made a determination that the school district will utilize the property for the purposes for which it was intended within a reasonable period of time. Such determination may be based on information submitted by the board of the school district. Such payments shall be made on or before the 10th day of December of each fiscal year commencing after the taxing agency is notified in writing that the State Allocation Board has determined that the property has not been so used within the period specified, and shall no longer be made after such taxing agency is further notified in writing that the board has determined either that the property is being so used for such purposes, or that such use is no longer required by the State Allocation Board. The executive officer of the board shall give the commencement and termination notices to the applicable county assessor who shall then promptly further notify any other taxing agency within the county in which such property is located.

The payments required by this section shall be computed by applying the current applicable tax rate of each taxing agency and revenue district in which the property is located to the assessed value of such property as last reflected on the secured assessment roll.

As used in this section, "taxing agency" and "revenue district" have the meaning ascribed to such terms in Sections 121 and 122 of the Revenue and Taxation Code, except that "revenue district" shall not include the school district which owns the property with respect to which the payments are made.

The State Allocation Board may adopt such regulations and require such information and reports from school districts as

it deems necessary to carry out its responsibilities under this section. It shall be the duty of school districts to promptly comply with any such regulations and requirements of the board.

CHAPTER 1241

An act to amend Sections 54774, 54782.6, 54850, 54853, 54854, 54855, and 54863 of, and to add Section 54782.7 to, the Government Code, relating to local agency formation commissions.

[Approved by Governor October 22, 1971. Filed with Secretary of State October 22, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 54774 of the Government Code is amended to read:

54774. Among the purposes of a local agency formation commission are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local governmental agencies based upon local conditions and circumstances. One of the objects of the local agency formation commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local governments in each county and to shape the development of local governmental agencies so as to advantageously provide for the present and future needs of each county and its communities.

In addition to its other powers the local agency formation commission shall initiate and make studies of existing governmental agencies. Such studies shall include but shall not be limited to inventorying such agencies and determining their maximum service area and service capacities. In conducting such studies, the commission may ask for land use information, studies, and plans of cities, counties, and districts. Cities, counties, and districts shall comply with the request of the commission for such information and the commission shall make its studies available to cities, counties, and districts. In making these studies, the commission may cooperate with the county planning commissions.

In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities, the local agency formation commission shall develop and determine the sphere of influence of each local governmental agency within the county. As used in this section "sphere of influence" means a plan for the probable ultimate physical boundaries and service area of a local governmental agency. In determining the sphere of in-

fluence of each local governmental agency the commission shall consider:

(a) The maximum possible service area of the agency based upon present and possible service capabilities of the agency.

(b) The range of services the agency is providing or could provide.

(c) The projected future population growth of the area.

(d) The type of development occurring or planned for the area, including, but not limited to, residential, commercial, and industrial development.

(e) The present and probable future service needs of the area.

(f) Local governmental agencies presently providing services to such area and the present level, range and adequacy of services provided by such existing local governmental agencies.

(g) The existence of social and economic interdependence and interaction between the area within the boundaries of a local governmental agency and the area which surrounds it and which could be considered within the agency's sphere of influence.

The commission shall periodically review and update the spheres of influence developed and determined by them.

The spheres of influence shall be used by the commission as a basis for regular decisions on proposals over which it has jurisdiction. The commission may recommend governmental reorganizations to particular agencies in the county, using the spheres of influence as the basis for such recommendations. Such recommendations shall be made available, upon request, to other governmental agencies or to the public.

The commission, or the board of supervisors on behalf of the commission, is authorized to apply for or accept, or both, any financial assistance and grants-in-aid from public or private agencies or from the state or federal government or from a local government.

SEC. 2. Section 54782.6 of the Government Code is amended to read:

54782.6. The commission of any county shall be enlarged to seven members if, pursuant to Article 4 (commencing with Section 54850) of this chapter, the commission of any county (i) orders representation of special districts upon the commission and (ii) adopts rules and regulations affecting the functions and services of special districts. In addition to the commission members selected pursuant to Sections 54780, 54781 and 54782, two commission members shall be selected by an independent special district selection committee to represent special districts in the county.

The independent special district selection committee shall consist of the presiding officer of the legislative body of each independent special district; provided, however, that in the event the presiding officer of an independent special district will be unable to attend a meeting of the independent special

district selection committee, the legislative body of the district may appoint one of its members to attend the meeting of the selection committee in the presiding officer's place. Such districts shall include districts located wholly within the county and those containing territory within the county representing 50 percent or more of the assessed value of taxable property of such district, as shown on the last equalized county assessment roll or rolls. Each member of the committee shall be entitled to one vote for each independent special district of which he is the presiding officer and members representing a majority of the eligible districts shall constitute a quorum.

The executive officer shall call and give written notice of all meetings of the members of the selection committee. A meeting shall be called and held (i) whenever a vacancy exists among the members or alternate members representing independent special districts upon the commission or (ii) upon receipt of a written request by one or more members of the selection committee representing districts having 10 percent or more of the assessed value of taxable property within the county, as shown on the last equalized county assessment roll.

The selection committee shall appoint two regular members and two alternate members to the commission; the members so appointed shall be elected or appointed special district officers residing within the county, provided, however, that the members so appointed shall not be members of the governing body of a city or county. If one of the regular district members is absent from a commission meeting, disqualifies himself from participating in a meeting or is automatically disqualified from participating therein, the alternate district member is authorized to serve and vote in his place for that meeting. When the commission is considering any proposal affecting the district for which the regular member is a special district officer, such member is automatically disqualified from participating in proceedings of the commission with respect to the proposal and the alternate member shall serve and vote in his place upon such proposal.

SEC. 3. Section 54782.7 is added to the Government Code, to read:

54782.7. When a commission is enlarged to seven members as provided in Section 54782.6, the public members appointed pursuant to Section 54780, 54781, or 54782 shall thereafter be appointed by members of the commission representing cities, counties and special districts. Such appointments shall be made at the times and in the manner provided in Section 54783.

SEC. 4. Section 54850 of the Government Code is amended to read:

54850. The commission may take proceedings pursuant to this article for the adoption, amendment or repeal of rules and regulations affecting the functions and services of special districts within the county and for representation of special districts upon the commission. Such proceedings may be initiated either by the commission or by independent special districts

within the county. If any such rules and regulations are adopted and affect the functions or services provided or authorized to be provided by law by special districts within the county, then so long as such rules and regulations remain in effect special districts shall be represented by members appointed to the commission.

SEC. 5. Section 54853 of the Government Code is amended to read:

54853. Either the commission or the legislative body of any independent special district or districts within a county may adopt a resolution initiating proceedings.

(a) If a resolution proposes representation of special districts upon the commission, it shall also request the adoption of rules and regulations, as designated in Section 54851, affecting the functions and services of special districts within the county.

(b) If a resolution proposes only the adoption, amendment or repeal of rules and regulations affecting the functions and services of special districts, it shall request either that the commission:

(1) Consider the proposal without reference to a special district advisory committee, in which case the resolution shall contain the text of the rules and regulations proposed to be adopted, amended or repealed; or,

(2) Refer the proposal to a special district advisory committee for study, report and recommendation, in which case the resolution shall generally describe the nature of the rules and regulations proposed to be amended, adopted or repealed and, if then available, shall refer to a text on file with the secretary of the district for a detailed description thereof.

SEC. 6. Section 54854 of the Government Code is amended to read:

54854. Minor changes in any existing rule and regulation affecting special districts may be ordered by the commission, without adoption of a resolution of intention, notice and hearing, or reference to a special district advisory committee, provided, that the commission makes a determination that such changes will not substantially affect the functions and services of any special district subject to such rules and regulations and such determinations as concurred in by both commission members appointed to represent special districts.

SEC. 7. Section 54855 of the Government Code is amended to read:

54855. Whenever the commission, or the independent special districts, as the case may be, have complied with the applicable provisions of Sections 54853, 54853.1, 54853.2, and 54853.5, the commission shall adopt a resolution of intention pursuant to this section. The resolution of intention shall:

(a) State whether the proceedings are initiated by the commission or by an independent special district or districts, in which case, the names of any such districts shall be set forth.

(b) If the resolution of intention proposes only the adoption, amendment or repeal of rules and regulations affecting the functions and services of special districts, it shall state either that the commission proposes:

(1) To consider the proposal without reference to a special district advisory committee, in which case the resolution shall contain the text of the rules and regulations proposed to be adopted, amended or repealed.

(2) To refer the proposal to a special district advisory committee for study, report and recommendation, in which case the resolution shall generally describe the nature of the rules and regulations proposed to be amended, adopted or repealed and, if then available, shall refer to a text on file with the executive officer for a detailed description thereof.

In addition, the resolution of intention adopted pursuant to this subsection shall also fix a time not less than 15 nor more than 35 days after the adoption of the resolution of intention, and the place of hearing by the commission on the question of whether the proposal made by the resolution should be disapproved, approved and ordered without reference to a special district advisory committee, or referred to a special district advisory committee for study, report and recommendation to the commission.

(c) If the resolution of intention proposes representation of special districts on the commission, it shall state that the commission proposes to refer the proposal to a special district advisory committee and the commission shall immediately order the proposal referred thereto pursuant to Section 54858.

SEC. 8. Section 54863 of the Government Code is amended to read:

54863. Any resolution approving the report and recommendation of a special district advisory committee, either as filed or as changed by the commission, shall order

(a) The adoption, amendment or repeal of rules and regulations, in accordance with the recommendations of the approved report.

(b) The chairman of the commission to call and give notice of a meeting of the independent special district selection committee to be held within 15 days after the adoption of the resolution in order to select special district representations on the commission pursuant to Section 54782.6.

CHAPTER 1242

An act to add Part 1.7 (commencing with Section 440) to Division 1 of the Health and Safety Code, relating to hospitals, and making an appropriation therefor.

The people of the State of California do enact as follows:

SECTION 1. Part 1.7 (commencing with Section 440) is added to Division 1 of the Health and Safety Code, to read:

PART 1.7. HOSPITAL DISCLOSURE ACT

440. This part shall be known as the California Hospital Disclosure Act.

441. The Legislature hereby finds and declares:

(a) It is the policy of this state, as declared and established in this part, to require all hospitals, as defined by Section 441.2, which operate in this state to file for public disclosure with the California Hospital Commission which is established by this part such uniform reports of hospital cost experience in the provision of health care services as are provided for under this part in accord with the systems of accounting approved under this part, for all of the following purposes:

(1) Encouraging economy and efficiency in their provision of such services in this state

(2) Enabling public agencies of this state which purchase health care services under, or which have administrative responsibility for, publicly financed health care plans or programs to make informed decisions in such purchasing or administration.

(3) Encouraging public and private third-party payors for hospital care services to take the information provided under this part into account in establishing reimbursement rates to assure hospitals of a fair and reasonable payment for such services rendered.

(b) It is the policy of this state that in order to achieve uniform and equitable statewide implementation of the policies of this part and to allow for comparisons of the performance of particular hospitals subject to its provisions, it is necessary to require that every person, political subdivision of the state, or any governmental agency within the state, that establishes, conducts, operates, manages, maintains, or controls in this state any hospital, as defined in Section 441.2, comply with the provisions of this part.

441.1. As used in this part:

(a) "Commission" means the California Hospital Commission of the State of California.

(b) "Council" or "the advisory council" means the Advisory Council to the California Hospital Commission established by Section 442.7.

441.2. The term "Section 441.2 hospital" as used in this part shall include all of the following:

(a) All hospitals of a type required to be licensed pursuant to Chapter 2 (commencing with Section 1400) of Division 2 and facilities of a type required to be licensed by the Department of Mental Hygiene pursuant to Chapter 1 (commencing

with Section 7000) of Division 7 of the Welfare and Institutions Code, which are classified as "hospitals" by the State Department of Public Health under the provisions of Section 1411 or by the Department of Mental Hygiene under the provisions of Section 7003 of the Welfare and Institutions Code.

(b) Institutions conducted, maintained or operated by this state or any state department, authority, district, bureau, commission or officer or by the Regents of the University of California, or by a board of supervisors of a county under the provisions of Chapter 2.5 (commencing with Section 1440) of Division 2, which, except for the exemption provided by Section 1415, would be encompassed by the terms of subdivision (a) of this section.

441.3. The California Hospital Commission is hereby established and shall consist of seven members appointed by the Governor according to the procedure established by Section 441.5. The commission shall consist of the following:

(a) One member who has at least five years experience in the field of health insurance or in the administration of a health care service plan.

(b) One member who is experienced in the management of a comprehensive group-practice prepayment health care service plan registered under Article 2.5 (commencing with Section 12530) of Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code.

(c) One member who is a chief executive officer of a hospital or group of hospitals subject to the provisions of this part.

(d) One member who is a physician licensed under the provisions of Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code with at least five years' experience in the practice of medicine in this state.

(e) Three members who are bona fide representatives of the general public as consumers of health care services but there shall be no limitations as to their qualifications other than those provided in Section 441.4.

441.4. No more than two members of the commission shall, at any one time during the period of their service on the commission, own, operate, manage, or be employed by any of the institutions, or of an organization composed of any of the institutions, subject to the provisions of this part.

441.5. The members of the commission shall be appointed by the Governor for a term of four years and shall hold office until the appointment and qualification of their successors. Of the members first appointed by the Governor, three shall hold office for four years, two shall hold office for three years, and two shall hold office for two years. Thereafter, each member appointed by the Governor shall hold office for four years. In making the first appointments to these offices the Governor shall designate the term to which each such member is appointed.

Vacancies shall be filled by appointment for the unexpired term. Every appointment made by the Governor pursuant to this section shall be subject to the advice and consent of a majority of the members elected to the Senate, except that if a vacancy occurs when the Legislature is not in session, the Governor may issue an interim appointment which shall expire on the last day of the next regular session of the Legislature or upon the appointment of a successor in accord with the provisions of this section, whichever first occurs. The Governor may remove any member of the commission disqualified by reason of Section 441.4, or for neglect of any duty required by law, or for incompetency, or dishonorable conduct.

No member shall be appointed to a position on the commission for more than three consecutive full terms.

441.6. The commission, at its first meeting after appointment, and annually thereafter at its first meeting in each fiscal year, shall elect from its members a chairman, who shall be one of the representatives of the general public, a vice chairman, and such other officers as it may deem necessary. The officers of the commission shall hold their respective positions during its pleasure.

441.7. The chairman shall preside at all meetings and sessions of the commission.

441.8. The commission shall appoint an executive secretary who shall hold office during its pleasure, shall perform the duties delegated to him by the commission, and shall be responsible to it for the accomplishment of such duties. The executive secretary shall, in accordance with such rules or regulations as the commission may adopt, organize, coordinate, supervise, and direct the operations and affairs of the commission in such a manner as to prevent delay and promote the expeditious and efficient disposition of all matters within the commission's jurisdiction. He shall submit a detailed report of his activities to the commission at each of the regularly scheduled commission meetings provided for pursuant to Section 441.13, and shall prepare such other supplemental and special reports as the commission may from time to time request or which he may deem necessary to adequately inform the members of the commission concerning his activities and experience in the implementation of this part.

The executive secretary shall have had at least five years' experience as the chief administrative officer of a hospital, group of hospitals, or association of hospitals whose members are subject to the provisions of this part. The executive secretary shall receive, in addition to his salary, actual and necessary travel expenses incurred in the discharge of his duties.

441.9. (a) The commission in its implementation of this part, shall formulate general policies which shall advance the purposes of this part and direct the executive secretary in his execution of such policies. It may, after consultation with, and receipt of, the recommendations of the advisory council

and advisory committees appointed pursuant to this section with respect thereto, adopt, promulgate, repeal, and amend rules and regulations consistent with law to carry out the provisions of this part in carrying out its duties under this part, the commission shall follow the procedures established by the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code. Notwithstanding Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, regulations adopted under this section, however, need not be published in the California Administrative Code or California Administrative Register if they are included in the publications of the commission.

(b) The commission may do all of the following:

(1) Appoint committees from its membership and appoint advisory committees which may include as members individuals and representatives of interested public and private groups and organizations.

(2) Contract for any professional and business services and employ staff members including officers, examiners, statisticians, accountants, inspectors, consultants, clerks and employees as it deems necessary to carry out the provisions of this part or to perform the duties and exercise the powers conferred on it by law.

(3) Contract for the use of, or otherwise procure, necessary physical facilities and all necessary books, maps, charts, stationery, instruments, office furniture, apparatus, and appliances.

The authority granted by this section does not limit the contracting authority granted the commission under Section 442.6. All contracts or purchases authorized by this part shall be subject to the provisions of Chapter 3 (commencing with Section 14250) of Part 5, and Chapter 6 (commencing with Section 14780) of Part 5.5 of Division 3 of Title 2 of the Government Code. The commission shall have no administrative or executive functions other than those set forth in this part.

441.10. The members of the commission shall receive per diem of one hundred dollars (\$100) for each day actually spent in the discharge of official duties and their actual and necessary traveling and other expenses incurred in the discharge of their duties.

441.11. The office of the commission shall be in the City of Sacramento.

441.12. Notwithstanding the provisions of Section 11042 of the Government Code, the commission may appoint as attorney to the commission an attorney at law licensed in this state, who shall hold office during the pleasure of the commission. The attorney shall represent and appear for the people of the State of California and the commission in all actions and proceedings involving any question under this part or under any order or act of the commission. If directed to do so by

the commission, he shall intervene, if possible, in any action or proceeding in which any such question is involved.

The attorney shall commence, prosecute, and expedite the final determination of all actions and proceedings directed or authorized by the commission. advise the commission and each commissioner, when so requested, in regard to all matters in connection with the powers and duties of the commission and the members thereof; and generally perform all duties and services as attorney to the commission which the commission may require of him.

441.13. The commission shall hold one regular meeting annually in the City of Sacramento and at least two additional regular meetings annually, one of which shall be held in the City of Los Angeles and the other in the City and County of San Francisco. The commission may adjourn from time to time until its business is concluded.

441.14. On or before the first day of November of 1972 and every year thereafter, the commission shall prepare and transmit to the Governor and the Legislature a report of all commission operations and activities for the preceding fiscal year, together with a record of all its receipts and disbursements for such year. The report required by this section shall include copies of all summaries, compilations and supplementary reports prepared in accordance with the provisions of Section 442.2 together with such facts, suggestions, and recommendations as the commission deems of value to the people of the state.

441.15. The commission, after consultation with the advisory council, receipt of the recommendations of the advisory council, and public hearings with respect thereto, shall, as soon as practicable after the effective date of this part have prepared, published, and ready for distribution to all the institutions or organizations subject to the provisions of this part approved systems of hospital accounting and uniform reporting which shall be structured so as to enable all such institutions or organizations to fairly, accurately, and efficiently prepare the particular financial reports required by Section 441.18. Existing systems of accounting and reporting used by Section 441.2 hospitals shall be examined and given due consideration by the commission in carrying out its duty of preparing the systems of accounting and uniform reporting required by this section.

441.16. (a) The commission where necessary to correctly reflect differences either (1) in size of; or (2) in scope, type, or method of provision of or payment for services rendered by Section 441.2 hospitals; or where necessary to avoid unduly burdensome costs for such hospitals in meeting the requirements of this part as a result of such differences; shall allow and provide, in accordance with appropriate regulations, for modifications in the accounting systems approved pursuant to Section 441.15 for use by Section 441.2 hospitals in meeting

the requirements of this part if such modifications will not interfere with the purposes established in Section 441 hereof.

(b) The commission shall establish specific reporting provisions for Section 441.2 hospitals that receive a preponderance of their revenue from associated comprehensive group-practice prepayment health care service plans. Such hospitals shall be authorized to utilize established accounting systems, and to report costs and revenues in a manner which is consistent with the operating principles of such plans and with generally accepted accounting principles. When hospitals that receive the preponderance of their revenue from associated comprehensive group-practice prepayment health care service plans are operated as units of a coordinated group of hospitals under common management, they shall be authorized to report as a group rather than as individual institutions, and as a group shall submit a consolidated balance sheet, income and expense statement and statement of source and application of funds for such group of hospitals; except, that cost data shall be reported for each individual institution.

The commission shall adopt comparable modifications to the financial reporting requirements of this part for county hospital systems consistent with the purposes of Section 441.

441.17. The commission shall hold public hearings on the proposed systems of accounting and uniform reporting prepared under Section 441.15 or on any changes in such systems which are subsequently proposed by the commission not less than 30 or more than 60 days after the date on which the proposed systems or changes therein are distributed to Section 441.2 hospitals, at which time representatives of the hospitals and other interested persons shall be entitled to appear and give testimony in all relevant matters and to propose such modifications or alterations in the proposed systems or changes therein as are provided for under Section 441.16. Subject to modifications or alterations approved by the commission within 30 days of such hearing, the systems of hospital accounting approved by the commission pursuant to Section 441.15 shall be implemented by all Section 441.2 hospitals for all annual accounting periods beginning on or after the first day of the 15th month next following the end of the calendar month in which the revised regulations are published.

In carrying out the provisions of this section and of Sections 441.15 and 441.16, the commission shall, to the fullest extent practicable, structure the accounting and reporting systems thereby provided for so as to establish and differentiate costs incurred for patient-related services rendered by Section 441.2 hospitals, as distinguished from those incurred with reference to educational, research, and other non-patient-related activities, including, but not limited to, charitable activities, of such hospitals.

441.18. Every organization which operates, conducts, or maintains a Section 441.2 hospital, and the officers thereof, shall make and file with the commission, within four months

after the close of the organization's calendar or fiscal year for all annual accounting periods to which the systems of accounting and uniform reporting approved under Section 441.17 are made applicable thereby, all of the following reports on forms specified by the commission which shall be in accord with such systems of accounting and uniform reporting all of the following:

(a) A balance sheet detailing the assets, liabilities, and net worth of the hospital at the end of its fiscal year.

(b) A statement of income, expenses, and operating surplus or deficit for the annual period ending on the balance sheet date.

(c) A statement detailing the source and application of funds expended by the hospital for the period encompassed by the income statement required by subdivision (b).

(d) A statement reporting the information required in subdivisions (a), (b), and (c) of this section for each separately licensed Section 441.2 hospital operated, conducted, or maintained by the reporting organization.

(e) A report of hospital expenditures which allocates the costs of nonrevenue-producing departments of a hospital to the other nonrevenue- and revenue-producing centers which they serve, similar to the "step-down" or "double-apportionment" methods of cost finding used in reporting hospital cost experience under Title XVIII of the Federal Social Security Act. Any Section 441.2 hospital which participates in Title XVIII as a provider of hospital care services may elect to file the cost data reports required under the regulations of the Social Security Administration in its administration of Title XVIII in place of the report required by the commission under this subdivision.

(f) The report required by subdivision (e) shall be accompanied by an accurate and sufficiently detailed statistical report containing data taken from the hospital's basic accounts and patient statistics as maintained under one of the systems approved in accordance with Section 441.17, which identifies costs related to categories, types or units of hospital care services delivered to patients by the operating departments of the hospital in accordance with a list of such services provided by the commission acting under the provisions of Section 441.15. Any Section 441.2 hospital which participates in Title XVIII of the Federal Social Security Act may elect to file the statistical reports covering the provision of such hospital care services required under Title XVIII in place of the report required by the commission under this subdivision.

(g) Hospitals described in subdivision (b) of Section 441.16 shall file such statements and reports, not inconsistent with subdivision (b) of Section 441.16, as the commission may reasonably require for the annual financial reporting period of such hospitals or group of hospitals.

The commission shall adopt forms of authentication for use by hospital officers or licensed accountants preparing re-

ports under this section stating that each such officer or accountant making the authentication believes that to the extent of his knowledge and information each statement in the report is true.

441.19. Whenever, upon the recommendation of the executive secretary of the commission, and the approval, certified in writing, of a majority of commission members, a further investigation is deemed necessary or desirable to verify the accuracy of the information in the reports made by hospitals under this part, the executive secretary shall have the authority to make any necessary further examination of the hospital's records and accounts and to devote such necessary extra attention to the conduct of its affairs as the commission may by regulation provide. Such further examinations under this section may include, but are not limited to, making a full or partial audit of all such records and accounts.

The costs incurred in conducting any examinations or inquiries provided for pursuant to this section shall be borne by the commission. However, when the executive secretary determines that the original reports were deliberately falsified or that hospital officials were aware of untrue statements contained therein, subject to the approval of a majority of commission members, the hospital shall be responsible for all such costs, and shall, in addition, be liable for a civil penalty of twice the amount of such costs. Such civil penalty shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the commission. A hospital which wishes to contest the determination of the executive secretary shall have the right to a hearing conducted in accordance with the provisions of Section 442.5.

442. (a) The commission shall maintain a file of all the reports filed under Sections 441.18 and 442.1 at its Sacramento office. Subject to such rules as the commission may prescribe, such reports shall be produced and made available for inspection upon the demand of any person.

(b) Copies certified by the commission as being true and correct copies of reports properly filed with the commission pursuant to Section 441.18, together with summaries, compilations, or supplementary reports prepared by the commission pursuant to Section 442.1, shall be introduced as evidence, where relevant, at any hearing, investigation, or other proceeding held, made or taken by any state, county, or local governmental agency, board, or commission which participates as a purchaser of hospital care services pursuant to the provisions of a publicly financed state or federal health care program. Each such state, county, or local governmental agency, board, or commission shall weigh and consider the reports made available to it pursuant to the provisions of this subdivision in its formulation and implementation of policies, regulations, or procedures regarding reimbursement methods and rates in the administration of such publicly financed programs.

442.1. In addition to its other responsibilities under the provisions of this part, the commission shall prepare and file such summaries, compilations, or other supplementary reports based on the information filed with the commission pursuant to Section 441.18 as it determines will advance the purposes of this part. All such summaries, compilations, and reports shall be open to public inspection and shall be made available to public agencies in accord with the provisions of Section 442 of this part.

442.2. The commission, with the approval of the advisory council, or the advisory council pursuant to its direction, in addition to their other duties under this part, may initiate and conduct such other studies as it determines will advance the purposes of this part.

Specifically included in the authority granted by this section are studies of the practicability of various methods of implementing "cost-effectiveness programs" for the delivery of health care services. The commission may prepare and publish compilations, recommendations or any other information or conclusions derived from studies undertaken pursuant to this section.

442.3. Any Section 441.2 hospital which does not file any report required by Section 441.18 with the commission as provided therein is liable for a civil penalty of one hundred dollars (\$100) a day to be assessed and recovered in a civil action brought in the name of the people of the State of California by the commission for each day the filing of such report with the commission is delayed, unless an extension is granted in accord with the guidelines and procedures established by the commission pursuant to Section 442.4. Any money which is received by the commission pursuant to this section shall be paid into the commission's operating fund which is established by Section 442.10.

442.4. The commission shall, by regulation, establish guidelines and procedures to enable all institutions subject to the provisions of this part to request reasonable extensions of time in which to file any or all of the reports required by Section 441.18. The regulations shall provide for the grant of such extensions by the executive secretary in cases where the institution requesting them can show good and sufficient cause for the extension.

Any institution denied an extension under this section may petition the commission for a hearing on appeal to review the action of the executive secretary in refusing its request for the extension in accord with the provisions of Section 442.5; but the filing of a petition pursuant to that section shall not, unless the appeals committee reverses the executive secretary, limit the continued accrual of the charges levied under this section against a hospital which fails to meet the deadline for filing reports established by Section 441.18.

442.5. A petition requesting a hearing to review any action taken by the commission or the executive secretary pursuant to

this part shall be filed with the commission within 15 days of the date on which the institution or person aggrieved was notified of the action with respect to which the review is requested and shall state the grounds on which the petitioner bases his appeal. A hearing on the petition, at which the petitioner may be represented by counsel, shall be held within 45 days of the date on which the petition for appeal was filed, before an appeals committee composed of three members of the commission chosen by the chairman for such purpose. The decision of a majority of the committee, which shall be rendered in the form of a written memorandum of decision filed in the commission's office, shall be final, subject to the right of review by a court of competent jurisdiction in accordance with the provisions of Chapter 2 (commencing with Section 1084) of Title I of Part 3 of the Code of Civil Procedure.

442.6. To promote economy, avoid duplication of effort, and make use of available expertise, the commission, in carrying out the duties of the new state functions delegated to it by the Legislature pursuant to this part, shall, when such agreements will aid the commission in carrying out its duties under this part, contract to the extent feasible with private persons and nongovernmental and governmental organizations and agencies which are experienced in the collection and evaluation of information regarding hospital accounting and cost-reporting procedures, the efficiency of various health care delivery systems, and other related fields of knowledge pertaining to the hospitals subject to the provisions of this part. The provisions of this section shall not be construed to limit the authority granted the commission under Section 441.9.

No person, organization, or agency which enters a contract pursuant to the provisions of this section shall, without the prior written approval of the commission, release or publish any information made available to it in its performance under such a contract, nor shall such person, organization, or agency use or employ any information obtained by it in connection with such participation for any purpose or purposes other than carrying out its duties and obligations under such contract unless permission to use the information for such purpose or purposes is specifically included in the contract of participation and approved by a majority of commission members. The prohibitions of this paragraph do not, however, apply to information which has been received or developed by a contracting person, organization, or agency in performing services or functions separate and distinct from those carried out under contract with the commission.

442.7. In order to assist the commission in the performance of its duties pursuant to this part, there is hereby created an Advisory Council to the California Hospital Commission, to be composed of all of the following:

(a) Three members who shall represent consumers of hospital care services; one of whom shall be a member of and represent a labor union organized under the provisions of

Chapter 7 of Title 29 of the United States Code; and one of whom shall be an accountant licensed under Chapter 1 (commencing with Section 5000) of Division 3 of the Business and Professions Code with at least five years' experience as an accountant or financial officer with responsibility for auditing and supervising the financial affairs of one or more hospitals subject to the provisions of this part.

(b) Five members who shall be broadly representative of the interests of investor-owned, county, university, district, and not-for-profit hospitals which are subject to the provisions of this part.

(c) One member appointed by, and to serve at the pleasure of, the Director of Public Health.

(d) One member appointed by, and to serve at the pleasure of, the Director of Mental Hygiene.

The three members who are to represent consumers of health care services shall be appointed directly by the commission for a term of three years. The members provided for under subdivision (b) shall be appointed by the commission for a term of three years as follows:

Within 30 days after this section goes into effect, and thereafter within 30 days after any vacancy occurs, any organization, association, or institution whose members may be qualified to fill the vacancy or vacancies then existing may submit to the commission the names of persons qualified to represent it on said advisory council, from which such names the commission shall make its appointments.

No member shall be appointed to a position on the council for more than two consecutive full terms.

442.8. The advisory council shall have a chairman appointed by the commission, who shall be one of the three public members appointed under subdivision (a) of Section 442.7, a vice chairman and secretary elected by the advisory council, and shall meet at least two times each year and at other times on the call of the commission or the advisory council chairman, or on the written request of three or more members. It shall be the responsibility of the council, when requested by the commission, to advise the commission concerning any and all matters coming within the purview of this part and the enforcement thereof.

442.9. The members of the advisory council shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with their duties as members of the council.

442.10. For the purposes of funding such contracts of the commission as are authorized by the provisions of this part and for meeting the costs of the commission in carrying out its duties in the administration thereof, fees shall be collected by the State Department of Public Health as follows and shall be deposited in the California Hospital Commission Fund which is hereby established:

(a) Every Section 441.2 hospital is hereby charged a special fee of 0.02 of 1 percent of the hospital's gross operating cost for the provision of health care services for its last fiscal year ending on or before June 30, 1971. The fee shall be due on January 1, and delinquent on January 31, 1972, and shall be collected by the State Department of Public Health concurrent with applications for licensure, except that institutions included under Section 441.2 which are licensed pursuant to Chapter 1 (commencing with Section 7000) of Division 7 of the Welfare and Institutions Code shall pay such fee to the Director of Mental Hygiene who shall transmit the funds received to the Director of Public Health. Institutions included in Section 441.2 which are exempt from licensure pursuant to the provisions of Section 1415 shall pay the fee required by this subdivision to the Department of Public Health within the time schedules provided in this section.

(b) For 1973 and every year thereafter, the State Department of Public Health shall, concurrent with applications for licensure, set, and charge to, and collect from all Section 441.2 hospitals a special fee, which shall be due on January 1 and delinquent on January 31 of each year beginning with the year 1973, of not more than 0.02 of 1 percent of the hospital's gross operating cost for the provision of health care services for its last fiscal year which ended on or before June 30 of the preceding calendar year. Each year the Director of Public Health shall, after consultation with the commission, establish the fee to produce revenues equal to the appropriation for these purposes in the budget act for the current fiscal year. The director shall immediately notify the Director of Mental Hygiene of the amount of such fee and the Department of Mental Hygiene shall collect such fee from all hospitals licensed by the Department of Mental Hygiene pursuant to Chapter 1 (commencing with Section 7000) of Division 7 of the Welfare and Institutions Code which are included within the definition of Section 441.2. All funds received by the Department of Mental Hygiene from such fees shall be transmitted to the Director of Public Health. Institutions included in Section 441.2 which are exempt from licensure pursuant to the provisions of Section 1415 shall pay the fee required by this subdivision to the State Department of Public Health within the time schedules provided in this section.

(c) Any amounts raised by the collection of the special fees provided for by subdivisions (a) and (b) of this section which are not required to meet appropriations in the budget act for the current fiscal year shall be available to the commission in succeeding years, when appropriated by the Legislature, for expenditure under the provisions of this part and shall reduce the amount of such special fees which the State Department of Public Health is authorized to set and charge.

(d) No hospital against which the fees required by this section are charged shall be issued a license or have an existing

license renewed unless the fees are paid ; nor shall any hospital, which is exempt from licensure pursuant to the provisions of Section 1415, but is a Section 441.2 hospital, be permitted to continue to operate without the payment of the fees required by this section. The commission may bring an action to enjoin the violation or threatened violation of this subdivision in the superior court in and for the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this subdivision shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except the commission shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

SEC. 2. There is hereby appropriated as of January 31, 1972, from the California Hospital Commission Fund established pursuant to the provisions of Section 442.10 of the Health and Safety Code as enacted by Section 1 of this act, the sum of five hundred thousand dollars (\$500,000) to the California Hospital Commission for expenditure by the commission during the 1971-1972 fiscal year in carrying out the provisions of Part 1.7 (commencing with Section 440) of Division 1 of the Health and Safety Code as enacted by Section 1 of this act.

CHAPTER 1243

An act to amend Section 224 of the Agricultural Code, to add Section 16317 to the Government Code, to amend Section 21680 of the Public Utilities Code, to amend Sections 8351, 8352, 8353, 10451, 11001, 11003, and 11005 of, to add Sections 8352.1, 8352.3, 8352.4, and 8352.5 to, and to add and amend Section 8352.2 of, the Revenue and Taxation Code, to amend Sections 104.6, 182, 186.95, 2100, and 2103 of, to add Section 208 to, and to add and repeal Section 190.02 of, the Streets and Highways Code, to amend Sections 42270, 42271, and 42273 of, and to repeal Section 42274 of, the Vehicle Code, and to repeal Chapter 20 of the Statutes of 1952, Second Extraordinary Session, relating to financing of transportation and related functions.

[Approved by Governor October 26, 1971. Filed with
Secretary of State October 26, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 224 of the Agricultural Code is amended to read:

224. Money transferred by the Controller to the Department of Agriculture Fund from the Motor Vehicle Fuel Account pursuant to Section 8352.5 of the Revenue and Taxation

Code shall be expended by the Director of Agriculture as follows:

(1) Five hundred thousand dollars (\$500,000) of the amount transferred each fiscal year is hereby appropriated for reimbursement for charges for state administrative costs, and for departmental and divisional overhead expense apportioned to the Department of Agriculture Fund.

(2) One million dollars (\$1,000,000) each fiscal year is hereby appropriated to be used only for emergency detection, eradication, or research of agricultural plant or animal pests or diseases, during such fiscal year. The Director of Agriculture may expend such funds with the approval of the Director of Finance. At the end of each fiscal year, any unencumbered balance of such funds shall be added to the amount available for payment to counties during the next fiscal year, as provided in subdivision (3).

(3) The total amount transferred during each fiscal year less the amounts provided in subdivisions (1) and (2) is hereby appropriated to be paid to the counties as partial reimbursement for county expenses for carrying out agricultural programs authorized by the Agricultural Code that are supervised by the Department of Agriculture. Such payment shall be apportioned to the counties by the Director of Agriculture in relation to each county's expenditures to the total amount expended by all counties for the preceding fiscal year for such agricultural programs, as determined by the Director of Agriculture. The amount to be transferred to any county for a fiscal year may be increased or decreased by the Director of Agriculture to provide that insofar as such transferred unclaimed refundable gas tax funds for apportionment to the counties are available, no county shall receive smaller combined apportionments of gas taxes and unclaimed refundable gas taxes than such county would have received had the gas taxes been apportioned without the transfer required by Section 8352.5, as determined by the Director of Agriculture, except that the amount of unclaimed refundable gas tax funds to be transferred to any county for a fiscal year may be increased or decreased by the Director of Agriculture to compensate for incorrect previous transfers to that county.

(4) Such money transferred during the six-month period, July 1, 1970 to December 31, 1970, is hereby appropriated for the purpose provided by subdivision (1) of this section, and the remainder of the money so transferred is hereby appropriated to be paid to the counties for the purposes and as provided by subdivision (3) of this section. Such money transferred for the six-month period, January 1, 1971, to June 30, 1971 is hereby appropriated for the purpose provided by subdivision (2) of this section, and the remainder of the money so transferred is hereby appropriated to be paid to the counties for the purposes and as provided by subdivision (3) of this section.

SEC. 1.5. Section 16317 is added to the Government Code, to read:

16317. (a) The Controller shall maintain a system of accounts for each of the funds redesignated by the act enacting this section as accounts within the Transportation Tax Fund or the State Transportation Fund which will reflect the equity of each account, including investments and earnings on investments.

(b) No procedures shall be established to implement the act enacting this section which would impair the authority to establish accounting systems, or impair the cash management authority, possessed by the California Highway Commission and the Department of Public Works prior to the enactment of this section.

SEC. 2. Section 21680 of the Public Utilities Code is amended to read:

21680. (a) The Aeronautics Fund is hereby continued in existence as the Aeronautics Account in the State Transportation Fund. The moneys deposited to the credit of the account are continuously appropriated for expenditure by the board and the department as provided in this article.

(b) Any reference in any law or regulation to the Airport Assistance Revolving Fund, the Airport Assistance Fund, or the Aeronautics Fund shall be deemed to refer to the Aeronautics Account in the State Transportation Fund. As used in this article, "fund" shall be deemed to refer to the Aeronautics Account in the State Transportation Fund.

SEC. 4. Section 8351 of the Revenue and Taxation Code is amended to read:

8351. The Controller shall transmit all money received by him in payment of license taxes, interest, and penalties due under this part to the State Treasurer who shall deposit it in the State Treasury and credit it to the Motor Vehicle Fuel Fund, which is continued in existence as the Motor Vehicle Fuel Account in the Transportation Tax Fund, which fund is hereby created. All fees paid and accepted for issuance or reinstatement of licenses under this part shall be deposited by the board in the State Treasury to the credit of the same account.

Any reference in any law or regulation to the Motor Vehicle Fuel Fund shall be deemed to refer to the Motor Vehicle Fuel Account in the Transportation Tax Fund.

SEC. 5. Section 8352 of the Revenue and Taxation Code is amended to read:

8352. Subject to the provisions of any budget bill heretofore or hereafter enacted and Section 11006 of the Government Code, the money deposited to the credit of the Motor Vehicle Fuel Account is hereby appropriated for expenditure, allocation, or transfer as provided in Sections 8352.1 to 8352.5, inclusive.

SEC. 6. Section 8352.1 is added to the Revenue and Taxation Code, to read:

8352.1. The money deposited to the credit of the Motor Vehicle Fuel Account may be expended for the following purposes:

(a) To pay the refunds authorized in this part, including refunds due on account of judgments for the return of license taxes illegally collected.

(b) To the Controller, to carry out any duties imposed upon him by this part.

(c) To the board, to carry out any duties imposed upon it by this part.

(d) To pay the pro rata share of the overhead and general administrative expense of the Controller and the board attributable to duties imposed by this part. The pro rata share is payable upon presentation of a claim against any appropriation from the Motor Vehicle Fuel Account for the support of the Controller or the board, as the case may be.

SEC. 6.2. Section 8352.2 is added to the Revenue and Taxation Code, to read:

8352.2. Subject to the provisions of Sections 8352, 8352.1, 8352.3, 8352.4, and 8352.5, the money deposited to the credit of the Motor Vehicle Fuel Account shall be transferred to the State Transportation Fund, which is hereby created, as provided in this chapter.

SEC. 6.3. Section 8352.3 is added to the Revenue and Taxation Code, to read:

8352.3. Subject to the provisions of Sections 8352 and 8352.1, there shall be transferred to the Aeronautics Account in the State Transportation Fund all moneys deposited to the credit of the Motor Vehicle Fuel Account attributable to the distribution of motor vehicle fuel for use or used in propelling an aircraft in the state, for allocation as follows:

(a) To pay the refunds authorized by Section 8101.5.

(b) To pay the pro rata cost of the Controller and the board under subdivisions (b), (c), and (d) of Section 8352.1

(c) To pay for the support of the Department of Aeronautics.

(d) Remaining balance to be available for the California Aid to Airports Program.

SEC. 6.4. Section 8352.4 is added to the Revenue and Taxation Code, to read:

8352.4. Subject to the provisions of Sections 8352 and 8352.1, there shall be transferred from the money deposited to the credit of the Motor Vehicle Fuel Account to the Harbors and Watercraft Revolving Fund for expenditure in accordance with the provisions of Division 1 (commencing with Section 30) of the Harbors and Navigation Code, the sum of five million two hundred thousand dollars (\$5,200,000) in the 1970-1971 fiscal year, five million six hundred thousand dollars (\$5,600,000) in the 1971-1972 fiscal year, and six million

dollars (\$6,000,000) per annum commencing with the 1972-1973 fiscal year, these sums representing the amount of money in the Motor Vehicle Fuel Account attributable to taxes imposed on distributions of motor vehicle fuel used or usable in propelling vessels. If the amount so transferred during each of such fiscal years is in excess of ten dollars and two cents (\$10.02) multiplied by the estimated number of boats in existence as of December 31st of each year, the excess shall be retransferred from the Harbors and Watercraft Revolving Fund to the Motor Vehicle Fuel Account. If the amount transferred is less than the amount so calculated, the difference shall be transferred from the Motor Vehicle Fuel Account to the Harbors and Watercraft Revolving Fund; provided no such adjustment shall be made if the computed difference is less than fifty thousand dollars (\$50,000); and further provided that such amount shall be adjusted to reflect any temporary or permanent increase or decrease that may be made in the rate under the Motor Vehicle Fuel License Tax Law. Payments pursuant to this section shall be made prior to payments pursuant to Section 8352.2.

The Department of Public Works, after consultation with the Department of Navigation and Ocean Development, shall prepare, or cause to be prepared, a report setting forth the current estimate of the amount of money credited to the Motor Vehicle Fuel Account attributable to taxes imposed on distributions of motor vehicle fuel used or usable in propelling vessels; and the Department of Public Works shall submit such report to the Legislature on or before the fifth calendar day of the 1973 Regular Session and each four years thereafter.

SEC. 6.5. Section 8352.5 is added to the Revenue and Taxation Code, to read:

8352.5. Subject to the provisions of Sections 8352 and 8352.1, there shall be transferred from the money deposited to the credit of the Motor Vehicle Fuel Account to the Department of Agriculture Fund as follows:

(a) During the second quarter of the 1970-1971 fiscal year, the sum of one million seven hundred fifty thousand dollars (\$1,750,000).

(b) During the fourth quarter of the 1970-1971 fiscal year, the amount of the estimate contained in the report to be prepared pursuant to this section that is in excess of any amount previously transferred pursuant to subdivision (a) during the 1970-1971 fiscal year.

(c) During the second quarter of the 1971-1972 fiscal year, and the second quarter of each fiscal year thereafter, an amount equal to the estimate contained in the most recent report prepared pursuant to this section.

Such amounts shall not be subject to the provisions of Section 6357 with respect to the collection of sales and use taxes thereon, and represent the portion of receipts in the Motor

Vehicle Fuel Account during a calendar year that were attributable to agricultural off-highway use of motor vehicle fuel which is subject to refund pursuant to Section 8101, less gross refunds allowed by the Controller during the fiscal year ending June 30th following such calendar year to persons entitled to such refunds for agricultural off-highway use pursuant to Section 8101. Payments pursuant to this subdivision shall be made prior to payments pursuant to Section 8352.2.

On or before May 31, 1971, and on or before September 30, 1973, and every two years thereafter, the Secretary of the Business and Transportation Agency, and the Secretary of the Agriculture and Services Agency, shall jointly prepare, or cause to be prepared, a report setting forth the current estimate of the amount of money in the Motor Vehicle Fuel Account attributable to agricultural off-highway use of motor vehicle fuel, which is subject to refund pursuant to Section 8101 less gross refunds allowed by the Controller to persons entitled to such refunds for agricultural off-highway use pursuant to Section 8101; and they shall submit a copy of such report to the Legislature.

SEC. 7. Section 8353 of the Revenue and Taxation Code is amended to read:

8353. (a) Until the commencement of the withholding of the state personal income tax, during each calendar month, the balance remaining to the credit of the Motor Vehicle Fuel Account at the close of business on the last day of the preceding calendar month, after payments of refunds and administration and enforcement, as provided for in Section 8352.1, shall, on order of the State Controller, be transferred to the Highway Users Tax Account in the Transportation Tax Fund.

(b) Upon the commencement of the withholding of state personal income taxes, by the 10th day of each calendar month, the balance remaining to the credit of the Motor Vehicle Fuel Account at the close of business on the fifth day of the same month, after payments of refunds and administration and enforcement, as provided for in Section 8352.1, shall, on order of the State Controller, be transferred to the Highway Users Tax Account in the Transportation Tax Fund.

SEC. 9. Section 10451 of the Revenue and Taxation Code is amended to read:

10451. All taxes, interest, and penalties due under this part shall be paid in the form of remittances payable to the State Controller. The Controller shall transmit the payments to the State Treasury to be deposited to the credit of the Motor Vehicle Transportation Tax Fund, which is continued in existence as the Motor Vehicle Transportation Tax Account in the Transportation Tax Fund. All fees paid and accepted for issuance or reinstatement of licenses under this part shall be deposited by the board in the State Treasury to the credit of the same account.

Any reference in any law or regulation to the Motor Vehicle Transportation Tax Fund shall be deemed to refer to the

Motor Vehicle Transportation Tax Account in the Transportation Tax Fund.

SEC. 10. Section 11001 of the Revenue and Taxation Code is amended to read:

11001. All money collected by the department for accepted applications under this part shall be reported monthly to the Controller and at the same time deposited in the State Treasury to the credit of the Motor Vehicle License Fee Fund, which is continued in existence as the Motor Vehicle License Fee Account in the Transportation Tax Fund.

Any reference in any law or regulation to the Motor Vehicle License Fee Fund shall be deemed to refer to the Motor Vehicle License Fee Account in the Transportation Tax Fund.

SEC. 11. Section 11003 of the Revenue and Taxation Code is amended to read:

11003. The amount appropriated by the Legislature for the use of the Department of Motor Vehicles for the enforcement of this part shall be transferred from the Motor Vehicle License Fee Account in the Transportation Tax Fund to the Motor Vehicle Account in the State Transportation Fund.

SEC. 12. Section 11005 of the Revenue and Taxation Code is amended to read:

11005. After payment of refunds therefrom and after making the deductions authorized by Section 11003 and reserving such amount as is determined by the Pooled Money Investment Board to be necessary to meet the transfers ordered or proposed to be ordered pursuant to Section 16310 of the Government Code, at least 90 percent of the balance of all motor vehicle license fees and any other money appropriated by law for expenditure pursuant to this section and deposited to the credit of the Motor Vehicle License Fee Account in the Transportation Tax Fund and remaining unexpended therein at the close of business on the last day of the calendar month shall be transferred to the credit of a special account in the General Fund and allocated by the Controller by the 10th day of the following month in the following manner:

(a) Fifty percent thereof shall be paid to the cities and counties of this state in the proportion that the population of each city or city and county bears to the total population of all cities and cities and counties in this state, as determined by the Controller. For the purpose of this subdivision the population of each city or city and county is that determined by the last federal census. In the case of a city incorporated subsequent to the last census, or in the case of an inhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the city or the annexed territory by multiplying the number of registered electors therein by three. In the case of uninhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the annexed territory, by the use of any federal decennial or special census or estimate pur-

suant to Section 2107.2 of the Streets and Highways Code by which the population of the annexed territory was counted, or, if no such other estimate or census was made, by multiplying the number of registered electors therein by three two years after the completion of annexation proceedings or at such earlier time as the legislative body may request. In the case of the consolidation of one city with another subsequent to the last census the population of the consolidated city for the purpose of this subdivision is the aggregate population of the respective cities as determined by the last federal census.

(b) Fifty percent thereof shall be paid to the counties and cities and counties of the state in the proportion that the population of each county or city and county bears to the total population of all the counties and cities and counties of the state, as determined by the Controller. For the purpose of this subdivision the population of each county or city and county is that determined by the last federal census, or as determined by Section 11005.6.

(c) Money disbursed by the Controller pursuant to this section may be used for county or city purposes and may, but need not necessarily, be used for purposes of general interest and benefit to the state.

SEC 13. Section 104.6 of the Streets and Highways Code is amended to read:

104.6. The authority conferred by this code to acquire real property for state highway purposes includes authority to acquire for future needs. Structures maintained or allowed to remain on property which has been acquired or is acquired in the future for future highway needs shall be maintained in conformance with standards established in the building and safety ordinances of the city or county having jurisdiction. The standards to which such structure shall be made to conform are those standards, except for such variances as may be applicable to the structure when acquired, of the city or county having jurisdiction which are in effect at the time of acquisition by the department.

The department is authorized to lease any lands which are held for state highway purposes and are not presently needed therefor on such terms and conditions as the director may fix and to maintain and care for such property in order to secure rent therefrom. Twenty-four percent of all rent so received shall be deposited to the credit of the Highway Properties Rental Fund, which is continued in existence as the Highway Properties Rental Account in the Transportation Tax Fund, except that any rent required under the California Toll Bridge Authority Act or any bond indenture executed under said act to be deposited in some other fund shall be deposited in such other fund. The balance of such rent shall be deposited to the credit of the State Highway Account in the State Transportation Fund.

Whenever it is determined by the Department of Public Works that any rental revenue collected under the provisions

of this section represents overpayment or payment in duplicate, that department may make refund of such overpayment or payment in duplicate from the Highway Properties Rental Account in the Transportation Tax Fund and the State Highway Account in the State Transportation Fund.

Any reference in any law or regulation to the Highway Properties Rental Fund shall be deemed to refer to the Highway Properties Rental Account in the Transportation Tax Fund.

SEC. 14. Section 182 of the Streets and Highways Code is amended to read:

182. The "State Highway Fund" is continued in existence as the State Highway Account in the State Transportation Fund. Any reference in any law or regulation to the State Highway Fund shall be deemed to refer to the State Highway Account in the State Transportation Fund. With the approval of the Department of Finance as to state appropriations, there shall be transferred to, or deposited to, the credit of the State Highway Account all money appropriated, contributed or made available from any source, including sources other than state appropriations, for expenditure on work within the powers and duties of the department, including but not limited to services, investigations, surveys, experiments, reports, right-of-way acquisitions, major and minor construction, maintenance, improvements and equipment, as authorized by the state agency for which such an appropriation is made, or as to funds from sources other than state appropriations, as may be authorized by written agreement between the contributor or contributors of such funds and the department.

Money so transferred or deposited is available for expenditure by the department for the purposes for which appropriated, contributed or made available, without regard to fiscal years and irrespective of the provisions of Section 16304 of the Government Code. The department may withdraw from the account for use in work for other public agencies, local, state or federal, such sums as may be necessary for such work where the money to be paid by such other agencies is not deposited in the account in advance of the work being done.

SEC. 15. Section 186.95 of the Streets and Highways Code is amended to read:

186.95. The Street and Highway Disaster Fund is continued in existence as the Street and Highway Disaster Account in the State Transportation Fund, to consist of the moneys referred to in Section 186.9.

Any reference in any law or provision to the Street and Highway Disaster Fund shall be deemed to refer to the Street and Highway Disaster Account in the State Transportation Fund.

The moneys deposited to the credit of the Street and Highway Disaster Account, which are appropriated by Section

186.9, shall be available for expenditure, transfer, and allocation, as follows:

(a) The money transferred to the account pursuant to subdivision (a) of Section 186.9 shall be available for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law (Article 6 (commencing with Section 54150), Chapter 5, Part 1, Division 2, Title 5 of the Government Code), including the purposes provided for in Section 54160 of the Government Code, for damage or destruction to local streets, roads and bridges from storm and flood or flood conditions which have occurred between December 1, 1964, and June 30, 1965. Local agencies shall apply to the State Allocation Board for an allocation of funds on or before April 1, 1966. Notwithstanding any provisions to the contrary in the Emergency Flood Relief Law, the funds allocated pursuant to this subdivision may be used for the purpose of repairing, restoring or replacing such local streets, roads or bridges to present-day standards and to accommodate present traffic.

(b) The money deposited to the credit of the account including the money received from the federal government as reimbursement to any city or county for the repair or restoration of any street, road or bridge which has been or will be repaired or restored in part or in whole by funds allocated pursuant to this section shall be available for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law for the repair or restoration of any local street, road or bridge damaged or destroyed by any disaster to present-day standards and to accommodate present traffic; and the use of such money shall not be limited to the repair or restoration of streets, roads or bridges damaged or destroyed by storm and flood or flood conditions; provided, that no such money shall be allocated for expenditure in connection with any disaster, except the damage or destruction to local streets, roads or bridges damaged or destroyed by storm and flood or flood conditions which have occurred between December 1, 1964, and June 30, 1965, unless and until specifically authorized by the Legislature.

(c) The money deposited to the credit of the account received from the federal government as reimbursement to the state for the repair or restoration of any state highway which has been or will be repaired or restored in part or in whole by funds transferred to the credit of the State Highway Account in the State Transportation Fund pursuant to subdivision (b) of Section 186.9 or by funds expended pursuant to this section shall be available for transfer by the Department of Finance to the State Highway Account for allocation by the California Highway Commission and expenditure by the Department of Public Works for the repair or restoration of any state highway damaged or destroyed by any disaster to present-day standards and to accommodate present traffic.

(d) Any money in the account not necessary for immediate use for the purposes otherwise specified in this section shall be available for transfer by the Department of Finance to the credit of the State Highway Account for allocation and expenditure for construction of state highways, but any amount so transferred shall, after receipt by the Department of Public Works of written demand from the Department of Finance, be returned from the State Highway Account to be credited to the Street and Highway Disaster Account upon determination by the Department of Finance of the necessity of such money for the purposes of this section within a period of not to exceed six months in such installments as may be agreed upon by the Department of Finance and the Department of Public Works.

(e) The sum of two million six hundred ninety-two thousand two hundred fifty dollars (\$2,692,250) of the cash balance of the money in the account under subdivision (c) shall be transferred by the Department of Finance to subdivision (b) for expenditure pursuant to that subdivision in such installments and at such times as may be determined to be necessary by the Department of Finance. In addition to the amount provided for in the preceding sentence, if the Department of Finance at any time determines that the estimated unallocated balance of the account under subdivision (b) of this section is insufficient, together with the amount provided in the preceding sentence, to carry out the purposes authorized under subdivision (b), and the Department of Public Works determines that a portion of the estimated unallocated balance of the account under subdivision (c), over and above the amount provided for in the preceding sentence, is not immediately needed for carrying out the purposes of subdivision (c), the Department of Finance may transfer such portion to subdivision (b) for expenditures pursuant to that subdivision. Any amounts transferred pursuant to this subdivision shall not be required to be repaid.

(f) Notwithstanding any other provision of this section, money credited to the account under subdivision (b) may be allocated by the State Allocation Board for expenditure pursuant to Section 54155 of the Government Code.

(g) Income from investment of moneys deposited to the credit of the account and all payments by local agencies in reimbursement of moneys disbursed from the account, including deferred payments with interest, pursuant to Government Code Sections 54160 and 54161, and all other moneys deposited therein, pursuant to law, shall be available for expenditure, transfer and allocation pursuant to this section.

SEC. 16. Section 190.02 is added to the Streets and Highways Code, to read:

190.02. In each annual budget report prepared by the commission and the department under Section 143.1 for the first two fiscal years after the state has commenced the withholding

of personal income tax, an additional sum of five million dollars (\$5,000,000) shall be set aside for purposes of Section 190.

This section shall remain in effect only until the beginning of the third fiscal year after the state has commenced the withholding of personal income tax, and as of that date is repealed.

SEC. 17. Section 208 is added to the Streets and Highways Code, to read:

208. The State Controller shall from time to time determine whether any portion of the money or investment in the Department of Motor Vehicles Uncleared Collections Account in the Special Deposit Fund is not necessary for immediate use and, if so, the amount thereof shall thereupon be designated as "available money." On demand of the Department of Public Works from time to time, the amounts demanded, not exceeding ten million dollars (\$10,000,000) in the aggregate, shall, on order of the Controller, be transferred to the State Highway Account in the State Transportation Fund from such "available money" and shall be available for the acquisition of properties to constitute rights-of-way for state highway purposes. On demand of the Controller, the money shall be retransferred to the Department of Motor Vehicles Uncleared Collections Account.

SEC. 18. Section 2100 of the Streets and Highways Code is amended to read:

2100. The Highway Users Tax Fund is continued in existence as the Highway Users Tax Account in the Transportation Tax Fund.

Any reference in any law or regulation to the Highway Users Tax Fund shall be deemed to refer to the Highway Users Tax Account in the Transportation Tax Fund.

SEC. 19. Section 2103 of the Streets and Highways Code is amended to read:

2103. (a) Until the commencement of the withholding of state personal income tax, the money in the Highway Users Tax Account in the Transportation Tax Fund shall be apportioned monthly by the State Controller, as provided for in Sections 2104 to 2121, inclusive.

(b) Upon the commencement of the withholding of state personal income tax, at least 90 percent of the balance deposited to the credit of the Highway Users Tax Account in the Transportation Tax Fund by the 10th day of each month shall be apportioned by the State Controller by the second working day thereafter, as provided for in Sections 2104 to 2122, inclusive. If information is not available to make the apportionment as required, the apportionment shall be made on the basis of the information of the previous month. Amounts not apportioned shall be included in the apportionment of the subsequent month.

SEC. 20. Section 42270 of the Vehicle Code is amended to read:

42270. The Department of Motor Vehicles and the Department of the California Highway Patrol each shall file at least

monthly with the State Controller a report of money received by the department covering all fees for applications accepted by the department and all other moneys received by the department under the provisions of this code, and at the same time shall remit all money so reported to the State Treasurer. On order of the Controller the Treasurer shall deposit in the Motor Vehicle Fund, which is continued in existence as the Motor Vehicle Account in the Transportation Tax Fund, all such moneys so reported and remitted.

Any reference in any law or regulation to the Motor Vehicle Fund shall be deemed to refer to the Motor Vehicle Account in the Transportation Tax Fund, except that any appropriation from the Motor Vehicle Fund for the support of the Department of Motor Vehicles or for the support of the Department of the California Highway Patrol shall be deemed to refer to the Motor Vehicle Account in the State Transportation Fund, which is created by subdivision (a) of Section 42271.

SEC. 21. Section 42271 of the Vehicle Code is amended to read:

42271. (a) The Motor Vehicle Account in the State Transportation Fund is hereby created.

(b) The moneys deposited to the credit of the Motor Vehicle Account in the State Transportation Fund which are appropriated in the Budget Act or any other appropriation act for the support of or expenditure by the Department of Motor Vehicles shall be expended by the department in carrying out the provisions of this code and in enforcing any other laws relating to vehicles or the use of highways.

Regularly employed peace officers of the department may, when authorized by the director, expend such sums as authorized for the purchase of counterfeit, false, forged, or fictitious certificates of ownership, registration card, certificate, license or special plate or permit, or driver's license provided for by this code as evidence, or for expenditures related to the procurement of such evidence, or for expenditures made to investigate other violations of laws administered by the department. When approved by the director, the identity of a peace officer who submits a claim need not be disclosed if the disclosure might materially prejudice the investigation.

The sums so expended shall be repaid to the peace officer making the expenditure upon claims approved by the director. The claims, when approved, shall be paid out of funds appropriated or made available by law for the support of the department.

(c) The moneys deposited to the credit of the Motor Vehicle Account in the State Transportation Fund which are appropriated in the Budget Act or any other appropriation act for the support of or expenditure by the Department of the California Highway Patrol shall be expended by the department in carrying out the provisions of this code and in enforcing any other laws relating to vehicles or the use of high-

ways. The Department of California Highway Patrol may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate one hundred thousand dollars (\$100,000), the sums so drawn to be used as a revolving fund where cash advances are necessary. At the close of each fiscal year the moneys so drawn must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the State Controller.

(d) All moneys deposited to the credit of the Motor Vehicle Account in the State Transportation Fund in excess of the amount the State Controller determines is necessary to meet appropriations therefrom shall be transferred, on order of the Controller, to the credit of the State Highway Account in the State Transportation Fund. If the amount retained to the credit of the Motor Vehicle Account in the State Transportation Fund pursuant to this subdivision should prove to be insufficient to pay costs incurred against an appropriation from such account, the Controller shall redetermine the matter and may, after giving at least 15 days prior notice to the Department of Public Works, transfer back, from time to time, sufficient amounts from the State Highway Account in the State Transportation Fund to the Motor Vehicle Account as are necessary to pay such appropriations.

SEC. 22. Section 42273 of the Vehicle Code is amended to read:

42273. By the 10th day of each calendar month the balance remaining to the credit of the Motor Vehicle Account in the Transportation Tax Fund at the close of business on the last day of the preceding calendar month, after payments of refunds and administration and enforcement and reserving such amount as is determined by the Pooled Money Investment Board to be necessary to meet the transfers ordered or proposed to be ordered pursuant to Section 16310 of the Government Code, shall, on order of the State Controller, be transferred to the credit of the Motor Vehicle Account in the State Transportation Fund.

SEC. 23. Section 42274 of the Vehicle Code is repealed.

SEC. 24. Chapter 20 of the Statutes of 1952, Second Extraordinary Session, is repealed.

SEC. 25. By enacting Section 24 of this act to repeal Chapter 20 of the Statutes of 1952, Second Extraordinary Session, it is the intent of the Legislature that loans for the acquisition of properties for state highway purposes shall be retired by the operation of Section 2108 of the Streets and Highways Code.

Furthermore, it was not the intent of the Legislature in enacting Chapter 20 of the Statutes of 1952, Second Extraordinary Session, nor is it the intent of the Legislature in repealing this chapter, to establish any limit on the amount of funds utilized for the right-of-way advanced acquisition program. The California Highway Commission and the Department of Public Works may use any available funds, including the

money specified in Section 26 of this act, for temporary investment in the right-of-way advanced acquisition program.

SEC. 26. During the month of January of the first year in which the withholding of state personal income taxes has commenced, the State Controller, in making the apportionments specified in Sections 2104 to 2122, inclusive, of the Streets and Highways Code, shall deduct the following amounts:

(a) Four million seven hundred ninety-four thousand dollars (\$4,794,000) from the amount to be apportioned pursuant to Section 2104 of the Streets and Highways Code.

(b) Three million sixty-eight thousand dollars (\$3,068,000) from the amount to be apportioned pursuant to Section 2106 of the Streets and Highways Code.

(c) Two million one hundred thirty-eight thousand dollars (\$2,138,000) from the amount to be apportioned pursuant to Section 2107 of the Streets and Highways Code.

The total deduction of ten million dollars (\$10,000,000) shall be transferred to the State Highway Account in the State Transportation Fund for expenditure in accordance with Sections 190 and 190.02 of the Streets and Highways Code.

SEC. 27. Section 8351 of the Revenue and Taxation Code is amended to read:

8351. The board shall transmit all money received in payment of fees, license taxes, interest, and penalties due under this part to the State Treasurer who shall deposit it in the State Treasury and credit it to the Motor Vehicle Fuel Fund, which is continued in existence as the Motor Vehicle Fuel Account in the Transportation Tax Fund, which fund is hereby created.

Any reference in any law or regulation to the Motor Vehicle Fuel Fund shall be deemed to refer to the Motor Vehicle Fuel Account in the Transportation Tax Fund.

SEC. 28. Section 8352.2 of the Revenue and Taxation Code, as proposed by Section 6.2 of this act, is amended to read:

8352.2. Subject to the provisions of Sections 8352, 8352.1, 8352.3, 8352.4, 8352.5, and 8352.6, the money deposited to the credit of the Motor Vehicle Fuel Account shall be transferred to the State Transportation Fund, which is hereby created, as provided in this chapter.

SEC. 29. Section 8352.3 is added to the Revenue and Taxation Code, to read:

8352.3. Subject to the provisions of Sections 8352 and 8352.1, there shall be transferred to the Aeronautics Account in the State Transportation Fund all moneys deposited to the credit of the Motor Vehicle Fuel Account attributable to the distribution of motor vehicle fuel for use or used in propelling an aircraft in the state, for allocation as follows:

(a) To pay the refunds authorized by Section 8101.5.

(b) To pay the pro rata cost of the Controller and the board under subdivisions (b), (c), and (d) of Section 8352.1.

(c) To pay for the support of the Department of Aeronautics.

(d) For transfer of the balance remaining to the Department of Aeronautics for allocation as provided in Section 7396.

SEC. 30. Section 10451 of the Revenue and Taxation Code is amended to read:

10451. All taxes, interest, and penalties due under this part shall be paid in the form of remittances payable to the board. The board shall transmit the payments to the State Treasury to be deposited to the credit of the Motor Vehicle Transportation Tax Fund, which is continued in existence as the Motor Vehicle Transportation Tax Account in the Transportation Tax Fund. All fees paid and accepted for issuance or reinstatement of licenses under this part shall be deposited by the board in the State Treasury to the credit of the same account.

Any reference in any law or regulation to the Motor Vehicle Transportation Tax Fund shall be deemed to refer to the Motor Vehicle Transportation Tax Account in the Transportation Tax Fund.

SEC. 31. Section 11001 of the Revenue and Taxation Code is amended to read:

11001. (a) Except as provided in subdivision (b), money collected by the department for accepted applications under this part shall be reported monthly to the Controller and at the same time deposited in the State Treasury to the credit of the Motor Vehicle License Fee Fund, which is continued in existence as the Motor Vehicle License Fee Account in the Transportation Tax Fund.

(b) The increased revenue derived from the air pollution control fee imposed by the act adding this subdivision and received by the department shall be deposited in the Clean Air Fund which is hereby created. The funds deposited in the Clean Air Fund pursuant to any provision of law shall be used, when appropriated by the Legislature, for the control and reduction of air pollution resulting from the operation of motor vehicles on the public streets and highways.

(c) Any reference in any law or regulation to the Motor Vehicle License Fee Fund shall be deemed to refer to the Motor Vehicle License Fee Account in the Transportation Tax Fund.

SEC. 32. Section 11005 of the Revenue and Taxation Code is amended to read:

11005. After payment of refunds therefrom and after making the deductions authorized by Section 11003 and reserving such amount as is determined by the Pooled Money Investment Board to be necessary to meet the transfers ordered or proposed to be ordered pursuant to Section 16310 of the Government Code, at least 90 percent of the balance of all motor vehicle license fees and any other money appropriated by law for expenditure pursuant to this section and deposited to the credit of the Motor Vehicle License Fee Account in the Transportation Tax Fund and remaining unexpended therein at the

close of business on the last day of the calendar month shall be transferred to the credit of a special account in the General Fund and allocated by the Controller by the 10th day of the following month in the following manner:

(a) Fifty percent thereof shall be paid to the cities and counties of this state in the proportion that the population of each city or city and county bears to the total population of all cities and counties in this state, as determined by the Controller. For the purpose of this subdivision the population of each city or city and county is that determined by the last federal census. In the case of a city incorporated subsequent to the last census, or in the case of an inhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the city or the annexed territory by multiplying the number of registered electors therein by three. In the case of uninhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the annexed territory, by the use of any federal decennial or special census or estimate pursuant to Section 2107.2 of the Streets and Highways Code by which the population of the annexed territory was counted, or, if no such other estimate or census was made, by multiplying the number of registered electors therein by three two years after the completion of annexation proceedings or at such earlier time as the legislative body may request. In the case of the consolidation of one city with another subsequent to the last census the population of the consolidated city for the purpose of this subdivision is the aggregate population of the respective cities as determined by the last federal census.

(b) Fifty percent thereof shall be paid to the counties and cities and counties of the state in the proportion that the population of each county or city and county bears to the total population of all the counties and cities and counties of the state, as determined by the Controller. For the purpose of this subdivision the population of each county or city and county is that determined by the last federal census, or as determined by Section 11005.6.

(c) Money disbursed by the Controller pursuant to this section may be used for county or city purposes and may, but need not necessarily, be used for purposes of general interest and benefit to the state.

(d) No money shall be transferred pursuant to this section to any city or county until the director of the department of housing and community development of such city or county has certified to the State Controller that the housing element plan of such city or county is in compliance with state law.

SEC. 33. It is the intent of the Legislature, if this bill and Senate Bill No. 146 are both chaptered and amend Section 8351 of the Revenue and Taxation Code, and this bill is chaptered after Senate Bill No. 146, that Section 8351 of the

Revenue and Taxation Code, as amended by Section 4 of this act, shall remain operative only until the operative date of Senate Bill No. 146, and that on the operative date of Senate Bill No. 146 Section 8351 of the Revenue and Taxation Code as amended by Section 4 of this act be further amended in the form set forth in Section 27 of this act to incorporate the changes in Section 8351 proposed by Senate Bill No. 146. Therefore, Section 27 of this act shall become operative only if Senate Bill No. 146 is chaptered before this bill and amends Section 8351, and in such case Section 27 of this act shall become operative on the operative date of Senate Bill No. 146.

SEC. 34. Section 28 of this act shall become operative only if Senate Bill No. 156 is chaptered by the Legislature at the 1971 Regular Session, and, in such case, shall become operative at the same time as Senate Bill No. 156 becomes operative.

SEC. 35. It is the intent of the Legislature, if this bill and Assembly Bill No. 703 are both chaptered and affect Section 8352 of the Revenue and Taxation Code, and this bill is chaptered after Assembly Bill No. 703, that the changes in subdivision (f) of Section 8352 proposed by both bills be given effect and incorporated as Section 8352.3 of the Revenue and Taxation Code in the form set forth in Section 29 of this act. Therefore, Section 29 of this act shall become operative only if this bill and Assembly Bill No. 703 are both chaptered, both affect Section 8352, and if Assembly Bill No. 703 is chaptered before this bill, in which case Section 6.3 of this act shall not become operative.

SEC. 36. It is the intent of the Legislature, if this bill and Senate Bill No. 146 are both chaptered and amend Section 10451 of the Revenue and Taxation Code, and this bill is chaptered after Senate Bill No. 146, that Section 10451 of the Revenue and Taxation Code, as amended by Section 9 of this act, shall remain operative only until the operative date of Senate Bill No. 146, and that on the operative date of Senate Bill No. 146 Section 10451 of the Revenue and Taxation Code as amended by Section 9 of this act be further amended in the form set forth in Section 30 of this act to incorporate the changes in Section 10451 proposed by Senate Bill No. 146. Therefore, Section 30 of this act shall become operative only if Senate Bill No. 146 is chaptered before this bill and amends Section 10451, and in such case Section 30 of this act shall become operative on the operative date of Senate Bill No. 146.

SEC. 37. It is the intent of the Legislature, if this bill and Assembly Bill No. 1263 are both chaptered and amend Section 11001 of the Revenue and Taxation Code, and this bill is chaptered after Assembly Bill No. 1263, that the amendments to Section 11001 proposed by both bills be given effect and incorporated in Section 11001 in the form set forth in Section 31 of this act. Therefore, Section 31 of this act shall become operative only if this bill and Assembly Bill No. 1263 are both chaptered, both amend Section 11001, and Assembly Bill No.

1263 is chaptered before this bill, in which case Section 10 of this act shall not become operative.

SEC. 38. It is the intent of the Legislature, if this bill and Senate Bill No. 1140 are both chaptered and amend Section 11005 of the Revenue and Taxation Code, and this bill is chaptered after Senate Bill No. 1140, that Section 11005 of the Revenue and Taxation Code, as amended by Section 12 of this act, shall remain operative only until the operative date of Senate Bill No. 1140, and that on the operative date of Senate Bill No. 1140 Section 11005 of the Revenue and Taxation Code as amended by Section 12 of this act be further amended in the form set forth in Section 32 of this act to incorporate the changes in Section 11005 proposed by Senate Bill No. 1140. Therefore, Section 32 of this act shall become operative only if Senate Bill No. 1140 is chaptered before this bill and amends Section 11005, and in such case Section 32 of this act shall become operative on the operative date of Senate Bill No. 1140.

SEC. 39. It is the intent of the Legislature, if this bill and Assembly Bill No. 24 are both chaptered and affect Section 186.95 of the Streets and Highways Code, and this bill is chaptered after Assembly Bill No. 24, that Section 186.95 of the Streets and Highways Code, as amended by Section 15 of this act, shall remain operative only until the operative date of Section 4 of Assembly Bill No. 24 and as of that date is repealed.

SEC. 40. This act shall become operative on January 1, 1972.

CHAPTER 1244

An act to amend Section 4213 of the Civil Code, and to add Section 26840.1 to the Government Code, relating to solemnization of marriages.

[Approved by Governor October 26, 1971. Filed with
Secretary of State October 26, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 4213 of the Civil Code is amended to read:

4213. When unmarried persons, not minors, have been living together as man and wife, they may, without a license, be married by any clergyman, without the necessity of first obtaining health certificates. A certificate of marriage shall be filled out by the parties to the marriage and authenticated by the clergyman performing the ceremony. The certificate shall be filed by the clergyman with the office of the county clerk in the county in which the ceremony was performed within four days after the performance of the ceremony. The county clerk shall maintain this certificate as a permanent record

which shall not be open to public inspection except upon order of the superior court issued upon a showing of good cause.

The form of the certificate of marriage shall be prescribed by the State Department of Public Health. The form shall be furnished to any clergyman by the county clerk without charge.

The total number of marriage certificates filed pursuant to this section shall be reported on a periodic basis to the department on forms prescribed and furnished by it.

SEC. 2. Section 26840.1 is added to the Government Code, to read:

26840.1. The fee for filing a marriage certificate pursuant to Section 4213 of the Civil Code is five dollars (\$5), to be collected by the county clerk at the time of filing.

CHAPTER 1245

*An act to add Section 25516.3 to the Education Code,
relating to community colleges.*

[Approved by Governor October 26, 1971. Filed with
Secretary of State October 26, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 25516.3 is added to the Education Code, to read:

25516.3. The courses of instruction in social sciences shall include a study of the role, participation, and contribution of black Americans, American Indians, Mexicans, persons of oriental extraction, and other ethnic groups to the economic, political, and social development of California and the United States of America.

CHAPTER 1246

*An act to add Section 46833 to the Agricultural Code,
relating to citrus fruit.*

[Approved by Governor October 27, 1971. Filed with
Secretary of State October 27, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 46833 is added to the Agricultural Code, to read:

46833. The director shall, by regulation, adopt an appeal procedure for any lot held in noncompliance with any provision of this chapter. Such an appeal procedure shall provide for reinspection of any such lot of citrus fruit within a period of time before such fruit deteriorates.

CHAPTER 1247

An act to amend Sections 253.2 and 253.5 of the Streets and Highways Code, relating to state highways.

[Approved by Governor October 27, 1971. Filed with
Secretary of State October 27, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 253.2 of the Streets and Highways Code is amended to read:

253.2. The California freeway and expressway system shall also include:

Route 1 from:

- (a) Route 5 south of San Juan Capistrano to Route 107.
- (b) Route 105 to Route 90.
- (c) Dewey Street in Santa Monica to Route 101 near El Rio.
- (d) Route 101 near Las Cruces to Route 227 south of Oceano.
- (e) Route 101 near San Luis Obispo to San Simeon.
- (f) Carmel to the San Mateo-Santa Cruz county line.
- (g) The Higgins-Purissima Road to Route 280 south of San Francisco.
- (h) Route 280 to the San Francisco county line.
- (i) Route 101 near the southerly end of Marin Peninsula to the vicinity of Valley Ford.
- (j) Route 128 near the mouth of the Navarro River to Route 208 near Rockport.

Route 2 from:

- (a) Route 405 near Santa Monica to Route 210.
- (b) Harter Lane near Gould Canyon north of La Canada to Route 138.

Route 3 from Route 299 near Weaverville to Route 5 near Yreka.

Route 4 from:

- (a) Route 80 near Hercules to Route 99 near Stockton.
- (b) Route 99 near Stockton to Route 65.

Route 11 from San Pedro to Route 248 in Pasadena.

Route 12 from:

- (a) Route 1 near Valley Ford to Route 101 at Santa Rosa.
- (b) Route 101 near Santa Rosa to Melita Road near Santa Rosa.
- (c) Route 29 in the vicinity of Napa to Route 80 near Cordelia.
- (d) Route 80 near Fairfield to Route 84 at Rio Vista.
- (e) Route 84 near Rio Vista to Route 99 near Lodi.

- (f) Route 99 near Lodi to Route 88 near Lockeford.
 - (g) Route 88 near Cements to Route 49 near San Andreas.
- Route 16 from:

- (a) Route 505 to Route 5 near Woodland.
 - (b) Route 50 near Perkins to Route 49 near Drytown.
- Route 20 from Route 101 to Route 80 near Emigrant Gap.

SEC. 2. Section 253.5 of the Streets and Highways Code is amended to read:

253.5. The California freeway and expressway system shall also include:

Route 79 from:

- (a) Route 8 near Descanso to Route 78.
- (b) Route 15 near Temecula to Route 10 near Beaumont.

Route 84 from:

(a) The westerly approach to the Dumbarton Bridge to Route 238.

- (b) Route 680 near Scotts Corners to Route 580.
- (c) Route 580 to Route 4 near Brentwood.
- (d) Route 4 near Antioch to Route 80 near Broderick.

Route 86 from Route 78 near Brawley to Route 10 near Indio.

Route 91 from Route 405 to Route 15 near Riverside.

Route 94 from Route 5 near San Diego to Route 54 near Jamacha Road.

Route 95 from Route 10 near Blythe to Route 40 near Needles.

Route 99 from:

- (a) Route 5 south of Bakersfield to Route 80 in Sacramento.
- (b) Route 5 in Sacramento to Route 20.
- (c) Route 20 to Route 5 near Red Bluff.

Route 101 from:

(a) Route 5 near Seventh Street in Los Angeles to Route 241 in San Francisco.

(b) A point in Marin County opposite San Francisco to the Oregon state line north of Crescent City.

Route 105 from Route 405 to Route 605.

SEC. 3. Section 253.2 of the Streets and Highways Code is amended to read:

253.2. The California freeway and expressway system shall also include:

Route 1 from:

(a) Route 5 south of San Juan Capistrano to Route 107.

(b) Route 105 to the south boundary of the Los Angeles International Airport.

(c) Dewey Street in Santa Monica to Route 101 near El Rio.

(d) Route 101 near Las Cruces to Route 227 south of Oceano.

(e) Route 101 near San Luis Obispo to San Simeon.

(f) Carmel to the San Mateo-Santa Cruz county line.

(g) The Higgins-Purisima Road to Route 280 south of San Francisco.

(h) Route 280 to the San Francisco county line.

(i) Route 101 near the southerly end of Marin Peninsula to the vicinity of Valley Ford.

(j) Route 128 near the mouth of the Navarro River to Route 208 near Rockport.

Route 2 from:

(a) Route 405 near Santa Monica to Route 210.

(b) Harter Lane near Gould Canyon north of La Canada to Route 138.

Route 3 from Route 299 near Weaverville to Route 5 near Yreka.

Route 4 from:

(a) Route 80 near Hercules to Route 99 near Stockton.

(b) Route 99 near Stockton to Route 65.

Route 11 from San Pedro to Route 248 in Pasadena.

Route 12 from:

(a) Route 1 near Valley Ford to Route 101 at Santa Rosa.

(b) Route 101 near Santa Rosa to Melita Road near Santa Rosa.

(c) Route 29 in the vicinity of Napa to Route 80 near Cordelia.

(d) Route 80 near Fairfield to Route 84 at Rio Vista.

(e) Route 84 near Rio Vista to Route 99 near Lodi.

(f) Route 99 near Lodi to Route 88 near Lockeford.

(g) Route 88 near Clements to Route 49 near San Andreas.

Route 16 from:

(a) Route 505 to Route 5 near Woodland.

(b) Route 50 near Perkins to Route 49 near Drytown.

Route 20 from Route 101 to Route 80 near Emigrant Gap.

SEC. 4. Section 253.2 of the Streets and Highways Code is amended to read:

253.2. The California freeway and expressway system shall also include:

Route 1 from:

(a) Route 5 south of San Juan Capistrano to Route 107.

(b) Route 105 to Route 90.

(c) Los Angeles-Ventura county line to Route 101 near El Rio.

(d) Route 101 near Las Cruces to Route 227 south of Oceano.

(e) Route 101 near San Luis Obispo to San Simeon.

(f) Carmel to the San Mateo-Santa Cruz county line.

(g) The Higgins-Purisima Road to Route 280 south of San Francisco.

(h) Route 280 to the San Francisco county line.

(i) Route 101 near the southerly end of Marin Peninsula to the vicinity of Valley Ford.

(j) Route 128 near the mouth of the Navarro River to Route 208 near Rockport.

Route 2 from:

(a) Route 405 near Santa Monica to Route 210.

(b) Harter Lane near Gould Canyon north of La Canada to Route 138.

Route 3 from Route 299 near Weaverville to Route 5 near Yreka.

Route 4 from:

(a) Route 80 near Hercules to Route 99 near Stockton.

(b) Route 99 near Stockton to Route 65.

Route 11 from San Pedro to Route 248 in Pasadena.

Route 12 from:

(a) Route 1 near Valley Ford to Route 101 at Santa Rosa.

(b) Route 101 near Santa Rosa to Meilita Road near Santa Rosa.

(c) Route 29 in the vicinity of Napa to Route 80 near Cordelia.

(d) Route 80 near Fairfield to Route 84 at Rio Vista.

(e) Route 84 near Rio Vista to Route 99 near Lodi.

(f) Route 99 near Lodi to Route 88 near Lockeford.

(g) Route 88 near Clements to Route 49 near San Andreas.

Route 16 from:

(a) Route 505 to Route 5 near Woodland.

(b) Route 50 near Perkins to Route 49 near Drytown.

Route 20 from Route 101 to Route 80 near Emigrant Gap.

SEC. 5. Section 253.2 of the Streets and Highways Code is amended to read:

253.2. The California freeway and expressway system shall also include:

Route 1 from:

(a) Route 5 south of San Juan Capistrano to Route 107.

(b) Route 105 to Route 90.

(c) Dewey Street in Santa Monica to Route 101 near El Rio.

(d) Route 101 near Las Cruces to Route 227 south of Oceano.

(e) Route 101 near San Luis Obispo to San Simeon.

(f) Carmel to the San Mateo-Santa Cruz county line.

(g) The Higgins-Purissima Road to Route 280 south of San Francisco.

(h) Route 280 to the San Francisco county line.

(i) Route 101 near the southern end of Marin Peninsula to the vicinity of Valley Ford.

(j) Route 128 near the mouth of the Navarro River to Route 208 near Rockport.

Route 2 from:

(a) Route 101 to Route 210.

(b) Harter Lane near Gould Canyon north of La Canada to Route 138.

Route 3 from Route 299 near Weaverville to Route 5 near Yreka.

Route 4 from:

- (a) Route 80 near Hercules to Route 99 near Stockton.
- (b) Route 99 near Stockton to Route 65.

Route 11 from San Pedro to Route 248 in Pasadena.

Route 12 from:

- (a) Route 1 near Valley Ford to Route 101 at Santa Rosa.
- (b) Route 101 near Santa Rosa to Melita Road near Santa

Rosa.

(c) Route 29 in the vicinity of Napa to Route 80 near Cordelia.

- (d) Route 80 near Fairfield to Route 84 at Rio Vista.
- (e) Route 84 near Rio Vista to Route 99 near Lodi.
- (f) Route 99 near Lodi to Route 88 near Lockeford.
- (g) Route 88 near Clements to Route 49 near San Andreas.

Route 16 from:

- (a) Route 505 to Route 5 near Woodland.
- (b) Route 50 near Perkins to Route 49 near Drytown.

Route 20 from Route 101 to Route 80 near Emigrant Gap.

SEC. 6. Section 253.2 of the Streets and Highways Code is amended to read:

253.2. The California freeway and expressway system shall also include:

Route 1 from:

- (a) Route 5 south of San Juan Capistrano to Route 107.
- (b) Route 105 to the south boundary of the Los Angeles International Airport.

(c) Los Angeles-Ventura county line to Route 101 near El Rio.

(d) Route 101 near Las Cruces to Route 227 south of Oceano.

- (e) Route 101 near San Luis Obispo to San Simeon.
- (f) Carmel to the San Mateo-Santa Cruz county line.
- (g) The Higgins-Purisima Road to Route 280 south of San

Francisco.

- (h) Route 280 to the San Francisco county line.
- (i) Route 101 near the southerly end of Marin Peninsula to the vicinity of Valley Ford.

(j) Route 128 near the mouth of the Navarro River to Route 208 near Rockport.

Route 2 from:

- (a) Route 405 near Santa Monica to Route 210.
- (b) Harter Lane near Gould Canyon north of La Canada to Route 138.

Route 3 from Route 299 near Weaverville to Route 5 near Yreka.

Route 4 from:

- (a) Route 80 near Hercules to Route 99 near Stockton.

(b) Route 99 near Stockton to Route 65.

Route 11 from San Pedro to Route 248 in Pasadena.

Route 12 from:

(a) Route 1 near Valley Ford to Route 101 at Santa Rosa.

(b) Route 101 near Santa Rosa to Melita Road near Santa Rosa.

(c) Route 29 in the vicinity of Napa to Route 80 near Cordelia.

(d) Route 80 near Fairfield to Route 84 at Rio Vista.

(e) Route 84 near Rio Vista to Route 99 near Lodi.

(f) Route 99 near Lodi to Route 88 near Lockeford.

(g) Route 88 near Clements to Route 49 near San Andreas.

Route 16 from:

(a) Route 505 to Route 5 near Woodland.

(b) Route 50 near Perkins to Route 49 near Drytown.

Route 20 from Route 101 to Route 80 near Emigrant Gap.

SEC. 7. Section 253.2 of the Streets and Highways Code is amended to read:

253.2. The California freeway and expressway system shall also include:

Route 1 from:

(a) Route 5 south of San Juan Capistrano to Route 107.

(b) Route 105 to the south boundary of the Los Angeles International Airport.

(c) Dewey Street in Santa Monica to Route 101 near El Rio.

(d) Route 101 near Las Cruces to Route 227 south of Oceano.

(e) Route 101 near San Luis Obispo to San Simeon.

(f) Carmel to the San Mateo-Santa Cruz county line.

(g) The Higgins-Purissima Road to Route 280 south of San Francisco.

(h) Route 280 to the San Francisco county line.

(i) Route 101 near the southerly end of Marin Peninsula to the vicinity of Valley Ford.

(j) Route 128 near the mouth of the Navarro River to Route 208 near Rockport.

Route 2 from:

(a) Route 101 to Route 210.

(b) Harter Lane near Gould Canyon north of La Canada to Route 138.

Route 3 from Route 299 near Weaverville to Route 5 near Yreka.

Route 4 from:

(a) Route 80 near Hercules to Route 99 near Stockton.

(b) Route 99 near Stockton to Route 65.

Route 11 from San Pedro to Route 248 in Pasadena.

Route 12 from:

(a) Route 1 near Valley Ford to Route 101 at Santa Rosa.

(b) Route 101 near Santa Rosa to Melita Road near Santa

Rosa.

(c) Route 29 in the vicinity of Napa to Route 80 near Cordelia.

(d) Route 80 near Fairfield to Route 84 at Rio Vista.

(e) Route 84 near Rio Vista to Route 99 near Lodi.

(f) Route 99 near Lodi to Route 88 near Lockeford.

(g) Route 88 near Clements to Route 49 near San Andreas.

Route 16 from:

(a) Route 505 to Route 5 near Woodland.

(b) Route 50 near Perkins to Route 49 near Drytown.

Route 20 from Route 101 to Route 80 near Emigrant Gap.

SEC. 8. Section 253.2 of the Streets and Highways Code is amended to read:

253.2. The California freeway and expressway system shall also include:

Route 1 from:

(a) Route 5 south of San Juan Capistrano to Route 107.

(b) Route 105 to Route 90.

(c) Los Angeles-Ventura county line to Route 101 near El Rio.

(d) Route 101 near Las Cruces to Route 227 south of Oceano.

(e) Route 101 near San Luis Obispo to San Simeon.

(f) Carmel to the San Mateo-Santa Cruz county line.

(g) The Higgins-Purisima Road to Route 280 south of San Francisco.

(h) Route 280 to the San Francisco county line.

(i) Route 101 near the southerly end of Marin Peninsula to the vicinity of Valley Ford.

(j) Route 128 near the mouth of the Navarro River to Route 208 near Rockport.

Route 2 from:

(a) Route 101 to Route 210.

(b) Harter Lane near Gould Canyon north of La Canada to Route 138.

Route 3 from Route 299 near Weaverville to Route 5 near Yreka.

Route 4 from:

(a) Route 80 near Hercules to Route 99 near Stockton.

(b) Route 99 near Stockton to Route 65.

Route 11 from San Pedro to Route 248 in Pasadena.

Route 12 from:

(a) Route 1 near Valley Ford to Route 101 at Santa Rosa.

(b) Route 101 near Santa Rosa to Melita Road near Santa

Rosa.

(c) Route 29 in the vicinity of Napa to Route 80 near Cordelia.

(d) Route 80 near Fairfield to Route 84 at Rio Vista.

(e) Route 84 near Rio Vista to Route 99 near Lodi.

- (f) Route 99 near Lodi to Route 88 near Lockeford.
- (g) Route 88 near Clements to Route 49 near San Andreas.

Route 16 from:

- (a) Route 505 to Route 5 near Woodland.
- (b) Route 50 near Perkins to Route 49 near Drytown.

Route 20 from Route 101 to Route 80 near Emigrant Gap.

SEC. 9. Section 253.2 of the Streets and Highways Code is amended to read:

253.2. The California freeway and expressway system shall also include:

Route 1 from:

- (a) Route 5 south of San Juan Capistrano to Route 107.
- (b) Route 105 to the south boundary of the Los Angeles International Airport.

(c) Los Angeles-Ventura county line to Route 101 near El Rio.

(d) Route 101 near Las Cruces to Route 227 south of Oceano.

(e) Route 101 near San Luis Obispo to San Simeon.

(f) Carmel to the San Mateo-Santa Cruz county line.

(g) The Higgins-Purisima Road to Route 280 south of San Francisco.

(h) Route 280 to the San Francisco county line.

(i) Route 101 near the southerly end of Marin Peninsula to the vicinity of Valley Ford.

(j) Route 128 near the mouth of the Navarro River to Route 208 near Rockport.

Route 2 from:

(2) Route 101 to Route 210.

(b) Harter Lane near Gould Canyon north of La Canada to Route 138.

Route 3 from Route 299 near Weaverville to Route 5 near Yreka.

Route 4 from:

(a) Route 80 near Hercules to Route 99 near Stockton.

(b) Route 99 near Stockton to Route 65.

Route 11 from San Pedro to Route 248 in Pasadena.

Route 12 from:

(a) Route 1 near Valley Ford to Route 101 at Santa Rosa.

(b) Route 101 near Santa Rosa to Melita Road near Santa Rosa.

(c) Route 29 in the vicinity of Napa to Route 80 near Cordelia.

(d) Route 80 near Fairfield to Route 84 at Rio Vista.

(e) Route 84 near Rio Vista to Route 99 near Lodi.

(f) Route 99 near Lodi to Route 88 near Lockeford.

(g) Route 88 near Clements to Route 49 near San Andreas.

Route 16 from:

(a) Route 505 to Route 5 near Woodland.

(b) Route 50 near Perkins to Route 49 near Drytown.

Route 20 from Route 101 to Route 80 near Emigrant Gap.

SEC. 10. It is the intent of the Legislature that if this bill and Assembly Bill No. 329, Assembly Bill No. 496, or Senate Bill No. 844, or any combination thereof, are chaptered and amend Section 253.2 of the Streets and Highways Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Assembly Bill No. 329 are both chaptered and amend Section 253.2 of the Streets and Highways Code, but Assembly Bill No. 496 and Senate Bill No. 844 are not chaptered or as chaptered do not amend that section, and this bill is chaptered after Assembly Bill No. 329, the amendments proposed by both bills shall be given effect and incorporated in Section 253.2 in the form set forth in Section 3 of this act. Therefore, if Assembly Bill No. 329 is chaptered before this bill and both bills amend Section 253.2, and Assembly Bill No. 496 and Senate Bill No. 844 are not chaptered or as chaptered do not amend that section, Section 3 of this act shall be operative and Section 1 and Sections 4 to 9, inclusive, of this act shall not become operative.

(b) If this bill and Assembly Bill No. 496 are both chaptered and amend Section 253.2 of the Streets and Highways Code, but Assembly Bill No. 329 and Senate Bill No. 844 are not chaptered or as chaptered do not amend that section, and this bill is chaptered after Assembly Bill No. 496, the amendments proposed by both bills shall be given effect and incorporated in Section 253.2 in the form set forth in Section 4 of this act. Therefore, if Assembly Bill No. 496 is chaptered before this bill and both bills amend Section 253.2, and Assembly Bill No. 329 and Senate Bill No. 844 are not chaptered or as chaptered do not amend that section, Section 4 shall be operative and Sections 1 and 3 and Sections 5 to 9, inclusive, of this act shall not become operative.

(c) If this bill and Senate Bill No. 844 are both chaptered and amend Section 253.2 of the Streets and Highways Code, but Assembly Bill No. 329 and Assembly Bill No. 496 are not chaptered or as chaptered do not amend that section, and this bill is chaptered after Senate Bill No. 844, the amendments proposed by both bills shall be given effect and incorporated in Section 253.2 in the form set forth in Section 5 of this act. Therefore, if Senate Bill No. 844 is chaptered before this bill and both bills amend Section 253.2, and Assembly Bill No. 329 and Assembly Bill No. 496 are not chaptered or as chaptered do not amend that section, Section 5 of this act shall be operative and Sections 1, 3, and 4 and Sections 6 to 9, inclusive, of this act shall not become operative.

(d) If this bill and Assembly Bill No. 329 and Assembly Bill No. 496 are all chaptered and amend Section 253.2 of the

Streets and Highways Code, but Senate Bill No. 844 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 329 and Assembly Bill No. 496, the amendments proposed by all three bills shall be given effect and incorporated in Section 253.2 in the form set forth in Section 6 of this act. Therefore, if Assembly Bill No. 329 and Assembly Bill No. 496 are chaptered before this bill and all three bills amend Section 253.2, and Senate Bill No. 844 is not chaptered or as chaptered does not amend that section, Section 6 of this act shall be operative and Section 1 and Sections 3 to 5, inclusive, and Sections 7 to 9, inclusive, of this act shall not become operative.

(e) If this bill and Assembly Bill No. 329 and Senate Bill No. 844 are all chaptered and amend Section 253.2 of the Streets and Highways Code, but Assembly Bill No. 496 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 329 and Senate Bill No. 844, the amendments proposed by all three bills shall be given effect and incorporated in Section 253.2 in the form set forth in Section 7 of this act. Therefore, if Assembly Bill No. 329 and Senate Bill No. 844 are chaptered before this bill and all three bills amend Section 253.2, and Assembly Bill No. 496 is not chaptered or as chaptered does not amend that section, Section 7 of this act shall be operative and Section 1 and Sections 3 to 6, inclusive, and Sections 8 and 9 of this act shall not become operative.

(f) If this bill and Assembly Bill No. 496 and Senate Bill No. 844 are all chaptered and amend Section 253.2 of the Streets and Highways Code, but Assembly Bill No. 329 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 496 and Senate Bill No. 844, the amendments proposed by all three bills shall be given effect and incorporated in Section 253.2 in the form set forth in Section 8 of this act. Therefore, if Assembly Bill No. 496 and Senate Bill No. 844 are chaptered before this bill and all three bills amend Section 253.2, and Assembly Bill No. 329 is not chaptered or as chaptered does not amend that section, Section 8 of this act shall be operative and Section 1 and Sections 3 to 7, inclusive, and Section 9 of this act shall not become operative.

(g) If this bill and Assembly Bill No. 329, Assembly Bill No. 496, and Senate Bill No. 844 are all chaptered, and all four bills amend Section 253.2 of the Streets and Highways Code, and this bill is chaptered after Assembly Bill No. 329, Assembly Bill No. 496, and Senate Bill No. 844, the amendments proposed by all four bills shall be given effect and incorporated in Section 253.2 in the form set forth in Section 9 of this act. Therefore, if Assembly Bill No. 329, Assembly Bill No. 496, and Senate Bill No. 844 are all chaptered before this bill and all

four bills amend Section 253.2 of the Streets and Highways Code, Section 9 of this act shall be operative and Section 1 and Sections 3 to 8, inclusive, of this act shall not become operative.

CHAPTER 1248

An act to add Section 151 to the Penal Code, relating to criminal advocacy.

[Approved by Governor October 27, 1971. Filed with
Secretary of State October 27, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 151 is added to the Penal Code, to read:

151. (a) Any person who advocates the willful and unlawful killing or injuring of a peace officer, with the specific intent to cause the willful and unlawful killing or injuring of a peace officer, and such advocacy is done at a time, place, and under circumstances in which the advocacy is likely to cause the imminent willful and unlawful killing or injuring of a peace officer is guilty of (1) a misdemeanor if such advocacy does not cause the unlawful and willful killing or injuring of a peace officer, or (2) a felony if such advocacy causes the unlawful and willful killing or injuring of a peace officer.

(b) As used in this section, "advocacy" means the direct incitement of others to cause the imminent willful and unlawful killing or injuring of a peace officer, and not the mere abstract teaching of a doctrine.

CHAPTER 1249

An act relating to the state park system, and in this connection to amend and supplement the Budget Bill for the 1971-1972 fiscal year (enacted as the Budget Act of 1971) by adding thereto Section 2.2A.

[Approved by Governor October 27, 1971. Filed with
Secretary of State October 27, 1971.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares, as follows:

(a) The town of Mendocino, in Mendocino County, is an exceptionally well-preserved example of the tiny 19th-century coast communities which gave rise elsewhere to California's great harbor cities.

(b) The preservation and protection of Mendocino, a task gallantly begun by its citizens, will afford Californians a

unique and important opportunity to study and enjoy the cultural origins of this great state.

(c) The Department of Parks and Recreation, in its report to the Legislature entitled "Mendocino Headlands and Big River Beach," has accurately determined that the historical value of Mendocino is threatened by incompatible development on private lands along the adjoining headlands and north shore of Big River.

(d) The department has, in the same report, wisely recommended that the Mendocino Headlands and Big River Beach be included in the state park system in order to safeguard the historical integrity of the town of Mendocino.

SEC. 2. The Legislature further finds and declares, as follows:

(a) The Russian River estuary and the surrounding lands comprise one of the most scenic locations along the northern California coast. It is an area of great natural beauty and is comparatively undeveloped. The esthetic values were recognized by Sonoma County officials when in recreation plans published in 1964 they set aside the Jenner-Russian River area as a "conservation area".

(b) Penny Island is unique in its location within the Russian River estuary and is an important part of the esthetic scene in addition to providing wildlife habitat.

(c) The protection of the north beach and Penny Island at the mouth of the Russian River, a task begun by the citizens of Sonoma County, will preserve for all Californians one of the few remaining coastal areas in its near-native state.

(d) Because of the unique scenic beauty of the Russian River estuary and the surrounding lands, the north beach area and Penny Island should be included in the state park system in order to preserve such lands for future generations.

SEC. 3. Nothing in this act shall be construed to prevent or restrain the Department of Parks and Recreation from acquiring lands in the Mendocino Headland and Big River Beach and Flat areas in the vicinity of the town of Mendocino in Mendocino County and the north beach area and Penny Island situated at the mouth of the Russian River in Sonoma County for inclusion in the state park system, through land exchanges involving state-owned lands having an equal market value but lower public use or preservation value.

SEC. 4. Nothing in this act shall be construed to preclude the development of a small craft harbor or harbor of refuge at the mouth of the Russian River, including lands acquired by the state pursuant to this act.

SEC. 5. The Department of Parks and Recreation may, for the purposes of this act, receive and accept in the name of the people of the state gifts, donations, contributions, or bequests of money to be used in acquiring title to, or any interest in, real property, and may so receive and accept gifts, devices, grants, or other conveyances of title to, or any interest in, real property.

SEC. 6. Section 2.2A is added to the Budget Bill for the 1971-72 fiscal year enacted as the Budget Act of 1971 (Chapter 266, Statutes of 1971), to read:

CAPITAL OUTLAY SECTION

Sec. 2.2A. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1971-72, 1972-73, and 1973-74 fiscal years.

PARKS AND RECREATION ACQUISITION AND DEVELOPMENT PROGRAM

<i>Item</i>	<i>Amount</i>
307A—For capital outlay, Department of Parks and Recreation, payable from the State Park Contingent Fund -----	
Schedule:	
(a) Mendocino Headland and Big River Beach and Flat areas in Mendocino County, land acquisition -----	288,500
(b) North beach area and Penny Island in Sonoma County, land acquisition -----	31,500
(c) Reimbursements from the Federal Land and Water Conservation Fund -----	—320,000
provided, that the Department of Parks and Recreation shall provide the Joint Legislative Budget Committee with a report based upon the regular procedures for the development of these capital outlay projects by no no later than 90 days after the effective date of this section, said report to detail the way which each of the projects contained within this item conforms to the overall acquisition scheme of the state.	

CHAPTER 1250

An act to amend Section 332 of, and to add Section 3951 to, the Fish and Game Code, relating to elk.

[Approved by Governor October 27, 1971. Filed with Secretary of State October 27, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 332 of the Fish and Game Code is amended to read:

332. The commission may determine and fix the area or areas, the seasons and hours, the bag and possession limit, and

the number of elk that may be taken under such rules and regulations as the commission may prescribe from time to time. The commission may not authorize the taking of tule elk until the total statewide population of such mammals exceeds 2,000, or it is hereafter determined by the Legislature, pursuant to the reports required by Section 3951, that suitable areas cannot be found in California to accommodate such a population in a healthy condition. Only a resident of the State of California over the age of 16 years and possessing a valid hunting license may obtain a license for the taking of elk.

The fee for the license may be determined by the commission but not to exceed fifty dollars (\$50). The fees shall be deposited in the Fish and Game Preservation Fund and shall be expended in addition to money budgeted for salaries of the department, for the expense of enforcing the provisions of this section and the processing of the applications.

SEC. 2. Section 3951 is added to the Fish and Game Code, to read:

3951. The commissioner may authorize the taking of tule elk pursuant to Section 332. The department shall relocate tule elk in areas suitable to them in the State of California and shall cooperate to the maximum extent possible with federal and local agencies and private property owners in relocating tule elk in suitable areas under their jurisdiction or ownership.

The number of tule elk in the Owens Valley, presently the major habitat of such mammals, shall not be permitted to increase beyond 490, or any greater number hereafter determined by the department to be the Owens Valley's holding capacity in accordance with game management principles. However, tule elk from the Owens Valley may be relocated to other suitable areas within the state at any time to meet the department's responsibility under this section.

Department personnel may cull sick or inferior tule elk, but only when this is done for the protection, enhancement, and healthy increase of the species. Any such animal or animals so destroyed, shall be the subject of a written report to the Fish and Game Commission at its meeting immediately following such action, detailing the reasons therefor.

The Director of Fish and Game shall submit a report describing progress made in relocating tule elk, as herein set forth, to the Governor for transmittal to the Legislature no later than the fifth legislative day of the 1974 Regular Session of the Legislature and every two years thereafter. Such report shall also include, but not be limited to:

- (1) The population status of tule elk in California;
- (2) Age and sex information;
- (3) Condition of their ranges; and
- (4) Other pertinent information.

CHAPTER 1251

An act to amend Sections 18252.2 and 18252.2, as enacted by Chapter 557 of the Statutes of 1970, of the Education Code, relating to qualified instructors of driver education.

[Approved by Governor October 27, 1971. Filed with Secretary of State October 27, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 18252.2 of the Education Code is amended to read:

18252.2. A qualified instructor is one who has met the requirements prescribed by Section 18252.1 and holds the general secondary credential, the special secondary credential in public safety and accident prevention including driver education and driver training, a standard designated subjects teaching credential in public safety and accident prevention including driver education and driver training, or a standard teaching credential with specialization in secondary teaching with a major or minor preparing the holder for the teaching of driver education and driver training.

The Department of Motor Vehicles shall notify the State Department of Education immediately upon suspension or revocation of a qualified instructor's driver's license or upon placing a qualified instructor on probation to the Department of Motor Vehicles as a negligent operator. The Department of Education and the Department of Motor Vehicles shall jointly determine the details regarding procedures for notification. No reimbursements shall be provided to a school district, a county superintendent of schools, the California Youth Authority, or the State Department of Education for students taught by an instructor while his driver's license is suspended or revoked, or while he is on probation to the Department of Motor Vehicles as a negligent operator, or while he is presumed pursuant to Section 12810 of the Vehicle Code to be a negligent operator, following notification by the State Department of Education to the school district, the county superintendent of schools, or the California Youth Authority, as the case may be, of such action.

SEC. 2. Section 18252.2 of the Education Code, as enacted by Chapter 557 of the Statutes of 1970, is amended to read:

18252.2. A qualified instructor is one who has passed an approved driver's instruction examination and holds a designated subjects credential or who holds a valid prior credential authorizing instruction in automobile driver education and driver training.

The Department of Motor Vehicles shall notify the State Department of Education immediately upon suspension or revocation of a qualified instructor's driver's license or upon placing a qualified instructor on probation to the Department of Motor Vehicles as a negligent operator. The Depart-

ment of Education and the Department of Motor Vehicles shall jointly determine the details regarding procedures for notification. No reimbursements shall be provided to a school district, a county superintendent of schools, the California Youth Authority, or the State Department of Education for students taught by an instructor while his driver's license is suspended or revoked, or while he is on probation to the Department of Motor Vehicles as a negligent operator, or while he is presumed pursuant to Section 12810 of the Vehicle Code to be a negligent operator, following notification by the State Department of Education to the school district, the county superintendent of schools, or the California Youth Authority, as the case may be, of such action.

SEC. 3. Section 1 of this act shall remain operative until January 1, 1973, or at such earlier date as the Commission for Teacher Preparation and Licensing may determine pursuant to Section 93 of Chapter 557 of the Statutes of 1970.

SEC. 4. Section 2 of this act shall become operative on January 1, 1973, or at such earlier date as the Commission for Teacher Preparation and Licensing may determine pursuant to Section 93 of Chapter 557 of the Statutes of 1970.

CHAPTER 1252

An act to amend Section 3 of, and to add Section 3.5 to, Chapter 1086 of the Statutes of 1970, and to amend Section 12.5 of, and to add Section 12.45 to, Chapter 138 of the Statutes of 1964, First Extraordinary Session, relating to tidelands and submerged lands and making an appropriation therefor.

[Approved by Governor October 27, 1971. Filed with Secretary of State October 27, 1971.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that the City of Eureka has been lawfully granted tide and submerged lands in Humboldt Bay under statutory grants from the State of California as set forth in Chapter 82 of the Statutes of 1857, Chapter 438 of the Statutes of 1915, Chapter 187 of the Statutes of 1927, Chapter 225 of the Statutes of 1945, and Chapter 1086 of the Statutes of 1970 and has administered such lands in accordance with their terms.

The Legislature further finds and declares that the city has made excessively large contributions from its general municipal funds for the administration and improvement of such tide and submerged lands, that such contributions have been particularly large and burdensome to the city in performing its trusteeship responsibilities to establish and clear titles to the waterfront of Humboldt Bay and to prepare and implement

a comprehensive master plan for the development or redevelopment of the waterfront.

The Legislature further finds and declares that such expenditure of municipal funds in the administration and improvement of such tide and submerged lands is an extraordinary contribution in the case of the City of Eureka.

The Legislature further finds and declares that the action of the city in clearing and confirming titles to the waterfront and in effecting its planned development is in the best interest of the State of California and will benefit the people of the state generally by virtue of the creation of physical and visual public access to Humboldt Bay and the waterfront thereof and by the establishment of facilities for recreational, boating, beach and park, fishing, commercial and other uses authorized by such statutes, that it is unfairly burdensome to impose upon the city and its people the responsibility for such state-wide benefits, and that a fund should be established which will permit the city to continue its capable administration of such tide and submerged lands, which fund shall be composed of the sum of two hundred fifty thousand dollars (\$250,000) of the oil revenue and dry gas revenue payable to the State of California pursuant to Chapter 138 of the Statutes of 1964, First Extraordinary Session and present and future revenues from such tide and submerged lands.

SEC. 2. Section 3 of Chapter 1086 of the Statutes of 1970 is amended to read:

Sec. 3. The city shall establish the Humboldt Bay Fund in such manner as may be approved by the State Lands Commission and the city shall deposit therein all moneys received directly from, or indirectly attributable to, the granted tidelands in the city. An annual statement of financial condition and operations, to conform with such requirements as the State Lands Commission may prescribe, shall be submitted to the State Lands Commission each year by the city on or before September 30th of each year for the preceding fiscal year. All moneys received from the State Controller pursuant to Section 12.45 of Chapter 138 of the Statutes of 1964, First Extraordinary Session shall be deposited in the Humboldt Bay Fund and may be used by the city for the purposes for which revenues accruing from or out of the use of the granted tidelands may be used pursuant to the provisions of this act.

Prior to June 30, 1974, and prior to the end of each fiscal year thereafter, the city shall pay not less than twenty-five thousand dollars (\$25,000) from city tidelands trust revenues to the State Controller; provided, that the aggregate amount of such payments required to be made by the city shall not exceed the sum of two hundred fifty thousand dollars (\$250,000) together with interest on the unpaid balance thereof. All payments shall be applied first to accrued interest and, thereafter, to principal. Interest shall accrue at a rate for each fiscal year equal to the average of the net interest earnings to

the state on the investment of moneys in the Pooled Money Investment Account in the General Fund received during the period of the five fiscal years immediately preceding the fiscal year concerned, as determined by the State Controller. However, when the applicable average of the net interest costs to the state is not a multiple of one-tenth of 1 percent, the interest rate shall be the multiple of one-tenth of 1 percent next above the applicable average of the net interest costs.

In the event the city fails to make any payment required to be made hereby for any reason whatsoever, including, but not limited to, a deficiency of city tidelands trust revenues, the State Board of Equalization, upon the order of the State Controller, shall deduct the amount of that payment from the sales and use taxes to be paid to the city thereafter pursuant to Section 7204 of the Revenue and Taxation Code and shall pay the same to the State Controller.

All payments made by the city and the State Board of Equalization shall be considered as oil revenues and dry gas revenues payable to the State of California during the year it is received for the purposes of Section 12.5 of Chapter 138 of the Statutes of 1964, First Extraordinary Session, and shall be deposited in accordance with the provisions of that section.

For the purposes of Section 7 of this act, such amounts paid to the State Controller by the city shall be considered as current and accrued operating costs and expenditures directly related to the operation and maintenance of tideland trust activities.

SEC. 3. Section 3.5 is added to Chapter 1086 of the Statutes of 1970, to read:

Sec. 3.5. Whenever the city deems it necessary or desirable to incur a revenue bonded indebtedness for any or all purposes, uses or acts authorized by this act the city may issue revenue bonds in accordance with the provisions of the Revenue Bond Law of 1941, as the same now exists or may hereafter be amended and pledge the moneys deposited or to be deposited in the Humboldt Bay Fund or received from, or indirectly attributable to, the granted tidelands in the city; provided, however, that:

(a) As an alternative to the election required by the Revenue Bond Law of 1941, and notwithstanding any provision of the charter of the city or any other provision of law to the contrary, the city may provide by ordinance which shall be subject to referendum that the bonds shall be issued without an election. Any referendum petition on such an ordinance shall be filed within the requisite time and shall be signed by the voters of the city equal in number of at least 5 percent of the entire vote cast within the city for all candidates for Governor at the last gubernatorial election.

(b) Any provisions of the Revenue Bond Law of 1941 which are inconsistent with the provisions of this act shall not be applicable.

SEC. 4. Section 12.45 is added to Chapter 138 of the Statutes of 1964, First Extraordinary Session, to read:

Sec. 12.45. During the fiscal year 1971-1972, two hundred fifty thousand dollars (\$250,000) of the oil revenue and dry gas revenue payable to the State of California under this act that year is appropriated and shall be paid by the State Controller to the Humboldt Bay Fund after the amount provided for in Section 12 is deposited in the California Water Fund, the amount provided for in Section 12.1 is deposited in the Central Valley Water Project Construction Fund, the amounts provided for in Sections 12.2 and 12.4 are deposited in the State Water Quality Control Fund, and the amount provided for in Section 12.3 is paid to the Southern California Rapid Transit District.

SEC. 5. Section 12.5 of Chapter 138 of the Statutes of 1964, First Extraordinary Session, is amended to read:

Sec. 12.5. All of the oil revenue and dry gas revenue payable to the State of California under this act each year shall be deposited in the Capital Outlay Fund for Public Higher Education, after the amount provided for in Section 12 is deposited in the California Water Fund, the amount provided for in Section 12.1 is deposited in the Central Valley Water Project Construction Fund, the amounts provided for in Sections 12.2 and 12.4 are deposited in the State Water Quality Control Fund, the amount provided for in Section 12.3 is paid to the Southern California Rapid Transit District, and the amount provided for in Section 12.45 is paid to the Humboldt Bay Fund.

CHAPTER 1253

An act to amend Sections 3, 12, and 22 of Chapter 1333 of the Statutes of 1968, relating to the Burton Act.

[Approved by Governor October 27, 1971. Filed with Secretary of State October 27, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 3 of Chapter 1333 of the Statutes of 1968 is amended to read:

Sec. 3. The City and County of San Francisco, through a Harbor Commission of the City and County of San Francisco, shall have complete authority, except as otherwise agreed to as a condition of the transfer and as provided in this act, to use, conduct, operate, maintain, manage, regulate, improve and control the Harbor of San Francisco and to do all things it deems necessary in connection with the use, conduct, operation, management, maintenance, regulation, improvement and control of said harbor which are not prohibited by the laws of the State of California or the Charter of the City and County of San Francisco and which are in conformance with the terms of

this act, including, without limiting the generality of the foregoing, the following:

1. The improvement and conduct of the harbor and the construction, reconstruction, repair and operation of all works, buildings, facilities, utilities, structures and appliances, incidental, necessary or convenient for the promotion and accommodation of commerce and navigation;
2. The use for all commerce and industrial purposes and the construction, reconstruction, repair, maintenance of commercial and industrial buildings, plants and facilities;
3. The establishment, improvement and conduct of railroad and aviation facilities and all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and conduct of air commerce and navigation and railroad transportation;
4. The construction, reconstruction, repair, maintenance and operation of public buildings, parks, playgrounds, public educational and recreation facilities and all works, buildings, facilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses;
5. The preservation or restoration of marine resources consistent with the primary mission of the San Francisco Harbor;
6. The grant of franchises thereof for limited periods not exceeding 66 years for wharves and other public uses and purposes and the lease of said lands, facilities, or any part thereof for limited periods not exceeding 66 years, and the collection and retention of rents and other revenues from such leases, franchises, permits, licenses, and privileges. Such lease or leases, franchises, permits, licenses, and privileges shall be for purposes consistent with the trusts upon which the lands are held by the state and with the requirements of commerce and navigation, or if the Harbor Commission of the City and County of San Francisco determines that any portion of the transferred lands is not required for the foregoing uses described in this section, such lease or leases, franchises, permits, licenses, and privileges, may be for the purposes of such development and use as the commission finds to be in the public interest, with moneys derived therefrom to be used by the commission in the furtherance of commerce and navigation. The moneys derived from such lease or leases, franchises, permits, licenses, and privileges shall be used solely for the furtherance of the purposes specified by this act.

Sec. 2. Section 12 of Chapter 1333 of the Statutes of 1968 is amended to read:

Sec. 12. San Francisco Harbor and facilities shall be under the administration and control of the Harbor Commission of the City and County of San Francisco which shall be established in accordance with the provisions of the Charter of the City and County of San Francisco. The commission shall consist of five members, each member serving for a term of four

years. Except as hereinafter provided, each of said members shall be appointed by the mayor, said appointment being subject to confirmation by the Board of Supervisors of the City and County of San Francisco. In order that there be no interruption in the orderly operation and management of San Francisco Harbor, the incumbent members of the San Francisco Port Authority shall serve as the initial members of the commission for periods corresponding to the unexpired portions of their respective terms as members of the San Francisco Port Authority.

SEC. 3. Section 22 of Chapter 1333 of the Statutes of 1968 is amended to read:

Sec. 22. On or before August 14, 2003, the lands transferred pursuant to this act shall be substantially improved by the city and county without expense to the state, and the city and county shall issue bonds in the amount of at least twenty-five million dollars (\$25,000,000) for harbor purposes. If the Department of Finance determines that the city and county has failed to improve the lands as herein required and issue such bonds as herein required, all right, title, and interest of the city and county in and to all such lands shall cease and the lands shall revert and rest in the state.

CHAPTER 1254

*An act to amend Section 2080.3 of the Civil Code,
relating to lost or saved property.*

[Approved by Governor October 27, 1971. Filed with
Secretary of State October 27, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 2080.3 of the Civil Code is amended to read:

2080.3. (a) If the reported value of the property is twenty-five dollars (\$25) or more and no owner appears and proves his ownership of the property within 90 days, the police department or sheriff's department shall cause notice of the property to be published at least once in a newspaper of general circulation. If, after seven days following the first publication of the notice, no owner appears and proves his ownership of the property and the person who found or saved the property pays the cost of the publication, the title shall vest in the person who found or saved the property unless the property was found in the course of employment by an employee of any public agency in which case the property shall be sold at public auction. Title to the property shall not vest in the person who found or saved the property or in the successful bidder at the public auction unless the cost of publication is first

paid to the city, county, or city and county whose police or sheriff's department caused the notice to be published.

(b) If the reported value of the property is less than twenty-five dollars (\$25) and no owner appears and proves his ownership of the property within 90 days, the title shall vest in the person who found or saved the property, unless the property was found in the course of employment by an employee of any public agency, in which case the property shall be sold at public auction.

CHAPTER 1255

An act to amend Section 8 of Chapter 1222 of the Statutes of 1965, relating to housing.

[Approved by Governor October 27, 1971. Filed with Secretary of State October 27, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 8 of Chapter 1222 of the Statutes of 1965 is amended to read:

Sec. 8. The provisions of this act shall be operative only until the 61st day after final adjournment of the 1976 Regular Session of the Legislature unless such expiration date is extended by the Legislature. If there is no such extension and this act ceases to be operative, then the agencies and functions which are transferred by this act to the Department of Housing and Community Development shall be retransferred to the agencies from which they were removed and all employees involved shall have the same civil service rights of transfer and return to their original agencies as are provided under the terms of this act. On or before the fifth calendar day of the 1973 Regular Session of the Legislature, the Department of Housing and Community Development and the Commission of Housing and Community Development shall submit to the Legislature a report containing (1) a detailed review of the department's enforcement of its statutory duties, and (2) detailed proposals for legislation.

CHAPTER 1256

An act to amend Section 23130 of, and to add Section 23130.5 to, the Vehicle Code, relating to vehicular noise standards.

[Approved by Governor October 27, 1971. Filed with Secretary of State October 27, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 23130 of the Vehicle Code is amended to read:

23130. (a) No person shall operate either a motor vehicle or combination of vehicles of a type subject to registration at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limit for the category of motor vehicle within the speed limits specified in this section:

	Speed limit of 35 mph or less	Speed limit of more than 35 mph
(1) Any motor vehicle with a manufacturer's gross vehicle weight rating of 6,000 pounds or more and any combination of vehicles towed by such motor vehicle:		
(A) Before January 1, 1973	88 dbA	90 dbA
(B) On and after January 1, 1973	86 dbA	90 dbA
(2) Any motorcycle other than a motor-driven cycle	82dbA	86 dbA
(3) Any other motor vehicle and any combination of vehicles towed by such motor vehicle	76 dbA	82 dbA

(b) The noise limits established by this section shall be based on a distance of 50 feet from the center of the lane of travel within the speed limit specified in this section. The Department of the California Highway Patrol may provide for measuring at distances closer than 50 feet from the center of the lane of travel. In such a case, the measuring devices shall be so calibrated as to provide for measurements equivalent to the noise limit established by this section measured at 50 feet.

(c) The department shall adopt regulations establishing the test procedures and instrumentation to be utilized.

(d) This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this code relating to motor vehicle exhaust noise.

(e) For the purpose of this section, a motortruck, truck tractor, or bus that is not equipped with an identification plate or marking bearing the manufacturer's name and manufacturer's gross vehicle weight rating shall be considered as having a manufacturer's gross vehicle weight rating of 6,000 pounds or more if the unladen weight is more than 5,000 pounds.

(f) No person shall have a cause of action relating to the provisions of this section against a manufacturer of a vehicle or a component part thereof on a theory based upon breach of express or implied warranty unless it is alleged and proved that such manufacturer did not comply with noise limit standards of the Vehicle Code applicable to manufacturers and in effect at the time such vehicle or component part was first sold for purposes other than resale.

SEC. 2. Section 23130.5 is added to the Vehicle Code, to read:

23130.5. (a) Notwithstanding the provisions of subdivision (a) of Section 23130, the noise limits, within a speed zone of 35 miles per hour or less on level streets, or streets with a grade not exceeding plus or minus 1 percent, for the following categories of motor vehicles, or combinations of vehicles, which are subject to registration, shall be:

- (1) Any motor vehicle with a manufacturer's gross vehicle weight rating of 6,000 pounds or more and any combination of vehicles towed by such motor vehicle ----- 82 dbA
- (2) Any motorcycle other than a motor-driven cycle_77 dbA
- (3) Any other motor vehicle and any combination of vehicles towed by such motor vehicle -----74 dbA

No person shall operate such a motor vehicle or combination of vehicles in such a manner as to exceed the noise limits specified in this section.

The provisions of subdivisions (c), (d), (e), and (f) of Section 23130 shall apply to this section.

(b) Measurements shall not be made within 200 feet of any intersection controlled by an official traffic control device, or within 200 feet of the beginning or end of any grade in excess of plus or minus 1 percent. Measurements shall be made when it is reasonable to assume that the vehicle flow is at a constant rate of speed, and measurement shall not be made under congested traffic conditions which require noticeable acceleration or deceleration.

(c) Test procedures and instrumentation to be utilized shall be in accordance with regulations of the Department of the California Highway Patrol, except that measurement shall not be conducted within 200 feet of any intersection controlled by an official traffic control device, or within 200 feet of the beginning or end of a grade.

(d) The noise limits established by this section shall be based on a distance of 50 feet from the center of the lane of travel within the speed limit specified in this section. The Department of the California Highway Patrol may provide for measuring at distances closer than 50 feet from the center of the lane of travel. In such a case, the measuring devices shall be so calibrated as to provide for measurements equivalent to the noise limit established by this section measured at 50 feet.

Vehicles equipped with at least two snowtread tires are exempt from this section.

The provisions of this section shall become operative on January 1, 1972.

SEC. 3. Section 23130 of the Vehicle Code is amended to read:

23130. (a) No person shall operate either a motor vehicle or combination of vehicles of a type subject to registration at

any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limit for the category of motor vehicle within the speed limits specified in this section :

	Speed limit of 35 mph or less	Speed limit of more than 35 mph
(1) Any motor vehicle with a manufacturer's gross vehicle weight rating of 6,000 pounds or more and any combination of vehicles towed by such motor vehicle:		
(A) Before January 1, 1973	88 dbA	90 dbA
(B) On and after January 1, 1973	86 dbA	90 dbA
(2) Any motorcycle other than a motor-driven cycle	82 dbA	86 dbA
(3) Any other motor vehicle and any combination of vehicles towed by such motor vehicle	76 dbA	82 dbA

(b) The noise limits established by this section shall be based on a distance of 50 feet from the center of the lane of travel within the speed limit specified in this section. The Department of the California Highway Patrol may provide for measuring at distances closer than 50 feet from the center of the lane of travel. In such a case, the measuring devices shall be so calibrated as to provide for measurements equivalent to the noise limit established by this section measured at 50 feet.

(c) The department shall adopt regulations establishing the test procedures and instrumentation to be utilized. These procedures shall allow, to the extent feasible, noise measurement and enforcement action to be accomplished in reasonably confined areas such as residential areas of urban cities.

(d) This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this code relating to motor vehicle exhaust noise.

(e) For the purpose of this section, a motortruck, truck tractor, or bus that is not equipped with an identification plate or marking bearing the manufacturer's name and manufacturer's gross vehicle weight rating shall be considered as having a manufacturer's gross vehicle weight rating of 6,000 pounds or more if the unladen weight is more than 5,000 pounds.

(f) No person shall have a cause of action relating to the provisions of this section against a manufacturer of a vehicle or a component part thereof on a theory based upon breach of express or implied warranty unless it is alleged and proved that such manufacturer did not comply with noise limit standards of the Vehicle Code applicable to manufacturers and in effect at the time such vehicle or component part was first sold for purposes other than resale.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 1865 are both chaptered and amend Section 23130 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 1865, that the amendments to Section 23130 proposed by both bills be given effect and incorporated in Section 23130 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Assembly Bill No. 1865 are both chaptered, both amend Section 23130, and Assembly Bill No. 1865 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 1257

An act to amend Section 2402.6 of the Vehicle Code, relating to vehicles.

[Approved by Governor October 27, 1971. Filed with Secretary of State October 27, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 2402.6 of the Vehicle Code is amended to read:

2402.6. (a) The commissioner may adopt and enforce regulations and standards with respect to fuel containers and fuel systems on vehicles using compressed or liquefied natural gas and liquefied petroleum gas used in conjunction with a propulsion system certified by the State Air Resources Board as producing as few or fewer emissions as a State Air Resources Board approved system using compressed or liquefied natural gas or liquefied petroleum gas and with respect to the operation of vehicles using such fuels to insure the safety of such equipment and vehicles and to insure the safety of persons and property using streets and highways.

(b) It is unlawful and constitutes an infraction for any person to operate any motor vehicle in violation of any provision of a regulation adopted pursuant to this section.

CHAPTER 1258

An act to amend Sections 64251, 64252, 64273, 64274, 64278, and 64281 of, and to add Sections 64274.5 and 64274.7 to, the Agricultural Code, relating to milk.

[Approved by Governor October 27, 1971. Filed with Secretary of State October 27, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 64251 of the Agricultural Code is amended to read:

64251. Each producer and each producer-handler shall pay a fee of not to exceed one and eight-tenths cents (\$.018) per hundredweight of milk which he produces in this state during the months of October and May in each fiscal year. The fees shall be collected by the first handler that purchases, or otherwise acquires possession or control of, such milk by deducting the fee from any payment which is due the producer for such milk. Each producer-handler shall pay the fee on his own production. For the purposes of this article, a handler that sells unprocessed milk, of which he has the right to possession or control by contract or otherwise, to another handler, and delivers such milk in unprocessed form to such other handler or causes such milk to be delivered to such other handler directly from the producer, is the first handler of such milk.

SEC. 2. Section 64252 of the Agricultural Code is amended to read:

64252. Each handler in this state, including each producer-handler, shall pay a fee to the director of not to exceed one and eight-tenths cents (\$.018) per hundredweight of milk on all unprocessed milk which is purchased by such handler or producer-handler from a producer, or possession or control of which such handler or producer-handler acquires from a producer during the months of October and May in each fiscal year. For the purposes of this article, each handler or producer-handler that sells unprocessed milk of which he has the right to possession or control by contract or otherwise to another handler and delivers such milk in unprocessed form to such other handler or causes such milk to be delivered to such other handler shall charge a fee of not to exceed one and eight-tenths cents (\$.018) per hundredweight of milk on all unprocessed milk which is sold to such handler which is reimbursement of the fee paid pursuant to this section by the first handler.

SEC. 3. Section 64273 of the Agricultural Code is amended to read:

64273. During such period, each producer and producer-handler shall pay a maximum fee, for each month of the year other than the months of May and October, of not to exceed one and one-tenth cents (\$.011) per hundredweight of milk produced by him in the state, delivered by him to a handler and used as class 1 milk, including milk produced by a producer-handler and used by him as class 1 milk.

SEC. 4. Section 64274 of the Agricultural Code is amended to read:

64274. During such period, each handler and producer-handler shall pay a maximum fee to the director, for each month of the year other than the months of May and October, of not to exceed one and one-tenth cents (\$.011) per hundredweight of milk first received by such handler or producer-handler from producers and used as class 1 milk, including milk produced by a producer-handler and processed by him for class 1 milk. For the purposes of this section, each handler

or producer-handler that sells unprocessed milk of which he has the right to possession or control by contract or otherwise to another handler and delivers such milk in unprocessed form to such other handler or causes such milk to be delivered to such other handler shall charge a fee of not to exceed one and one-tenth cents (\$.011) per hundredweight of milk on all unprocessed milk which is sold to such handler which is reimbursement of the fee paid pursuant to this section by the first handler.

SEC. 5. Section 64278 of the Agricultural Code is amended to read:

64278. Within 90 days after the termination of the third fiscal year of such campaign, or as soon thereafter as it may be done, the director shall prepare and mail to each producer, handler, and producer-handler of market milk for class 1 purposes a ballot or ballots and a self-addressed envelope. The ballot form shall be substantially as follows:

Ballot

Dairy Council of California

Continuation of Additional Fee for Handlers, Producers,
and Producer-Handlers of Class 1 Milk

Shall handlers, producers, and producer-handlers of class 1 milk continue to pay an additional fee of not to exceed one and one-tenth cents (\$.011) per hundredweight of milk for each month of the year except the months of May and October, to be collected upon the basis of market milk for class 1 purposes for a further period of four fiscal years following the determination of this referendum?

Yes ----- No -----

Signature of Handler, Producer, or Producer-Handler

Address of Handler, Producer, or Producer-Handler

SEC. 6. Section 64281 of the Agricultural Code is amended to read:

64281. Upon the expiration of the period during which ballots may be received, the department shall determine the result. If the director finds that 65 percent or more of the total number of producers voting and 65 percent or more of the total number of handlers voting have assented to a continuation of the additional assessment, he shall make a finding to that effect and shall so notify each producer, producer-handler and handler of class 1 milk. The fees imposed shall thereupon be collected with respect to the milk to which the fees are applicable for the additional four-year period.

Sec. 7. Section 64274.5 is added to the Agricultural Code, to read:

64274.5. For the purpose of this article, the class 1 usage shall be the hundredweight whole milk equivalent computed from the class 1 milk fat usage or the hundredweight whole milk equivalent computed from the class 1 solids-not-fat usage, whichever is the greater. The hundredweight whole milk equivalent for class 1 milk fat usage shall be computed by dividing the class 1 milk fat usage of the producer's milk by the average milk fat test of such milk first received from the producer by handlers or producer-handlers. The hundredweight whole milk equivalent for class 1 solids-not-fat usage shall be computed by dividing the class 1 solids-not-fat usage by the average solids-not-fat test of such milk received from the producer.

Sec. 8. Section 64274.7 is added to the Agricultural Code, to read:

64274.7. Any payment made pursuant to this article may be either a direct payment, or may be made, at the discretion of the director, through pool accounting procedures established by the director under Chapter 3 (commencing with Section 62700) of this part.

Sec. 9. The provisions of this act shall become operative on January 1, 1972.

CHAPTER 1259

An act to add Section 19683 to the Government Code, relating to the state civil service.

[Approved by Governor October 27, 1971. Filed with Secretary of State October 27, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 19683 is added to the Government Code, to read:

19683. No state officer or employee nor any person whatsoever shall directly or indirectly use or threaten to use any official authority or influence in any manner whatsoever which tends to discourage, restrain, interfere with, coerce or discriminate against any other state officer or employee who in good faith reports, discloses, divulges, or otherwise brings to the attention of the Attorney General or any other appropriate authority any facts or information relative to actual or suspected violation of any law of this state or the United States occurring on the job or directly related thereto. Any person guilty of such an act may be liable in an action for civil damages brought against him by the offended party. Notwithstanding the provision of Section 19682, a violation of this section shall not be a misdemeanor.

CHAPTER 1260

An act to amend Section 14118 of the Welfare and Institutions Code, relating to Medi-Cal.

[Approved by Governor October 27, 1971. Filed with Secretary of State October 27, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 14118 of the Welfare and Institutions Code is amended to read:

14118. Notwithstanding any other provision of law, no provider of medical assistance under the California Medical Assistance Program shall hold itself forth as authorized to provide services to beneficiaries under the Medi-Cal Program by use of:

(a) Newspapers, magazines, radio, television, books, circulars, pamphlets, or any medium of communication whether or not for compensation, or

(b) Signs or displays of any character on or near its place of business or elsewhere.

Notwithstanding the foregoing, and except as otherwise prohibited by law, any provider of medical assistance under the California Medical Assistance Program which has entered into a contract with the Department of Health Care Services, pursuant to subdivision (e) or subdivision (f) of Section 14000, may make the benefits known to potential enrollees by means of relevant methods and materials as determined by the regulations of the department. This material must be disseminated to potential enrollees by official representatives of the contractor at the contractor's expense. The contractor shall be responsible for all presentations by such representatives and for their ethical and professional content. Examples of all printed or illustrated material prepared by the contractor shall be submitted to the department prior to dissemination. The department shall acknowledge receipt of the printed or illustrated material within five (5) days. If notification of department disapproval is not received by the contractor within 60 days after the date of the notification from the department that the material had been received, the contractor may disseminate such material. In the event the department notifies the contractor of its disapproval, the contractor shall have the right to meet and confer with the director in order to demonstrate to him the need and reasonable basis for the distribution of such material to potential enrollees.

CHAPTER 1261

An act to amend Section 23130 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor October 27, 1971. Filed with Secretary of State October 27, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 23130 of the Vehicle Code is amended to read:

23130. (a) No person shall operate either a motor vehicle or combination of vehicles of a type subject to registration at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limit for the category of motor vehicle based on a distance of 50 feet from the center of the lane of travel within the speed limits specified in this section:

	Speed limit of 35 mph or less	Speed limit of more than 35 mph
(1) Any motor vehicle with a manufacturer's gross vehicle weight rating of 6,000 pounds or more, and any combination of vehicles towed by such motor vehicle:		
(A) Before January 1, 1973	88 dbA	90 dbA
(B) On and after January 1, 1973	86 dbA	90 dbA
(2) Any motorcycle other than a motor-driven cycle	82 dbA	86 dbA
(3) Any other motor vehicle and any combination of vehicles towed by such motor vehicle	76 dbA	82 dbA

(b) The department shall adopt regulations establishing the test procedures and instrumentation to be utilized. These procedures shall allow, to the extent feasible, noise measurement and enforcement action to be accomplished in reasonably confined areas such as residential areas of urban cities.

(c) This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this code relating to motor vehicle exhaust noise.

(d) For the purpose of this section, a motortruck, truck tractor, or bus that is not equipped with an identification plate or marking bearing the manufacturer's name and manufacturer's gross vehicle weight rating shall be considered as having a manufacturer's gross vehicle weight rating of 6,000 pounds or more if the unladen weight is more than 5,000 pounds.

(e) No person shall have a cause of action relating to the provisions of this section against a manufacturer of a vehicle or a component part thereof on a theory based upon breach of express or implied warranty unless it is alleged and proved that such manufacturer did not comply with noise limit standards of the Vehicle Code applicable to manufacturers and in effect at the time such vehicle or component part was first sold for purposes other than resale.

SEC. 2. Section 23130 of the Vehicle Code is amended to read:

23130. (a) No person shall operate either a motor vehicle or combination of vehicles of a type subject to registration at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limit for the category of motor vehicle within the speed limits specified in this section:

	Speed limit of 35 mph or less	Speed limit of more than 35 mph
(1) Any motor vehicle with a manufacturer's gross vehicle weight rating of 6,000 pounds or more and any combination of vehicles towed by such motor vehicle:		
(A) Before January 1, 1973----	88 dbA	90 dbA
(B) On and after January 1, 1973 -----	86 dbA	90 dbA
(2) Any motorcycle other than a motor-driven cycle -----	82 dbA	86 dbA
(3) Any other motor vehicle and any combination of vehicles towed by such motor vehicle -----	76 dbA	82 dbA

(b) The noise limits established by this section shall be based on a distance of 50 feet from the center of the lane of travel within the speed limit specified in this section. The Department of the California Highway Patrol may provide for measuring at distances closer than 50 feet from the center of the lane of travel. In such a case, the measuring devices shall be so calibrated as to provide for measurements equivalent to the noise limit established by this section measured at 50 feet.

(c) The department shall adopt regulations establishing the test procedures and instrumentation to be utilized. These procedures shall allow, to the extent feasible, noise measurement and enforcement action to be accomplished in reasonably confined areas such as residential areas of urban cities.

(d) This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this code relating to motor vehicle exhaust noise.

(e) For the purpose of this section, a motortruck, truck tractor, or bus that is not equipped with an identification plate or marking bearing the manufacturer's name and manufacturer's gross vehicle weight rating shall be considered as having a manufacturer's gross vehicle weight rating of 6,000 pounds or more if the unladen weight is more than 5,000 pounds.

(f) No person shall have a cause of action relating to the provisions of this section against a manufacturer of a vehicle or a component part thereof on a theory based upon breach of express or implied warranty unless it is alleged and proved

that such manufacturer did not comply with noise limit standards of the Vehicle Code applicable to manufacturers and in effect at the time such vehicle or component part was first sold for purposes other than resale.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 1045 are both chaptered and amend Section 23130 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 1045, that the amendments to Section 23130 proposed by both bills be given effect and incorporated in Section 23130 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 1045 are both chaptered, both amend Section 23130, and Assembly Bill No. 1045 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 1262

An act to add Sections 74194 and 74195 to, and to repeal Sections 74194 and 74195 of, the Government Code, relating to court attachés.

[Approved by Governor October 27, 1971. Filed with Secretary of State October 27, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 74194 of the Government Code is repealed.

SEC. 2. Section 74194 is added to the Government Code, to read:

74194. There shall be one marshal, Sacramento County, who shall be appointed by the judges of the court, and who shall receive a biweekly salary at a rate specified in range 76 of Section 74196. Initial appointments will be in step C of that range. The position of marshal shall not be deemed to be a civil service position.

SEC. 3. Section 74195 of the Government Code is repealed.

SEC. 4. Section 74195 is added to the Government Code, to read:

74195. The marshal shall appoint:

(a) One assistant marshal who shall receive a biweekly salary at a rate specified in range 66 of Section 74196.

(b) One deputy marshal, who shall be a senior marshal's sergeant, who shall receive a biweekly salary at a rate specified in range 62 of Section 74196.

(c) Nine deputy marshals, who shall be marshal's sergeants, each of whom shall receive a biweekly salary at a rate specified in range 58 of Section 74196.

(d) Seventeen deputy marshals, who shall be bailiffs, each of whom shall receive a biweekly salary at a rate specified in range 54 of Section 74196.

(e) One deputy marshal, who shall be a chief clerk, who shall receive a biweekly salary at a rate specified in range 55 of Section 74196.

(f) One typist-clerk III, who shall receive a biweekly salary at a rate specified in range 40 of Section 74196.

(g) Two deputy marshals, who shall be senior deputy clerks, each of whom shall receive a biweekly salary at a rate specified in range 40 of Section 74196.

(h) One deputy marshal, who shall be an account clerk II, who shall receive a biweekly salary at a rate specified in range 40 of Section 74196.

(i) Two deputy marshals, who shall be account clerks I, each of whom shall receive a biweekly salary at a rate specified in range 33 of Section 74196.

(j) Four deputy marshals, who shall be typist-clerks II, each of whom shall receive a biweekly salary at a rate specified in range 32 of Section 74196.

(k) One deputy marshal, who shall be a deputy clerk III, who shall receive a biweekly salary at a rate specified in range 45 of Section 74196.

(l) Two deputy marshals, who shall be deputy clerks II, each of whom shall receive a biweekly salary at a rate specified in range 39 of Section 74196.

All deputy marshals listed in subdivisions (g) through (j) above, inclusive, are authorized a two-range salary differential in addition to the rates indicated for serving as matrons. All classifications indicated in subdivisions (k) and (l) above, inclusive, are holding classifications to be replaced by classifications indicated by subdivisions (g), (i), or (j), as applicable, when incumbents leave the positions.

CHAPTER 1263

An act to add Section 18633 and Article 10 (commencing with Section 18800) to Chapter 2 of Division 8, and to repeal Section 18637, of the Business and Professions Code, relating to boxing, and making an appropriation therefor.

[Approved by Governor October 27, 1971. Filed with Secretary of State October 27, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 18633 is added to the Business and Professions Code, to read:

18633. All moneys deposited in the General Fund pursuant to Section 18632 which has been received by the commission pursuant to Sections 18800 and 18801 is hereby continuously appropriated as follows:

(a) Moneys in the Boxer's Trust Fund Account, for purposes of the trust fund created pursuant to Section 18800.

(b) Moneys in the Boxer's Pension Account, for purposes of the pension plan established under Section 18801.

SEC. 2. Section 18637 of the Business and Professions Code is repealed.

SEC. 3. Article 10 (commencing with Section 18800) is added to Chapter 2 of Division 8 of the Business and Professions Code, to read:

Article 10. Boxer Benefits

18800. (a) Upon application at any time to the commission by any professional boxer who engages in boxing contests in this state, the commission shall establish a separate trust fund for such boxer. Contributions shall be made by the professional boxer to such trust fund until the trust fund is terminated pursuant to this section. Such trust fund shall be composed of moneys derived in the following manner:

(1) The commission shall order the promoter of a professional boxing contest to withhold a sum established by the commission, by regulation, not to exceed 10 percent of each professional boxer's share of a purse for which the professional boxer is competing, if the boxer's share of such purse is not less than two hundred dollars (\$200) nor more than one thousand dollars (\$1,000).

(2) The commission shall order the promoter of a professional boxing contest to withhold a sum established by the commission, by regulation, not to exceed 15 percent of each professional boxer's share of a purse for which the professional boxer is competing if the boxer's share of such purse exceeds one thousand dollars (\$1,000).

(b) Such trust funds shall be under the supervision of the commission, which shall act as trustee, and the commission shall adopt rules and regulations to effectuate the provisions of this section.

(c) The commission or its designee shall invest the moneys contained in such trust funds as other trust funds of the state are invested, and all earnings therefrom shall be accumulated and added to the principal of each such fund. All moneys in each such fund shall be accumulated until the professional boxer who is the beneficiary of such fund dies, or has his license revoked, or retires and has been inactive as a professional boxer for a period of one year commencing with the date of retirement, at which time the commission shall remit to him, or his heirs, as the case may be, all funds contained in his trust fund.

(d) The corpus of any trust fund may be invaded before the boxer's retirement or license revocation upon a showing to the commission of extraordinary circumstances, as approved by the commission.

(e) The commission shall have sole jurisdiction and supervision of the trust funds provided for in this section.

(f) All moneys received by the commission pursuant to this section shall be deposited in and credited to the Boxer's Trust Fund Account which is hereby created in the General Fund. The money in the Boxer's Trust Fund Account shall be used exclusively for purposes of the trust funds created pursuant to this section.

18801. (a) The commission shall, consistent with the purposes of this article, establish a pension plan for professional boxers who engage in boxing contests in this state.

(b) The commission shall, consistent with the purposes of this article, establish a schedule of contributions to finance such pension plan to be paid by professional boxers, managers, and promoters on an equitable basis, as determined by the commission, in an amount sufficient to finance such pension plan.

(c) Any pension plan established by the commission shall be actuarially sound.

(d) All contributions from boxers, managers, and promoters to finance the plan shall be deposited in and credited to the Boxer's Pension Account, which is hereby created in the General Fund. The money in the Boxer's Pension Account shall be used exclusively for purposes of the pension plan.

18802. The commission shall, consistent with the purposes of this article, promulgate rules and regulations requiring a disability insurance program for each professional boxer, which insurance shall provide minimum financial benefits as determined by the commission during periods of disability caused in a professional boxing contest held in this state. The cost of the disability insurance program shall be equitably allocated by the commission among boxers, managers, and promoters.

18803. Any professional boxer may, at his option, contribute to the trust fund established for him pursuant to Section 18800, or the pension plan established pursuant to Section 18801, or both, at rates higher than those specified in Section 18800, or established by the commission pursuant to Section 18801, in order to receive greater benefits under such fund or such plan.

18804. The Legislature finds and declares that professional boxers, as a group, for many reasons, do not retain their earnings, and are often injured or destitute, or both, and unable to take proper care of themselves, whether financially or otherwise, and that the enactment of this article is to serve a public purpose by making provision for a needy group to insure a modicum of financial security for professional boxers.

18805. Commencing with the 1973 Regular Session, the commission shall report to the Legislature biannually, not later than the fifth legislative day of the then current regular session, on the operation of the Boxer's Trust Fund Account.

CHAPTER 1264

*An act to amend Section 22700 of the Education Code,
relating to the Coordinating Council for Higher Education.*

[Approved by Governor October 27, 1971 Filed with
Secretary of State October 27, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 22700 of the Education Code is amended to read:

22700. (a) There is hereby created an advisory body, the Coordinating Council for Higher Education, to be composed of one representative each of the University of California, the California State Colleges, the public community colleges, the private colleges and universities in the state, one nonvoting ex officio member of the State Board of Education, and six representatives of the general public. The university shall be represented by a person appointed by the regents. The California State Colleges shall be represented by a person appointed by the trustees. The public community colleges shall be represented by a person appointed by the Board of Governors of the California Community Colleges. The private colleges and universities shall be represented by a person appointed by the Governor after consideration of a list or lists of not less than three persons submitted to him by an association or associations of such institutions and subject to confirmation by the Senate. The State Board of Education shall be represented by a board member appointed by the president of the board. The general public shall be represented by six members appointed by the Governor subject to confirmation by the Senate. The terms of the appointments made pursuant to this section shall be as follows:

(1) The representative appointed by the regents shall serve a one-year term.

(2) The representative appointed by the trustees shall serve a one-year term.

(3) The representative appointed by the Board of Governors of the California Community Colleges shall serve a one-year term.

(4) The representative appointed by the president of the State Board of Education shall serve a one-year term.

(5) The term of office of all of the other members of the council appointed pursuant to this section is four years, and they shall hold office until the appointment of their

successors.

(6) Any person appointed pursuant to this section may be reappointed to serve additional terms.

No appointing authority specified in this section shall appoint any person to alternate membership on the council with the following exceptions who shall be appointed by the appropriate appointing authority: one alternate each for the representative of the regents, the trustees and the Board of Governors of the California Community Colleges. Each alternate shall be appointed for an annual term.

No person appointed pursuant to this section shall, with respect to any matter before the council, vote for or on behalf of, or in any way exercise the vote of, any other member of the council.

(b) Those members of the council described in subparagraph (5) of subdivision (a) who are serving on the effective date of the amendments to this section at the 1971 Regular Session of the Legislature shall have their appointments continued or terminated as follows:

(1) The term of office of those members appointed originally on November 21, 1969, shall expire and the Governor shall make new appointments, or reappointments, two for terms of two years, and one for a term of one year.

(2) The term of office of the member originally appointed on March 18, 1969, shall expire and the Governor shall make a new appointment or a reappointment for a period of three years.

(3) The terms of office of those members appointed originally on November 21, 1967, and January 11, 1968, shall expire, and the Governor shall make new appointments or reappointments, each for a period of four years.

(4) The term of office of the member representing the private colleges and universities shall expire and the Governor shall make a new appointment or a reappointment for a term of three years.

SEC. 2. This act shall become effective on January 1, 1972.

CHAPTER 1265

An act to amend Section 1916.5 of the Civil Code, relating to interest.

[Approved by Governor October 27, 1971. Filed with Secretary of State October 27, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1916.5 of the Civil Code is amended to read:

1916.5. (a) No increase in interest provided for in any provision for a variable interest rate contained in a security

document, or evidence of debt issued in connection therewith, shall be valid unless such provision is set forth in such security document, and in any evidence of debt issued in connection therewith, and such document or documents contain the following provisions:

(1) A requirement that when an increase in the interest rate is required or permitted by a movement in a particular direction of a prescribed standard an identical decrease is required in the interest rate by a movement in the opposite direction of the prescribed standard.

(2) The rate of interest shall change not more often than once during any semiannual period, and at least six months shall elapse between any two such changes.

(3) The change in the interest rate shall not exceed one-fourth of 1 percent in any semiannual period.

(4) The rate of interest shall not change during the first semiannual period.

(5) The borrower is permitted to prepay the loan in whole or in part without a prepayment charge within 90 days of notification of any increase in the rate of interest.

(6) A statement attached to the security document and to any evidence of debt issued in connection therewith printed or written in a size equal to at least 10-point bold type, consisting of the following language:

NOTICE TO BORROWER: THIS DOCUMENT CONTAINS PROVISIONS FOR A VARIABLE INTEREST RATE.

(b) The provisions of this section shall be applicable only to a mortgage contract, deed of trust, real estate sales contract, or any note or negotiable instrument issued in connection therewith, when its purpose is to finance the purchase or construction of real property containing four or fewer residential units or on which four or fewer residential units are to be constructed.

(c) Regulations setting forth the prescribed standard upon which variations in the interest rate shall be based may be adopted by the Savings and Loan Commissioner with respect to savings and loan associations, the Superintendent of Banks with respect to banks, and the Insurance Commissioner with respect to insurers.

(d) As used in this section:

(1) "Bank" includes, but is not limited to, a national banking association.

(2) "Savings and loan association" includes, but is not limited to, a federal savings and loan association, as defined by Section 11000 of the Financial Code.

(3) "Insurer" includes, but is not limited to, a nonadmitted insurance company.

(4) "Semiannual period" means each of the successive periods of six calendar months commencing with the first day of the calendar month in which the instrument creating the obligation is dated.

(5) "Security document" means a mortgage contract, deed of trust, or real estate sales contract.

(6) "Evidence of debt" means a note or negotiable instrument.

(e) The provisions of this section shall be applicable only to instruments executed on and after the effective date of this section.

(f) This section shall not apply to nonprofit public corporations.

CHAPTER 1266

An act to authorize a loan pursuant to the Davis-Grunsky Act to the Calaveras Public Utility District in connection with the Calaveras Public Utility District 1971 Water Project, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 29, 1971. Filed with Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. The Department of Water Resources is hereby authorized to make a loan to the Calaveras Public Utility District, pursuant to the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, Water Code), in connection with the construction of the Calaveras Public Utility District 1971 Water Project, in such amount as may be provided for in a contract for such assistance between the department and the district, but in no event to exceed the amount of four million five hundred thousand dollars (\$4,500,000).

This act shall satisfy the requirement of legislative approval contained in Section 12885 of the Water Code, and no judicial confirmation of the loan contract shall be required by the department.

SEC. 2. Notwithstanding the provisions of Article 9 (commencing with Section 12889) of Chapter 5 of Part 6 of Division 6 of the Water Code, the Calaveras Public Utility District shall not be required to hold an election before it may enter into a contract with the Department of Water Resources for the construction loan authorized by Section 1 of this act.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The voters of the Calaveras Public Utility District have already overwhelmingly approved a \$4,000,000 loan contract pursuant to the Davis-Grunsky Act, and a \$550,000 general obligation bond issue, for the construction of the Calaveras Public Utility District 1971 Water Project. This project,

which would provide a modern water system to replace an antiquated system, portions of which date to the Gold Rush days, is essential to provide for the health and well-being of the residents of the district. After bids were received for construction of the project, however, it was necessary to revise the estimated cost of the project due to inflation. An increase of \$500,000 in the amount of the loan is the only possible source of additional revenue available to the district to complete this urgently needed project. Since the availability of these funds is needed immediately in order to insure awarding of necessary contracts for the project pursuant to bids received for the project, it is necessary that this act go into immediate effect.

CHAPTER 1267

*An act to add Section 3267 to the Civil Code,
relating to works of improvement.*

[Approved by Governor October 29, 1971. Filed with
Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 3267 is added to the Civil Code, to read:

3267. Nothing contained in this title shall be construed to give to any person any right of action on any original contractor's private or public work payment bond described in Chapter 6 (commencing with Section 3235) or 7 (commencing with Section 3247) of this title, unless the work forming the basis for his claim was performed by such person for the principal on such payment bond, or one of his subcontractors, pursuant to the contract between the original contractor and the owner.

Nothing in this section shall affect the stop notice rights of, and relative priorities among, architects, registered engineers or licensed land surveyors and holders of secured interests on the land.

SEC. 2. This act shall be prospective in its application only.

CHAPTER 1268

*An act to add Sections 5002.1, 5002.2, 5002.3, and 5002.4 to
the Public Resources Code, relating to the state park system.*

[Approved by Governor October 29, 1971. Filed with
Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5002.1 is added to the Public Resources Code, to read:

5002.1. Prior to the classification or reclassification of a unit of the state park system into any of the categories specified in Section 5001.5, the department shall prepare an inventory of the unit's scenic, natural, and cultural features, including, but not limited to, ecological, archaeological, historical, and geological features. The inventory shall be submitted by the department to the State Park and Recreation Commission for its consideration when classifying or reclassifying a unit.

SEC. 2. Section 5002.2 is added to the Public Resources Code, to read:

5002.2. Following classification or reclassification of a unit by the State Park and Recreation Commission, the department shall prepare a resource management plan and general development plan for the unit.

The resource management plan shall contain an evaluation of the unit as a constituent of an ecological region and as a distinct ecological entity, based upon historical and ecological research of plant-animal and soil-geological relationships, and a statement of specific long-range management objectives for the unit consistent with the unit's purposes as expressed in Section 5001.5.

The general development plan shall constitute a report on a project for the purposes of Section 21100.

The resource management plan and general development plan for a unit shall be submitted by the department to the State Park and Recreation Commission for approval.

SEC. 3. Section 5002.3 is added to the Public Resources Code, to read:

5002.3. A public hearing shall be scheduled by the State Park and Recreation Commission to consider each matter of classification or reclassification of a unit and of approval of the department's resource management plan and general development plan for a unit. Notice of hearing shall be posted in plain sight at one or more places within the affected unit, published in one or more newspapers of general circulation in each county within which the affected unit is located, and mailed to every person who has filed a request for notice of hearing with the State Park and Recreation Commission. If the notice of hearing is published in a weekly newspaper, it must appear therein on at least two different days of publication and if in a newspaper published oftener, there must be at least five days from the first to the last day of publication, both days included. The content of the notice of hearing shall substantially comply with the requirements of Section 11424 of the Government Code.

Copies of the department's inventory, in the case of a hearing on classification or reclassification, or copies of the department's resource management plan and general development plan, in the case of a hearing on approval of the plans, shall be made available to the public at each of the department's district offices on the last date of publication of the notice.

The hearing shall be held by the State Park and Recreation Commission in the City of San Diego, Los Angeles, San Francisco, or Sacramento, whichever is closest to the unit affected, not less than 30 days, nor more than 60 days, after the last date of publication of the notice. The hearing shall be conducted in the manner specified in Section 11425 of the Government Code. The vote of each individual member of the State Park and Recreation Commission on each matter of classification or reclassification and of approval of the department's resource management plan and general development plan shall be recorded when the final decision of the State Park and Recreation Commission is announced.

SEC. 4. Section 5002.4 is added to the Public Resources Code, to read:

5002.4. Following approval by the State Park and Recreation Commission of the resource management plan and general development plan prepared by the department pursuant to Section 5002.2, the department shall, without delay, submit to the Legislature for review the department's inventory, resource management plan, and general development plan, and the State Park and Recreation Commission's classification or reclassification decision.

SEC. 5. The provisions of this act shall become operative July 1, 1972.

CHAPTER 1269

An act to amend Sections 13970, 13972, 13973, and 13974 of the Government Code, relating to good Samaritan compensation.

[Approved by Governor October 29, 1971. Filed with Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 13970 of the Government Code is amended to read:

13970. Direct action on the part of private citizens in preventing the commission of crimes against the person or property of others, or in apprehending criminals, or rescuing a person in immediate danger of injury or death as a result of fire, drowning, or other catastrophe, benefits the entire public. In recognition of the public purpose served, the state may indemnify such citizens, their widows, their surviving children, and any persons dependent upon such citizens for their principal support in appropriate cases for any injury, death, or damage sustained by such citizens, their widows, their surviving children, and any persons dependent upon such citizens for their principal support as a direct consequence of such meritorious action to the extent that they are not compensated for the injury, death, or damage from any other

source. A claim shall be denied if an award has been made under Article 1 (commencing with Section 13960) of this chapter for the same incident.

SEC. 2. Section 13972 of the Government Code is amended to read:

13972. In the event a private citizen incurs personal injury or death or damage to his property in preventing the commission of a crime against the person or property of another, in apprehending a criminal, or in materially assisting a peace officer in prevention of a crime or apprehension of a criminal, or rescuing a person in immediate danger of injury or death as a result of fire, drowning, or other catastrophe, the private citizen, his widow, his surviving children, a person dependent upon such citizen for his principal support, or a public safety or law enforcement agency acting on his or their behalf may file a claim with the State Board of Control for indemnification to the extent that the claimant is not compensated from any other source for such injury, death, or damage. The claim shall generally show:

(a) The date, place and other circumstances of the occurrence or events which gave rise to the claim;

(b) A general description of the activities of the private citizen in prevention of a crime, apprehension of a criminal, or rescuing a person in immediate danger of injury or death as a result of fire, drowning, or other catastrophe;

(c) The amount or estimated amount of the injury, death, or damage sustained for which the claimant is not compensated from any other source, insofar as it may be known at the time of the presentation of the claim;

(d) Such other information as the Board of Control may require.

The claim shall be accompanied by a corroborating statement and recommendation from the appropriate state or local public safety or law enforcement agency.

SEC. 3. Section 13973 of the Government Code is amended to read:

13973. Upon presentation of any such claim, the Board of Control shall fix a time and place for the hearing of the claim, and shall mail notices thereof to interested persons or agencies and to the Attorney General. At the hearing, the board shall receive recommendations from the Attorney General and public safety or law enforcement agencies, and evidence showing

(a) The nature of the crime committed by the apprehended criminal or prevented by the action of the private citizen, or the nature of the action of the private citizen in rescuing a person in immediate danger of injury or death as a result of fire, drowning, or other catastrophe, and the circumstances involved;

(b) That the actions of the private citizen substantially and materially contributed to the apprehension of a criminal, the prevention of a crime, or the rescuing of a person in immediate

danger of injury or death as a result of fire, drowning, or other catastrophe;

(c) That as a direct consequence, the private citizen incurred personal injury or damage to property or died;

(d) The extent of such injury or damage for which the claimant is not compensated from any other source;

(e) Such other evidence as the board may require.

If the board determines, on the basis of a preponderance of such evidence, that the state should indemnify the claimant for the injury, death, or damage sustained, it shall approve the claim for payment. In no event shall a claim be approved by the board under this article in excess of five thousand dollars (\$5,000).

In addition to any award made under this article, the board may award, as attorney's fees, an amount representing the reasonable value of legal services rendered a claimant, but in no event to exceed 10 percent of the amount of the award. No attorney shall charge, demand, receive, or collect for services rendered in connection with any proceedings under this article any amount other than that awarded as attorney's fees under this section. Claims approved under this article shall be paid from a separate appropriation made to the State Board of Control in the Budget Act and as such claims are approved by the board.

SEC. 4. Section 13974 of the Government Code is amended to read:

13974. The Board of Control is hereby authorized to make all needful rules and regulations consistent with the law for the purpose of carrying into effect the provisions of this article.

CHAPTER 1270

An act relating to the powers of the State Board of Education.

[Approved by Governor October 29, 1971. Filed with
Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. The State Board of Education is hereby authorized to negotiate the purchase of the copyright of any song designated by the Legislature as the official State Song from the holders of such copyright and directed to report the outcome of such negotiations, if any, to the 1972 Regular Session of the Legislature.

SEC. 2. Notwithstanding Item 276 of the Budget Act of 1971, funds for new textbooks in the 1971-1972 fiscal year shall not be limited to textbook priority number 4 for basic and supplementary social science textbooks, grades 5 to 8, inclusive, of the State Board of Education.

With the funds available, the textbook adoption may include basic and supplementary social science textbooks with two basic textbooks in each grade level of grades 5, 6, and 8, together with three basic textbooks in grade 7, which adoption shall include only those basic textbooks which comply, to the satisfaction of the State Board of Education, with the intent of Section 9305, and for which the Superintendent of Public Instruction has received the largest number of orders from school districts.

CHAPTER 1271

An act to amend Sections 12021.5, 12028, and 12032 of, and to repeal Section 12033 of, the Penal Code, relating to weapons.

[Approved by Governor October 29, 1971. Filed with Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 12021.5 of the Penal Code is amended to read:

12021.5. A minor may not possess a concealable firearm unless he has the written permission of his parent or guardian to have such firearm or is accompanied by his parent or guardian while he has such firearm in his possession. Violation of this section is a misdemeanor.

SEC. 2. Section 12028 of the Penal Code is amended to read:

12028. (a) The unlawful concealed carrying upon the person or within the vehicle of the carrier of any of the weapons mentioned in Section 553k, 12020, or 12025 is a nuisance.

(b) A firearm of any nature used in the commission of any misdemeanor as provided in this code or any felony, or an attempt to commit any misdemeanor as provided in this code or any felony, is, upon a conviction of the defendant, a nuisance.

(c) Any weapon described in subdivision (a), or, upon conviction of defendant, any weapon described in subdivision (b), shall be surrendered to the sheriff of a county or the chief of police or other head of a municipal police department of any city or county. The officers to whom the weapons are surrendered, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention thereof is necessary or proper to the ends of justice, may annually, between the 1st and 10th days of July, in each year, offer the weapons, which the officers in charge of them consider to have value with respect to sporting, recreational, or collection purposes, for sale at public auction to persons licensed under federal law to engage in businesses involv-

ing any weapon purchased. If any weapon has been stolen and is thereafter recovered from the thief or his transferee, or is used in such a manner as to constitute a nuisance pursuant to subdivision (a) or (b) without the prior knowledge of its lawful owner that it would be so used, it shall not be so offered for sale but shall be restored to the lawful owner, as soon as its use as evidence has been served, upon his identification of the weapon and proof of ownership.

(d) If, under this section, a weapon is not of the type that can be sold to the public, generally, or is not sold pursuant to subdivision (c) the weapon shall, between the 1st and 10th days of July, next succeeding, be destroyed so that it can no longer be used as such weapon.

(e) This section shall not apply to any firearm in the possession of the Department of Fish and Game or which was used in the violation of any provision of law, or regulation thereunder, in the Fish and Game Code.

(f) No stolen weapon shall be sold or destroyed pursuant to subdivisions (c) or (d) unless reasonable notice is given to its lawful owner, if his identity and address can be reasonably ascertained.

SEC. 3. Section 12032 of the Penal Code is amended to read:

12032. Notwithstanding any provision of law or of any local ordinance to the contrary, when any firearm is in the possession of any officer of the state, or of a county, city and county or city, and such firearm is an exhibit filed in any criminal action or proceeding which is no longer needed or is unclaimed or abandoned property, which has been in the possession of the officer for at least 180 days, the firearm shall be sold, or destroyed, as provided for in Section 12028.

This section shall not apply to any firearm in the possession of the Department of Fish and Game or which was used in the violation of any provision of law, or regulation thereunder, in the Fish and Game Code.

SEC. 4. Section 12033 of the Penal Code is repealed.

SEC. 5. If Assembly Bill No. 2887 of the 1971 Regular Session is enacted and becomes law, any change made by that bill in the definition of "minor" shall govern the meaning of the term as used in Section 12021.5 of the Penal Code.

CHAPTER 1272

An act to amend Section 1454, as added by Chapter 353, Statutes of 1971, of, and to add Section 1265.5 to, the Unemployment Insurance Code, relating to unemployment insurance.

The people of the State of California do enact as follows:

SECTION 1. Section 1265.5 is added to the Unemployment Insurance Code, to read:

1265.5. Notwithstanding any other provision of this division, payments to an individual for vacation pay which was earned but not paid for services performed prior to termination of employment, or commencement of unemployment caused by disability, as the case may be, shall not be construed to be wages or compensation for personal services under this division and benefits payable under this division shall not be denied or reduced because of the receipt of such payment.

SEC. 2. Section 1454, as added by Chapter 353, Statutes of 1971, of the Unemployment Insurance Code is amended to read:

1454. State wages shall be included as wages for the purposes of this part in the base period of a state employee.

SEC. 3. The provisions of Section 1265.5 of the Unemployment Insurance Code, as added by this act, shall be operative only with respect to payments made on and after the effective date of this act.

CHAPTER 1273

An act to amend Sections 5101, 5102, 5103, 5104, 5108, and 5109 of the Vehicle Code, relating to personalized license plates, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 29, 1971. Filed with Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5101 of the Vehicle Code is amended to read:

5101. Any person who is the registered owner or lessee of a passenger vehicle, commercial vehicle, or trailer registered with the department or who makes application for an original registration or renewal registration of any such vehicle may, upon payment of the fee prescribed in Section 5106 of this article, apply to the department for personalized license plates, in the manner prescribed in Section 5105, which plates shall be affixed to the passenger vehicle, commercial vehicle, or trailer for which registration is sought in lieu of the regular license plates.

SEC. 2. Section 5102 of the Vehicle Code is amended to read:

5102. The personalized license plates shall be the same color and design as regular passenger vehicle, commercial vehicle,

or trailer license plates, and shall consist of numbers or letters, or any combination thereof not exceeding six positions and not less than two positions, provided that there are no conflicts with existing passenger, commercial, trailer, motorcycle, or special license plates series or with the provisions of Section 4851.

SEC. 3. Section 5103 of the Vehicle Code is amended to read:

5103. "Personalized license plates," as used in this article, means license plates that have displayed upon them the registration number assigned to the passenger vehicle, commercial vehicle, or trailer for which such registration number was issued in a combination of letters or numbers, or both, requested by the owner or lessee of the vehicle.

SEC. 4. Section 5104 of the Vehicle Code is amended to read:

5104. Personalized license plates shall be issued only to the registered owner or lessee of the vehicle on which they are to be displayed.

SEC. 5. Section 5108 of the Vehicle Code is amended to read:

5108. Whenever any person who has been issued personalized license plates applies to the department for transfer of such plates to another passenger vehicle, commercial vehicle, or trailer, a transfer fee of twelve dollars (\$12) shall be charged in addition to all other appropriate fees.

SEC. 6. Section 5109 of the Vehicle Code is amended to read:

5109. When any person who has been issued personalized license plates sells, trades, or otherwise releases ownership of the vehicle upon which the personalized license plates have been displayed, he shall immediately report the transfer of such plates to an acquired passenger vehicle, commercial vehicle, or trailer pursuant to Section 5108 or he shall surrender such plates to the department forthwith.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Owners of commercial vehicles have been frustrated in being unable to participate in the California Environmental Protection Program by obtaining personalized license plates, inasmuch as the current law authorizes display of such plates only upon passenger vehicles. Removal of the restriction against use on commercial vehicles will provide a new source of revenue for the California Environmental Protection Program and enable truck owners to obtain personalized license plates immediately. It is therefore necessary that this legislation become effective immediately.

CHAPTER 1274

*An act to add Section 226 to the Elections Code,
relating to registration of voters.*

[Approved by Governor October 29, 1971. Filed with
Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 226 is added to the Elections Code, to read:

226. Any person who wishes to register to vote may telephone the office of the county clerk and state his name, address, telephone number, and political affiliation, if any. The person calling shall not be required to divulge his political affiliation. The clerk shall maintain a list of such persons according to political affiliation, a separate list for each qualified party and a further list for those who designate an unqualified party or decline to state. The lists shall be made current daily by adding the names of all new callers and the date they called. Copies of a separate list for each qualified party shall be made available upon request to any deputy registrar and to the respective county central committees. Copies of the list of those persons who designate an unqualified party or decline to state shall be made available upon request by arrangement with the county clerk.

CHAPTER 1275

*An act to add Section 789.3 to the Civil Code,
relating to real property.*

[Approved by Governor October 29, 1971. Filed with
Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 789.3 is added to the Civil Code, to read:

789.3. (a) A landlord shall not with intent to terminate the occupancy under any lease or other tenancy or estate at will, however created, of property used by a tenant as his residence willfully cause, directly or indirectly, the interruption or termination of any utility service furnished the tenant, including, but not limited to, water, heat, light, electricity, gas, telephone, elevator, or refrigeration, whether or not the utility service is under the control of the landlord.

(b) Any landlord who violates this section shall be liable to the tenant in a civil action for all of the following:

- (1) Actual damages of the tenant.

(2) One hundred dollars (\$100) for each day or part thereof the tenant is deprived of utility service.

(c) In any action under subdivision (b), the court shall award reasonable attorney's fees to the prevailing party.

CHAPTER 1276

An act to amend Sections 11402, 11408, 14002, 14003, 14005, 14006, 14010, 14011, 14012, 14033, and 11531 of, to amend the heading of Chapter 3 (commencing with Section 14001) of Division 7 of, to amend and renumber Section 11501 of, to add Sections 11410, 11411, 11501, 14001, 14004.5, 14006.5, 14006.6, and 14006.7 to, to add Chapter 6 (commencing with Section 12001) to Division 6 of, to repeal Sections 11406 and 14001 of, and to repeal Chapter 6 (commencing with Section 12001) of Division 6 of, the Agricultural Code, relating to agricultural chemicals.

[Approved by Governor October 29, 1971. Filed with
Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 11402 of the Agricultural Code is amended to read:

11402. "License" means agricultural pest control license, agricultural pest control adviser's license, or pesticide dealer's license.

SEC. 1.5. Section 11406 of the Agricultural Code is repealed.

SEC. 2. Section 11408 of the Agricultural Code is amended to read:

11408. "Agricultural use" means the use of any pesticide or method or device for the control of plant or animal pests, or any other pests, or the use of any pesticide for the regulation of plant growth or defoliation of plants. It excludes the sale or use of pesticides in properly labeled packages or containers which are intended for any of the following:

(a) Home use.

(b) Use in structural pest control.

(c) Industrial or institutional use.

(d) The control of an animal pest under the written prescription of a veterinarian.

(e) Local districts or other public agencies which have entered into and operate under a cooperative agreement with the Department of Public Health pursuant to Section 2426 of the Health and Safety Code, provided that any exemption under this subdivision is subject to the approval of the director as being required to carry out the purposes of this division.

SEC. 3. Section 11410 is added to the Agricultural Code, to read:

11410. "Agricultural pest control adviser" means any person who, as a requirement of, or incidental to, his employment or occupation, offers a recommendation to a producer of an agricultural product or to any public or private agency concerning any agricultural use or who holds himself forth as an authority or general adviser on any agricultural use to a producer of an agricultural product. A person who merely repeats or quotes the recommendations of another who is licensed pursuant to Chapter 6 (commencing with Section 12001) or who is a public official exempted from such licensing provisions pursuant to Section 12001, shall not be deemed to be holding himself forth as an authority or general adviser on any agricultural use for the purpose of this subdivision.

SEC. 3.3. Section 11411 is added to the Agricultural Code, to read:

11411. "Recommendation" means the giving of any instruction or advice on any agricultural use as to any particular application on any particular piece of property. "Recommendation" does not include any summary that does not specify the use to be made for any designated pest, or any quotations of a licensed agricultural pest control adviser, provided that such summary is not in conflict with any registered pesticide label or with the supplementary printed direction delivered therewith or with any rule or regulation of the director.

SEC. 3.5. Section 11501 of the Agricultural Code is amended and renumbered to read:

11501.5. The director, and the commissioner of each county under the direction and supervision of the director, shall enforce this division and the regulations which are issued pursuant to it.

SEC. 3.7. Section 11501 is added to the Agricultural Code, to read:

11501. The purposes of this division and Chapter 1 (commencing with Section 12501), Chapter 2 (commencing with Section 12751), Chapter 3 (commencing with Section 14001), and Chapter 3.5 (commencing with Section 14101) of Division 7 are as follows:

(a) To provide for the proper, safe, and efficient use of pesticides essential for production of food and fiber and for protection of the public health and safety.

(b) To protect the environment from environmentally harmful pesticides by prohibiting, regulating, or controlling uses of such pesticides.

(c) To assure the agricultural and pest control workers of safe working conditions where pesticides are present.

(d) To permit agricultural pest control by competent and responsible licensees and permittees under strict control of the director and commissioners.

(e) To assure the users that economic poisons are properly labeled and are appropriate for the use designated by the label.

SEC. 3.9. Section 11531 of the Agricultural Code is amended to read:

11531. Except as provided in Chapter 6 (commencing with Section 12001), Division 6, this division does not apply to any person while engaged in any of the following:

(a) Any activity that is defined as structural pest control and required to be licensed under Chapter 14 (commencing with Section 8500), Division 3 of the Business and Professions Code.

(b) Preservative treatment of fabrics or structural materials.

(c) Household or industrial sanitation services.

(d) Seed treatment which is incidental to such person's regular business.

SEC. 4. Chapter 6 (commencing with Section 12001) of Division 6 of the Agricultural Code is repealed.

SEC. 5. Chapter 6 (commencing with Section 12001) is added to Division 6 of the Agricultural Code, to read:

CHAPTER 6. AGRICULTURAL PEST CONTROL ADVISERS

Article 1. General Provisions

12001. No person shall act, or offer to act as an agricultural pest control adviser without first having secured an agricultural pest control adviser license from the director. Federal, state, and county officials and University of California personnel engaged in official duties relating to agricultural use are exempt from this section, provided that any recommendation by any such person as to any particular application on any particular piece of property shall be in writing.

12002. No person shall act, or offer to act, as an agricultural pest control adviser in any county without first registering with the county agricultural commissioner and furnishing the agricultural commissioner with a copy of his license.

12003. Agricultural pest control advisers shall put all recommendations concerning any agricultural use in writing. One copy of each such written recommendation shall be signed and dated and shall be furnished to the grower. Where a pesticide use is recommended a copy shall also be furnished to the dealer and the applicator.

12004. Agricultural pest control advisers and agricultural pest control operators shall retain one copy of each written recommendation for one year following the date of such recommendation. A copy of a recommendation shall be immediately furnished to the agricultural commissioner upon his request.

12005. The director may adopt such rules and regulations in order to carry out the provisions of this chapter as are reasonably necessary to effectuate the purposes of this division.

Article 2. Licensing

12021. Application for a pest control adviser license shall be in the form prescribed by the director. Each application shall state the name and address of the applicant and shall be accompanied by a fee of twenty-five dollars (\$25) to be paid into the State Treasury to the credit of the Department of Agriculture Fund. All licenses issued under the provisions of this article shall expire on December 31 of the year for which they are issued. Licenses may be renewed annually by the date of expiration through application in the form prescribed by the director and upon payment of the same fee paid for an initial application. A penalty of ten dollars (\$10) shall be assessed against any applicant who applies for a renewal of such license after the expiration date.

12022. Applicants for licensing shall elect to be examined for certification in one or more of the following categories:

- (a) Control of insects, mites, and other invertebrates.
- (b) Control of plant pathogens.
- (c) Control of nematodes.
- (d) Control of vertebrate pests.
- (e) Control of weeds.
- (f) Defoliation.
- (g) Plant growth regulation.

The examination shall be prepared and administered by the director.

12023. An agricultural pest control adviser license may be refused or may be revoked or suspended by the director as necessary to carry out the purposes of this division. Cause for refusal, revocation, or suspension shall include, but shall not be limited to, any of the following:

- (a) Failure to put a recommendation in writing.
- (b) The making of false or fraudulent statements in any written recommendation.
- (c) Failure or refusal to comply with any provision of this chapter, or any other regulation adopted by the agricultural commissioner.
- (d) Failure or refusal to comply with any provisions of this division or of Division 7 (commencing with Section 12501) relating to pesticides or regulation of the department adopted pursuant to such provisions.
- (e) Failure to qualify by examination in at least one of the categories in Section 12022.

12024. The director by regulation shall establish the minimum requirement for pest control adviser by education and examination to carry out the purposes of this division. The director may, after examination, issue a provisional license to an applicant, pending his certification pursuant to Section 12022, provided that no such provisional license shall be issued or effective after January 1, 1974. The director shall by regulation establish equivalent experience qualifications in lieu of education and examination for a provisional license as a

pest control adviser up to January 1, 1974; thereafter, he may establish such qualifications if he determines that experience qualifications are necessary to carry out the purposes of this chapter.

Article 3. Registration

12031. Each agricultural pest control adviser shall register with the agricultural commissioner of each county wherein he makes any recommendation for agricultural use or with the director if the county does not have an agricultural commissioner.

12032. Registration shall contain all of the following information:

- (a) Name and address of agricultural pest control adviser.
- (b) Name and address of place of business.
- (c) Type of pest control advisement service to be performed.
- (d) The number of the adviser's pest control adviser license.
- (e) Any other relevant information which may be required from time to time by the agricultural commissioner.

12033. Registration shall be renewed annually by all agricultural pest control advisers.

12034. County boards of supervisors may set fees for registration to cover the cost of registering pest control advisers, but in no case shall such fee total more than ten dollars (\$10) per year.

12035. A pest control adviser registration may be refused, revoked, or suspended by the agricultural commissioner. Cause for such refusal, revocation, or suspension may be for the same reasons prescribed in Section 12023 for the refusal, revocation, or suspension for a pest control adviser license.

12036. Any person whose registration has been revoked, suspended, or refused may appeal to the director within 10 days for a hearing on such revocation, suspension, or refusal and the director may sustain, reverse, or modify such revocation, suspension, or refusal.

Article 4. Agricultural Pest Control Advisory Committee

12041. There is in the department an Agricultural Pest Control Advisory Committee consisting of 11 members. The committee shall be appointed by the director and shall be composed of two pest control research specialists and one agricultural extension service specialist nominated by the Regents of the University of California, and eight additional members, one each representing the following: the California State Colleges, agricultural pest control advisers, licensed pest control operators, the State Department of Public Health, the Department of Fish and Game, producers as defined in Section 56110, the agricultural chemical industry, and the department.

12042. The term of office of the members of the committee is three years. Appointment of the first members shall be made so that the terms of office of three members shall expire at the end of one year, four at the end of two years, and four at

the end of three years. Thereafter, appointment shall be for full three-year terms. Vacancies shall be filled for an unexpired term.

12043. The committee shall be advisory to the director on all matters concerning the education, examination, and qualifications of agricultural pest control advisers, and shall meet on the call of the director.

Article 5. Violations

12051. It is unlawful for any person to act or offer to act as an agricultural pest control adviser without first having secured an agricultural pest control adviser's license from the director in accordance with this chapter.

12052. It is unlawful for any person to act or offer to act as an agricultural pest control adviser in any county without first registering with the county agricultural commissioner of that county.

12053. It is unlawful to violate any provision of this chapter or any rule or regulation issued thereunder.

12054. It shall be unlawful for any pest control adviser to make recommendations in a category for which he is not certified.

SEC. 6. The heading of Chapter 3 (commencing with Section 14001) of Division 7 of the Agricultural Code is amended to read:

CHAPTER 3. RESTRICTED MATERIALS

SEC. 7. Section 14001 of the Agricultural Code is repealed.

SEC. 8. Section 14001 is added to the Agricultural Code, to read:

14001. The director shall control and otherwise regulate the use of restricted materials found to meet the criteria of Section 14004.5.

SEC. 9. Section 14002 of the Agricultural Code is amended to read:

14002. This chapter applies to all agencies of the United States and the State of California and its subdivisions or to their officers, agents, or employees, except when acting within the scope of their authority and while engaged in conducting or supervising research on any restricted material. Nothing in this section affects the liability of a public entity under Section 862 of the Government Code.

SEC. 10. Section 14003 of the Agricultural Code is amended to read:

14003. This article does not relieve any person from liability for any damage to the person or property of another person which is caused by the use of any restricted material.

SEC. 11. Section 14004.5 is added to the Agricultural Code, to read:

14004.5. The director, after investigation and hearing, shall designate and establish as necessary to carry out the purposes

of this division, a list of restricted materials based upon, but not limited to, any of the following criteria :

- (a) Danger of impairment of public health.
- (b) Hazards to applicators and farmworkers.
- (c) Hazards to domestic animals, including honeybees, or to crops from direct application or drift.
- (d) Hazard to the environment from drift onto streams, lakes, and wildlife sanctuaries.
- (e) Hazards related to persistent residues in the soil resulting ultimately in contamination of the air, waterways, estuaries or lakes, with consequent damage to fish, wild birds, and other wildlife.
- (f) Hazards to subsequent crops through persistent soil residues.

SEC. 12. Section 14005 of the Agricultural Code is amended to read :

14005. The director, after investigation and hearing, shall adopt regulations which govern the application in pest control or other agricultural operations of any restricted material which he finds and determines is injurious to the environment, or to any person, animal or crop.

SEC. 13. Section 14006 of the Agricultural Code is amended to read :

14006. The regulations shall prescribe the time when, and the conditions under which, a restricted material may be used in different areas of the state, and may prohibit its use in such areas. Such usage shall be limited to those situations in which it is reasonably certain that no injury will result, or no non-restricted material or procedure is equally effective and practical. They may provide that a restricted material shall be used only under permit of the commissioner or under the direct supervision of the commissioner, subject to any of the following limitations :

- (a) In certain areas.
- (b) Under certain conditions.
- (c) When used in excess of certain quantities or concentrations.
- (d) Any other limitation the director determines to be necessary to effectuate the purposes of this chapter.

SEC. 13.5. Section 14006 of the Agricultural Code is amended to read :

14006. The regulations shall prescribe the time when, and the conditions under which, a restricted material may be used or possessed in different areas of the state, and may prohibit its use or possession in such areas. Such usage shall be limited to those situations in which it is reasonably certain that no injury will result, or no nonrestricted material or procedure is equally effective and practical. They may provide that a restricted material shall be used only under permit of the commissioner or under the direct supervision of the commissioner, subject to any of the following limitations :

- (a) In certain areas.

- (b) Under certain conditions relating to safety.
- (c) When used in excess of certain quantities or concentrations.
- (d) When used in certain mixtures.
- (e) In compliance with the industrial safety orders of the Department of Industrial Relations and any order of the director or commissioner.
- (f) On agreement by the owner or person in possession of the property to be treated to comply with certain conditions.
- (g) Any other limitation the director determines to be necessary to effectuate the purposes of this chapter.

SEC. 14. Section 14006.5 is added to the Agricultural Code, to read:

14006.5. Except as provided in Section 14006.6, no person shall use any pesticide for any agricultural use except under a written permit of the commissioner. No permit shall be issued for any restricted material for use in any manner other than pursuant to its registration without the approval of the director. In addition, no permit shall be granted if the commissioner determines that the provisions of subdivision (a), (b), or (c) of Section 12825 would be applicable to the proposed use.

Before issuing a permit for any pesticide the commissioner shall consider local conditions including, but not limited to, the following:

- (a) Use in vicinity of schools, dwellings, hospitals, recreational areas, and livestock enclosures.
- (b) Problems related to heterogeneous planting of crops.
- (c) Applications of materials known to create severe resurgence or secondary pest problems without compensating control of pest species.
- (d) Meteorological conditions for use.
- (e) Timing of applications in relation to bee activity.
- (f) Provision for proper storage of pesticides and disposal of containers.

Each permit issued for any pesticide shall include conditions for use in writing.

SEC. 15. Section 14006.6 is added to the Agricultural Code, to read:

14006.6. A permit shall not be required for the agricultural use of "exempt materials" determined in accordance with Section 14006.7, or for the agricultural use of any other pesticide not designated as a restricted material which the commissioner determines may be used under local conditions without undue hazard.

Permits for the use of pesticides shall not be required of persons found to be qualified by the director who are engaged in experimentation or research on the use of pesticides, where no charge is made to the grower.

SEC. 16. Section 14006.7 is added to the Agricultural Code, to read:

14006.7. The director, after investigation and hearing, shall designate by regulation a list of "exempt materials" for which the director finds additional restrictions, other than registration and labeling requirements are not necessary to carry out the purposes of this chapter. Such exempt materials may be used without a permit provided that such use shall conform with the registered label or printed instructions.

SEC. 17. Section 14010 of the Agricultural Code is amended to read:

14010. It is unlawful for any person to sell or deliver any restricted material to any person that is required by the regulations, which are adopted by the director, to have a permit to use such restricted material unless such person, or his agent to whom delivery is made, signs a written statement, in a form which is prescribed by the department, that the person holds a valid permit to use the kind and quantity of such restricted material which is delivered.

SEC. 18. Section 14011 of the Agricultural Code is amended to read:

14011. It is unlawful for any person to apply any restricted material for which regulations have been adopted except as provided in the regulations which are adopted by the director.

SEC. 19. Section 14012 of the Agricultural Code is amended to read:

14012. Any person, who is required to register economic poisons under Article 4 (commencing with Section 12811) of Chapter 2 of Division 7, and who sells or transfers any restricted material, shall keep accurate records of the amount and type of material involved in every sale or transfer of any restricted material. Such records shall be open during ordinary business hours to the inspection of the director. A report of sales shall be rendered to the director showing for each restricted material, the type and quantity sold or transferred, other than to another registrant or to persons out of the state, and any other relevant information that the director may require. In addition each commissioner shall report to the director the type and amount of restricted materials for which permits are issued pursuant to Chapter 3 (commencing with Section 14001), Division 7, the crop and pest or pests on which the material is used, and any other relevant information the director may require. Reports from both the registrants and the commissioners shall be rendered to the director quarterly within one calendar month after March 30, June 30, September 30, and December 31, of each year.

The contents of these reports shall be summarized quarterly by the director as to the type of material and amounts, and such summaries shall be made a public record, providing the name of the registrant filing a report shall be confidential. The director may publish or distribute such summaries.

SEC. 20. Section 14033 of the Agricultural Code is amended to read:

14033. The director, after investigation and hearing, shall adopt regulations which govern the use of 2,4-D and any other herbicide which he finds and determines is injurious to any crop that is being grown in any area of the state. The regulations of the director may prescribe the time when, and the conditions under which, a restricted herbicide may be used in different areas of the state. They may provide that a restricted herbicide shall be used only under permit of the commissioner or under the direct supervision of the commissioner, subject to any of the following limitations:

(a) In certain areas.

(b) In excess of certain quantities or concentrations.

SEC. 21. It is the intent of the Legislature, if this bill and Assembly Bill No. 2230 are both chaptered and amend Section 14006 of the Agricultural Code, and this bill is chaptered after Assembly Bill No. 2230, that the amendments to Section 14006 proposed by both bills be given effect and incorporated in Section 14006 in the form set forth in Section 13.5 of this act. Therefore, Section 13.5 of this act shall become operative only if this bill and Assembly Bill No. 2260 are both chaptered, both amend Section 14006, and Assembly Bill No. 2260 is chaptered before this bill, in which case Section 13 of this act shall not become operative.

SEC. 22. Sections 4 and 5 of this act shall become operative on July 1, 1972.

CHAPTER 1277

An act to amend Sections 9359.16, 9359.8, and 9359.95 of, and to add Section 9359.13 to, the Government Code, relating to the Legislators' Retirement System.

[Approved by Governor October 29, 1971. Filed with Secretary of State October 28, 1971.]

The people of the State of California do enact as follows:

SECTION 2. Section 9359.13 of the Government Code is amended to read:

9359.16. Notwithstanding the provisions of Section 9359, a member of this system, other than a legislative statutory officer, who is under age 60 and who is entitled to be credited with fifteen (15) or more, but less than twenty (20) years of service shall be retired upon his written application therefor to the Board of Administration, and thereafter shall receive for life the retirement allowance provided by this section. The allowance shall be equal to the retirement allowance which he would receive for such service upon retirement at age 60 reduced by two percent (2%) for each year by which the member's age at the time of retirement is below age 60.

SEC. 2. Section 9359.8 of the Government Code is amended to read:

9359.8. Upon the death of any member before retirement, his accumulated contributions shall be paid to his beneficiary, if he has designated one, and if not, to his estate. There shall also be paid to his beneficiary or estate an amount equal to one-twelfth of the annual compensation of the office last held by him as a legislator during the 12 months immediately preceding his death or that would have been applicable under Section 9359.1, whichever is greater, multiplied by the number of completed years of service and prior service for which he is entitled to elect to receive credit. The benefits provided by this section are in addition to any benefits provided by Division 4 of the Labor Code.

The benefit accorded by this section is not payable if the deceased member's spouse survives him and is entitled to receive an allowance for life pursuant to the provisions of this chapter.

SEC. 3. Section 9359.95 of the Government Code is amended to read:

9359.95. In addition to any other benefits provided for in this chapter, upon the death, on or after January 1, 1959, and before retirement, of any member who, at the time of his death was a legislator, there shall be paid to his beneficiary, if he has designated one, and if not, to his estate, an amount equal to the annual compensation payable to him during the 12 months immediately preceding his death.

SEC. 4. Section 9359.13 is added to the Government Code, to read:

9359.13. Notwithstanding any contrary provision of Section 9359.1 the retirement allowance of a member who is an elective officer of the state whose office is provided for by the Constitution, other than a judge or a Member of the Senate or Assembly, first elected to any such office after the effective date of this section and any allowance payable to a survivor of such member on death before or after retirement shall not be based on compensation in excess of the highest compensation received by the member as an incumbent of such office. Allowances payable to such members or survivors shall be adjusted under Section 9360.10 rather than 9360.9.

CHAPTER 1278

An act to add Section 24003 to the Education Code, relating to the California State Colleges.

[Approved by Governor October 29, 1971. Filed with
Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 24003 is added to the Education Code, to read:

24003. Notwithstanding any other provision of law to the contrary, grants, revenues and funds of any nature received by the trustees for research, workshops, conferences, institutes and special projects from the state, federal government, local government, or private persons, may be transmitted to the State Treasurer and, if transmitted, shall be deposited in the State Treasury to the credit of the State College Special Projects Fund, which fund is hereby created.

All such grants, revenues and funds are hereby appropriated without regard to fiscal years to the trustees for the operation, support, and development of research, workshops, conferences, institutes, and special projects in the California State Colleges.

Provision shall be made by the trustees for reimbursements to the General Fund for the cost of space and services furnished to projects funded by the State College Special Projects Fund.

Notwithstanding any other provision of the law to the contrary, the trustees shall have authority to establish the rules and procedures under which the fund shall operate. All expenditures shall be made in accordance with such rules and procedures, without prior approval of the Department of General Services or the Department of Finance. All expenditures shall receive an annual postaudit by the Audits Division of the Department of Finance.

Moneys in the State College Special Projects Fund may be invested by the State Treasurer, upon approval of the trustees in those eligible securities listed in Section 16430 of the Government Code. All interest or other earnings received pursuant to such investments shall be collected by the State Treasurer and shall be deposited in the State Treasury to the credit of the State College Special Projects Fund.

CHAPTER 1279

An act to add Section 231 to the Labor Code, and to amend Sections 12804 and 14606 of, and to add Section 13557 to, the Vehicle Code, relating to drivers' licenses.

[Approved by Governor October 29, 1971. Filed with Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 231 is added to the Labor Code, to read:

231. Any employer who requires, as a condition of employment, that an employee have a driver's license shall pay the

cost of any physical examination of the employee which may be required for issuance of such license, except where the physical examination was taken prior to the time the employee applied for such employment with the employer.

SEC. 1.5. Section 12804 of the Vehicle Code is amended to read:

12804. (a) The examination shall include a test of the applicant's knowledge and understanding of the provisions of this code governing the operation of vehicles upon the highways, the ability to read and understand simple English used in highway traffic and directional signs, his understanding of traffic signs and signals and the applicant shall be required to give an actual demonstration of his ability to exercise ordinary and reasonable control in operating a motor vehicle by driving the same under the supervision of an examining officer and submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive. The examination shall also include a test of the hearing and eyesight of the applicant and such other matters as may be necessary to determine the applicant's mental and physical fitness to operate a motor vehicle upon the highways and whether any ground exists for refusal of a license under this code. The examination for a class 1 or class 2 license under subdivision (b) of this section shall also include a report of a medical examination of the applicant given not more than two years prior to the date of the application by a physician licensed to practice medicine. The report shall be on a form approved by the department or by the Federal Highway Administration of the United States Department of Transportation. In establishing the requirements consideration may be given to the standards presently required of motor carrier drivers by the Federal Highway Administration of the United States Department of Transportation. Any physical defect of the applicant which in the opinion of the department is compensated to insure safe driving ability shall not prevent the issuance of a license to the applicant.

(b) In accordance with the following classifications any applicant for a driver's license shall be required to submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive:

(1) Class 1. Any combination of vehicles and includes the operation of all vehicles under class 2 and class 3.

(2) Class 2. Any bus, any "farm labor truck," any single vehicle with three or more axles, any such vehicles towing another vehicle weighing less than 6,000 pounds gross, and all vehicles covered under class 3, except that a person holding a valid class 3 license on the effective date of this act may drive a bus designed to carry not more than 15 passengers until such time as the license expires without obtaining a class 2 license.

(3) Class 3. A three-axle housecar, any two-axle vehicle, and any such housecar or vehicle towing another vehicle

weighing less than 6,000 pounds gross, except a bus, two-wheel motorcycle, or "farm labor truck."

(4) Class 4. Any two-wheel motorcycle. Authority to operate vehicles included in a class 4 license may be granted by endorsement on a class 1, 2 or 3 license upon completion of appropriate examination. A person holding a valid class 1, class 2 or class 3 driver's license on the effective date of the amendments to this section enacted at the 1968 Regular Session of the Legislature may drive a motorcycle until such time as the license expires without obtaining a class 4 license or endorsement.

(c) Class 1 and class 2 drivers' licenses shall be valid for operating class 1 or class 2 vehicles only when a medical certificate approved by the department or the Federal Highway Administration of the United States Department of Transportation is in the licensee's possession which has been issued within two years of the date of the operation of such vehicle, otherwise the license shall be valid only for operating class 3 vehicles and class 4 vehicles if so endorsed. A person holding a valid class 1 or class 2 driver's license on the effective date of the amendments to this section enacted at the 1971 Regular Session of the Legislature may operate class 1 or class 2 vehicles without a medical certificate until such time as the license expires.

(d) The department may accept a certificate of driving experience in lieu of a driving test on class 1 or 2 applications when such certificate is issued by an employer of the applicant provided the applicant has first qualified for a class 3 license and also met the other examination requirements for the license for which he is applying. Such certificate may be submitted as evidence of the applicant's experience or training in the operation of the types of equipment covered by the license for which he is applying.

(e) The department may accept a certificate of competence in lieu of a driving test on class 4 applications when such certificate is issued by a law enforcement agency for its officers who operate class 4 vehicles in their duties provided the applicant has also met the other examination requirements for the license for which he is applying.

SEC. 2. Section 13557 is added to the Vehicle Code, to read:

13557. Any mandatory suspension or revocation of a person's driving privilege that could have been ended, except for the payment of the reinstatement fee as required pursuant to Section 14904, may be ended at the election of the department in cases where the person has died, left the state, or has indicated he no longer desires to drive a motor vehicle, after a period of five years has passed from the time such suspension or revocation action could have ended.

SEC. 3. Section 14606 of the Vehicle Code is amended to read:

14606. (a) No person shall employ or hire any person to drive a motor vehicle nor shall he knowingly permit or authorize the driving of a motor vehicle, owned by him or under his control, upon the highways by any person unless the person is then licensed for the appropriate class of vehicle to be driven.

(b) Whenever any person employs or hires any person, including a subhauler, to drive a class 1 or class 2 vehicle, the employer shall ascertain that such person has in his possession a medical certificate as provided in subdivision (c) of Section 12804 which has been issued within two years prior to the date of such employment or hiring. Whenever such person fails to qualify for such a medical certificate on reexamination, the employer shall report such failure to the department.

CHAPTER 1280

An act to add Section 11016.1 to the Government Code, relating to contracts for state services.

[Approved by Governor October 29, 1971. Filed with
Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 11016.1 is added to the Government Code, to read:

11016.1. Notwithstanding any other provisions of law to the contrary, if foreign assistance funds are appropriated by the President of the United States and the Congress for the purpose of funding a foreign assistance program between California and any foreign government or governments allied with the United States, any state agency and each department and division thereof may, within the powers otherwise conferred by law upon the state agency and each department and division thereof, participate in any work for or on behalf of the United States if such work is completely financed by federal funds, except for general administrative expenses. Any state agency may enter into agreements with the authorized officials of the United States for the performance of any such work, subject to the terms and conditions of this section.

Any agreement subject to this section shall be subject to the approval of the Department of Finance.

SEC. 2. The authority granted by the provisions of this act is intended to be in addition to existing authority of state agencies and is not intended to be in derogation thereof.

CHAPTER 1281

An act to add Section 680 to the Unemployment Insurance Code, relating to unemployment compensation for musicians.

[Approved by Governor October 29, 1971 Filed with
Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 680 is added to the Unemployment Insurance Code, to read:

680. "Employer" means any person contracting for the services of musicians where all of the following conditions are met:

(a) Such person has executed a written agreement with a labor organization representing the musicians which provides that such person is the "employer" of such musicians, and assumes liability to provide for and pay unemployment insurance taxes upon their wages.

(b) The services of musicians are to be performed for a period in excess of one day.

(c) Such person has a federal employer number and a reserve account established in the Unemployment Fund.

(d) No other person has paid unemployment insurance taxes for the musicians employed in the written agreement referred to in subdivision (a) for the period covered by such agreement.

CHAPTER 1282

An act to amend Section 10301 of, and to repeal Section 10303 of, the Education Code, relating to handicapped pupils, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 29, 1971 Filed with
Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 10301 of the Education Code is amended to read:

10301. The Superintendent of Public Instruction shall establish and maintain a central clearinghouse-depository and duplication center for specialized textbooks, reference books, recordings, study materials, tangible apparatus, equipment and other similar items for the use of visually handicapped students enrolled in the public schools of California who may require their use as shall be determined by the State Board of Education.

Such instructional materials in specialized media shall be available to other handicapped minors enrolled in the public schools of California who are unable to benefit from the use of conventional print copies of textbooks, reference books, and other study materials in a manner determined by the State Board of Education.

The specialized textbooks, reference books, recordings, study materials, tangible apparatus, equipment and other similar items shall be available for use by visually handicapped students enrolled in the public community colleges, California State Colleges, and the University of California.

SEC. 2. Section 10303 of the Education Code is repealed.

SEC. 3. There is hereby appropriated from the General Fund in the State Treasury to the Superintendent of Public Instruction the sum of thirty thousand dollars (\$30,000) for the purposes of Section 10301 of the Education Code.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Many pupils enrolled in California public schools have visual and other handicaps which prevent them from using conventional textbooks and instructional material. Audio-recorded editions of textbooks and other printed instructional material have proven to be an effective language input medium for these pupils. Utilizing funds from federal sources, the Department of Education has initiated a project for producing a master audio tape library of basic textbooks and related instructional materials. This project terminated on June 30, 1970. To insure that the benefits of this project be realized, through its completion and operation without undue interruption, it is necessary that this act go into immediate effect.

CHAPTER 1283

An act to amend Section 653o of, and to add Section 653r to, the Penal Code, relating to endangered species.

[Approved by Governor October 29, 1971. Filed with
Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 653o of the Penal Code is amended to read:

653o. It is unlawful to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or any part or product thereof, of any alligator, crocodile, polar bear, leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf (*Canus lupus*), zebra, whale,

cobra, python, sea turtle, colobus monkey, kangaroo, vicuña, sea otter, free roaming feral horse, or Spanish lynx.

Violation of this section constitutes a misdemeanor.

SEC. 2. Section 653r is added to the Penal Code, to read:

653r. Notwithstanding the provisions of Section 3 of Chapter 1557 of the Statutes of 1970, it shall be unlawful to possess with intent to sell, or to sell, within this state, after June 1, 1972, the dead body, or any part or product thereof, of any fish, bird, amphibian, reptile, or mammal specified in Section 653o or 653p.

Violation of this section constitutes a misdemeanor.

CHAPTER 1284

An act to amend Sections 3091, 3097, 3098, 3158, 3159, 3181, and 3226 of the Civil Code, and to repeal Section 1193 of the Code of Civil Procedure, relating to works of improvement.

[Approved by Governor October 29, 1971. Filed with Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 3091 of the Civil Code is amended to read:

3091. "Ninety-day public works preliminary bond notice" means a notice which must be given by any claimant other than one of the following:

(a) A claimant who performs actual labor for wages or an express trust fund as described in Section 3111.

(b) A claimant who has a direct contractual relationship with the original contractor.

The notice is required only on public works, and is a necessary prerequisite to enforcement of a claim on a payment bond. The notice shall be in writing and shall state with substantial accuracy the amount claimed, and the name of the party to whom the claimant furnished labor, services, equipment, or materials. The notice shall be given within 90 days from the date on which the claimant furnished the last labor, services, equipment, or materials for which such claim is made.

The notice shall be served by mailing the same by registered or certified mail, postage prepaid, in an envelope addressed to the original contractor at any place he maintains an office, or conducts his business, or his residence, or by personal service.

SEC. 2. Section 3097 of the Civil Code is amended to read:

3097. "Preliminary 20-day notice (private work)" means a written notice from a claimant that is given prior to the recording of a mechanic's lien and prior to the filing of a

stop notice, and is required to be given under the following circumstances:

(a) Except one under direct contract with the owner or one performing actual labor for wages, or an express trust fund described in Section 3111, every person who furnishes labor, service, equipment, or material for which a lien otherwise can be claimed under this title, or for which a notice to withhold can otherwise be given under this title, must, as a necessary prerequisite to the validity of any claim of lien, and of a notice to withhold, cause to be given to the owner or reputed owner, to the original contractor, or reputed contractor, and to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by this section.

(b) Except the contractor, or one performing actual labor for wages, or an express trust fund described in Section 3111, all persons who have a direct contract with the owner and who furnish labor, service, equipment, or material for which a lien otherwise can be claimed under this title, or for which a notice to withhold can otherwise be given under this title, must, as a necessary prerequisite to the validity of any claim of lien, and of a notice to withhold, cause to be given to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by this section.

(c) The preliminary notice referred to in subdivisions (a) and (b) shall be given not later than 20 days after the claimant has first furnished labor, service, equipment, or materials to the jobsite, and shall contain the following information:

(1) A general description of the labor, service, equipment, or materials furnished, or to be furnished, and if there is a construction lender, he shall be furnished with an estimate of the total price thereof in addition to the foregoing.

(2) The name and address of such person furnishing such labor, service, equipment, or materials.

(3) The name of the person who contracted for purchase of such labor, service, equipment, or materials.

(4) A description of the jobsite sufficient for identification.

(5) A statement that if bills are not paid in full for labor, service, equipment, or material furnished, or to be furnished, the improved property may be subject to mechanic's liens.

(6) If such notice is given by a subcontractor who is required pursuant to a collective bargaining agreement to pay supplemental fringe benefits into an express trust fund described in Section 3111, such notice shall also contain the identity and address of such trust fund or funds.

If an invoice for such materials contains the information required by this section, a copy of such invoice, transmitted in the manner prescribed by this section shall be sufficient notice.

A certificated architect, registered engineer, or licensed land surveyor who has furnished services for the design of the work of improvement and who gives a preliminary notice as provided in this section not later than 20 days after the work of improvement has commenced shall be deemed to have complied with subdivisions (a) and (b) with respect to architectural, engineering, or surveying services furnished, or to be furnished.

(d) If labor, service, equipment, or materials have been furnished to a jobsite by a person who elected not to give a preliminary notice as provided in subdivision (a) or (b), such person shall not be precluded from giving a preliminary notice not later than 20 days after furnishing other labor, service, equipment, or materials to the same jobsite. Such person shall, however, be entitled to claim a lien and a notice to withhold only for such labor, service, equipment, or material furnished within 20 days prior to the service of such notice, and at any time thereafter.

(e) Any agreement made or entered into by an owner, whereby the owner agrees to waive the rights or privileges conferred upon him by this section shall be void and of no effect.

(f) Service of notice required under this section may be given by delivering the same to the person to be notified, personally, or by leaving it at his address or place of business with some person in charge, or by first-class mail, registered mail, or certified mail, postage prepaid, addressed to the person to whom notice is to be given at his residence or place of business address, at the address shown by the building permit on file with the authority issuing a building permit for the work, or at an address recorded pursuant to subdivision (j) of this section. If the address of the person on whom notice was required to be served is not actually known, then service of such notice may be by first-class mail, registered mail, or certified mail, addressed to the jobsite, with the envelope setting forth the name of the owner or reputed owner, if known, or if not known, then merely "owner" or to the person to whom a notice to withhold may be given, if known, or if not known, then to "construction lender" or to the original contractor, if known, or if not known, then to "general contractor". When service is by registered or certified mail, service is complete at the time of the deposit of the registered or certified mail.

(g) A person required by this section to give notice to the owner and to an original contractor, and to a person to whom a notice to withhold may be given, need give only one such notice to the owner, and to the original contractor and to the person to whom a notice to withhold may be given with respect to all materials, service, labor, or equipment he furnishes for a work of improvement, which means the entire structure or scheme of improvements as a whole, unless the same is fur-

nished under contracts with more than one subcontractor, in which event, the notice requirements must be met with respect to materials, services, labor, or equipment furnished to each such contractor.

If a notice contains a general description required by subdivision (a) or (b) of the materials, services, labor, or equipment furnished to the date of notice, it is not defective because, after such date, the person giving notice furnishes materials, services, labor, or equipment not within the scope of such general description.

(h) Where the contract price to be paid to any subcontractor on a particular work of improvement exceeds four hundred dollars (\$400), the failure of that contractor, licensed under Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, to give the notice provided for in this section, constitutes grounds for disciplinary action by the Registrar of Contractors.

Where such notice is required to contain the information set forth in paragraph (6) of subdivision (c), a failure to give such notice, including such information, that results in the filing of a lien or the delivery of a stop notice by the express trust fund to which such obligation is owing constitutes grounds for disciplinary action by the Registrar of Contractors against the subcontractor if the amount due such trust fund is not paid.

(i) Every city, county, city and county, or other governmental authority issuing building permits shall, in its application form for a building permit, provide space and a designation for the applicant to enter the name, branch designation, if any, and address of the construction lender and shall keep the information on file open for public inspection during the regular business hours of the authority.

If there is no known construction lender, that fact shall be noted in such designated space. Any failure to indicate the name and address of the construction lender on such application, however, shall not relieve any person from the obligation to give to the construction lender the notice required by this section.

(j) A mortgage, deed of trust, or other instrument securing a loan, any of the proceeds of which may be used for the purpose of constructing improvements on real property, shall bear the designation "Construction Trust Deed" prominently on its face and shall state all of the following: (1) the name and address of the lender, and the name and address of the owner of the real property described in the instrument, and (2) a legal description of the real property which secures the loan and, if known, the street address of the property. The failure to be so designated or to state any of the information required by this subdivision shall not affect the validity of any such mortgage, deed of trust, or other instrument.

Failure to provide such information on such an instrument when recorded shall not relieve persons required to give preliminary notice under this section from such duty.

The county recorder of the county in which such instrument is recorded shall indicate in the general index of the official records of the county that such instrument secures a construction loan.

(k) Every contractor and subcontractor who is required pursuant to a collective bargaining agreement to pay supplementary fringe benefits into an express trust fund described in Section 3111, and who has failed to do so shall cause to be given to such fund and to the construction lender, if any, or to the reputed construction lender, if any, not later than five days following the date such payment was due to such fund, a written notice containing:

- (1) The name of the owner and the contractor.
- (2) A description of the jobsite sufficient for identification.
- (3) The identity and address of the express trust fund.
- (4) The total number of straight-time and overtime hours on each such job, payment for which the contractor or subcontractor is delinquent to the express trust.
- (5) The amount then past due and owing.

Failure to give such notice shall constitute grounds for disciplinary action by the Registrar of Contractors.

SEC. 3. Section 3098 of the Civil Code is amended to read: 3098. "Preliminary 20-day notice (public work), stop notice" means a written notice from a claimant that was given prior to the filing of a stop notice on public work, and is required to be given under the following circumstances:

(a) In any case in which the law of this state affords a right to a person furnishing labor or materials for a public work who has not been paid therefor to file a stop notice with the public agency concerned, and thereby cause the withholding of payment from the contractor for the public work, any such person having no direct contractual relationship with the contractor, other than a person who performed actual labor for wages or an express trust fund described in Section 3111, may file such a notice, but no payment shall be withheld from any such contractor, pursuant to any such notice, unless such person has caused written notice to be given to such contractor, and the public agency concerned, not later than 20 days after the claimant has first furnished labor, services, equipment, or materials to the jobsite, stating with substantial accuracy a general description of labor, service, equipment, or materials furnished or to be furnished, and the name of the party to whom the same was furnished. Such notice shall be served by mailing the same by first-class mail, registered mail, or certified mail, postage prepaid, in an envelope addressed to the contractor at any place he maintains an office or conducts his business, or his residence, or by personal service. In case of any public works constructed by the Department of Public

Works or the Department of General Services of the state, such notice shall be served by mailing in the same manner as above, addressed to the office of the disbursing officer of the department constructing the work, or by personal service upon such officer. When service is by registered or certified mail, service is complete at the time of the deposit of the registered or certified mail.

(b) Where the contract price to be paid to any subcontractor on a particular work of improvement exceeds four hundred dollars (\$400), the failure of that contractor, licensed under Chapter 9, (commencing with Section 7000) of Division 3 of the Business and Professions Code, to give the notice provided for in this section, constitutes grounds for disciplinary action by the Registrar of Contractors.

(c) The notice requirements of this section shall not apply to an express trust fund described in Section 3111.

SEC. 4. Section 3158 of the Civil Code is amended to read: 3158. Any of the persons named in Sections 3110, 3111, and 3112, other than the original contractor, may give to the owner a stop notice. Any person who shall fail to serve such a stop notice after a written demand therefor from the owner shall forfeit his right to a mechanic's lien.

SEC. 5. Section 3159 of the Civil Code is amended to read: 3159. Any of the persons named in Sections 3110, 3111, and 3112, other than the original contractor, may, prior to the expiration of the period within which his claim of lien must be recorded under Chapter 2 (commencing with Section 3109), give to a construction lender a stop notice or a bonded stop notice unless a payment bond has previously been recorded in the office of the county recorder of the county where the site is located in accordance with Section 3235, except that the payment bond may be recorded at any time prior to the serving of the first stop notice. Such notice may only be given for materials, equipment, or services furnished, or labor performed. For the purposes of this section, where an owner undertakes construction on his own behalf, one who contracts with him for a portion of the work is a subcontractor and shall be entitled to give a stop notice.

SEC. 6. Section 3181 of the Civil Code is amended to read: 3181. Except for an original contractor, any person mentioned in Section 3110, 3111, or 3112, or furnishing provisions, provender, or other supplies, may serve a stop notice upon the public entity responsible for such public work in accordance with the provisions of this chapter.

SEC. 7. Section 3226 of the Civil Code is amended to read: 3226. Any bond given pursuant to the provisions of this title will be construed most strongly against the surety and in favor of all persons for whose benefit such bond is given, and under no circumstances shall a surety be released from liability to those for whose benefit such bond has been given, by reason of any breach of contract between the owner and

original contractor or on the part of any obligee named in such bond, but the sole conditions of recovery shall be that claimant is a person described in Section 3110, 3111, or 3112, and has not been paid the full amount of his claim.

SEC. 8. Section 1193 of the Code of Civil Procedure is repealed.

CHAPTER 1285

An act to add Sections 10249.15 and 11000.1 to the Business and Professions Code, relating to subdivision of lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 29, 1971. Filed with Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 10249.15 is added to the Business and Professions Code, to read:

10249.15. "Subdivision" as used in Section 10249 also includes improved or unimproved land or lands, in which, for the purpose of sale or lease, whether immediate or future, five or more undivided interests are created or proposed to be created.

SEC. 2. Section 11000.1 is added to the Business and Professions Code, to read:

11000.1. (a) "Subdivided lands" and "subdivision," as defined by Sections 11000, 11000.5, and 11004.5, also includes improved or unimproved land or lands, lot or lots, or parcel or parcels, of any size, in which, for the purpose of sale or lease or financing, whether immediate or future, five or more undivided interests are created or are proposed to be created.

(b) This section shall not apply to the creation or proposed creation of undivided interests in land if any one of the following conditions exist:

(1) The undivided interests are held or to be held by persons related one to the other by blood or marriage.

(2) The undivided interests are to be purchased and owned solely by persons who present evidence satisfactory to the Real Estate Commissioner that they are knowledgeable and experienced investors who comprehend the nature and extent of the risks involved in the ownership of these interests. The Real Estate Commissioner shall grant an exemption from the provisions of this part if the undivided interests are to be purchased by no more than 10 persons, each of whom furnishes a signed statement to the commissioner that he (1) is fully informed concerning the real property to be acquired and his interest therein including the risks involved in ownership of undivided interests, and (2) is purchasing the interest or interests for his own account and with no present intention to resell or otherwise dispose of the interest for value, and (3)

expressly waives protections afforded to a purchaser by the provisions of this part.

(3) The undivided interests are created as the result of a foreclosure sale.

(4) The undivided interests are created by a valid order or decree of a court.

(5) The offering and sale of the undivided interests are subject to an investment contract and have been expressly qualified by the issuance of a permit from the California Commissioner of Corporations pursuant to the Corporate Securities Act or from the California Real Estate Commissioner under the Real Estate Syndicate Act.

(6) The undivided interests to be sold or leased are in real property improved with a residential, commercial or industrial structure or structures, and the current assessed value of the land does not exceed the current assessed value of the structures thereon.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This legislation is needed to clarify that the marketing of undivided interests in land is to be regulated. Unless an investment contract is involved in such cases there may be no existing state jurisdiction over such transactions. The Department of Real Estate is receiving numerous inquiries concerning the sale of tens of thousands of undivided interests in real property. Many of these involve interests in raw acreage with a potential for many abuses which provisions of law related to subdivided lands are meant to prevent. This constitutes a large unregulated area which is vulnerable to the unscrupulous promoter, is susceptible to deceptive advertising, is detrimental to the stability of the subdividing industry and, therefore, warrants the disclosure and other protections of the law relating to subdivided lands.

CHAPTER 1286

An act to amend Sections 14394 and 14402 of, and to add Section 14402.1 to, the Government Code, relating to the State Contract Act.

[Approved by Governor October 29, 1971. Filed with Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 14394 of the Government Code is amended to read:

14394. If the director deems that a contractor has failed to supply an adequate working force, or material of proper qual-

ity, or has failed to comply with Section 14402.1, or has failed in any other respect to prosecute the work with the diligence and force specified by the contract, the director may:

(a) After written notice of at least five days to the contractor, specifying the defaults to be remedied, provide any such labor or materials and deduct the cost from any money due or to become due to the contractor under the contract; or

(b) If he considers that the failure is sufficient ground for such action, he may give written notice of at least five days to the contractor and the contractor's sureties, that if the defaults are not remedied the contractor's control over the work will be terminated.

SEC. 2. Section 14402 of the Government Code is amended to read:

14402. Payments upon contracts shall be made as the department prescribes upon estimates made and approved by the department, but progress payments shall not be made in excess of 95 percent of the percentage of actual work completed plus a like percentage of the value of material delivered on the ground or stored subject to or under the control of the state, and unused, except as otherwise provided in this section. The department shall withhold not less than 5 percent of the contract price until final completion and acceptance of the project. However, at any time after 95 percent of the work has been completed, the department may reduce the funds withheld to an amount not less than 125 percent of the estimated value of the work yet to be completed, as determined by the department, provided that such reduction has been approved in writing by the surety on the performance bond and by the surety on the payment bond. The Controller shall draw his warrants upon estimates so made and approved by the department and the Treasurer shall pay them.

SEC. 3. Section 14402.1 is added to the Government Code, to read:

14402.1. The contractor shall pay to his subcontractors, promptly upon receipt of each progress payment, the respective amounts allowed the contractor on account of the work performed by his subcontractors, to the extent of each such subcontractor's interest therein. Such payments to subcontractors shall be based on estimates made pursuant to Section 14402. Any diversion by the contractor of payments received for prosecution of a contract, or failure to reasonably account for the application or use of such payments constitutes ground for actions proscribed in Section 14394, in addition to disciplinary action by the Contractors' State License Board. The subcontractor shall notify in writing the Contractors' State License Board and the department of any payment less than the amount or percentage approved for the class or item of work as set forth in Section 14402.

SEC. 4. The provisions of Section 2 of this act shall become operative July 1, 1972.

CHAPTER 1287

An act to amend Sections 374a and 374b of the Penal Code, relating to crimes against public health and safety.

[Approved by Governor October 29, 1971. Filed with Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 374a of the Penal Code is amended to read:

374a. Every person giving information leading to the arrest and conviction of any person for a violation of Section 374b or 374c is entitled to a reward therefor.

The amount of the reward for each such arrest and conviction shall be 50 percent of the fine levied against and collected from the person who violated Section 374b or 374c and shall be paid by the court. If the reward is payable to two or more persons, it shall be divided equally. The amount of collected fine to be paid under this section shall be paid prior to any distribution of the fine that may be prescribed by any other section, including Section 1463.9, with respect to the same fine.

SEC. 2. Section 374b of the Penal Code is amended to read:

374b. It shall be unlawful to litter or cause to be littered any such property, or dump or cause to be dumped any waste matter in or upon any public or private highway or road, including any portion of the right-of-way thereof, or in or upon any private property into or upon which the public is admitted by easement or license, or upon any private property without the consent of the owner, or in or upon any public park or other public property other than property designated or set aside for such purpose by the governing board or body having charge thereof. It shall be unlawful to place, deposit, or dump, or cause to be placed, deposited or dumped, any rocks or dirt in or upon any private highway or road, including any portion of the right-of-way thereof, or any private property, without the consent of the owner, or in or upon any public park or other public property, without the consent of the state or local agency having jurisdiction over such highway, road, or property. Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor.

No portion of this section shall be construed to restrict a private owner in the use of his own private property, except that the placing, depositing, or dumping of such waste matter on such property shall not create a public health and safety hazard, a public nuisance, or a fire hazard, as determined by a local health department, local fire department or fire district, or the Division of Forestry in which case the provisions of this section shall apply.

Every person convicted of a violation of this section shall be punished by a mandatory fine of not less than fifty dollars

(\$50) nor more than five hundred dollars (\$500) upon a first conviction, by a mandatory fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) upon a second conviction, and by a mandatory fine of not less than one hundred fifty dollars (\$150) nor more than five hundred dollars (\$500) upon a third or subsequent conviction.

The court may, in addition to the fine imposed upon a second or subsequent conviction, require as a condition of probation, in addition to any other condition of probation, that any person convicted of a violation of this section pick up litter at a time and place within the jurisdiction of the court for not less than four hours upon a second conviction and for not less than eight hours upon a third or subsequent conviction.

Every clerk of a court, or judge if there be no clerk, in which a person was convicted for any violation of this section shall prepare within 10 days after conviction and immediately forward to the Department of Motor Vehicles at its office in Sacramento an abstract of the record of the court covering the case in which the person was so convicted which abstract shall be certified by the person so required to prepare it to be true and correct. The abstract shall be made upon a form furnished or provided by the department and shall contain all necessary information to identify the defendant, the date and nature of the offense, the date of hearing, the judgment, and the punishment imposed. The failure, refusal or neglect of any such judicial officer to comply with the requirements of this subdivision is misconduct in office and is grounds for removal therefrom. All abstracts of records received by the department pursuant to this section shall be filed and maintained by the department, as nearly as may be practical, in accordance with the provisions of Article 3 (commencing with Section 1800) of Chapter 1 of Division 2 of the Vehicle Code.

CHAPTER 1288

An act to amend Sections 183, 1060, 13142, 13147, 13160, 13245, 13247, 13300, 13301, 13304, 13320, and 13360 of, and to add Sections 13160.1 and 13170 to, the Water Code, relating to water quality, and making an appropriation therefor.

[Approved by Governor October 29, 1971 Filed with
Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 183 of the Water Code is amended to read:

183. The board may hold any hearings and conduct any investigations in any part of the state necessary to carry out the powers vested in it, and for such purposes has the powers conferred upon heads of departments of the state by Article 2

(commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

Any hearing or investigation by the board may be conducted by any member upon authorization of the board, and he shall have the powers granted to the board by this section, but any final action of the board shall be taken by a majority of all the members of the board, at a meeting duly called and held.

All hearings held by the board or by any member thereof shall be open and public.

SEC. 1.5. Section 1060 of the Water Code is amended to read:

1060. (a) All fees collected by the State Water Resources Control Board or by a California regional water quality control board, and deposited in the State Treasury, except funds collected under Part 3 (commencing with Section 2000) of this division, funds received for trial distribution expenses in connection with the administration of Section 1051.5, and deposits and payments made pursuant to Section 5007, shall be credited to the appropriation for the support of the board which is current at the time of the deposit of such fees in the State Treasury.

(b) Money deposited with or paid to the board pursuant to Section 1051.5 or 5007 and deposited by the board in the State Treasury is available for expenditure by the board in accordance with those sections without regard to fiscal years and irrespective of the provisions of Section 16304 of the Government Code, and any unused balance shall be refunded by the board to the person entitled thereto.

SEC. 2. Section 13142 of the Water Code is amended to read:

13142. State policy for water quality control shall consist of all or any of the following:

(a) Water quality principles and guidelines for long-range resource planning, including ground water and surface water management programs and control and use of reclaimed water.

(b) Water quality objectives at key locations for planning and operation of water resource development projects and for water quality control activities.

(c) Other principles and guidelines deemed essential by the state board for water quality control.

SEC. 3. Section 13147 of the Water Code is amended to read:

13147. The state board shall not adopt state policy for water quality control unless a public hearing is first held respecting the adoption of such policy. At least 60 days in advance of such hearing the state board shall notify any affected regional boards, unless notice is waived by such boards, and shall give notice of such hearing by publication within the affected region pursuant to Section 6061 of the Government Code. The regional boards shall submit written recommenda-

tions to the state board at least 20 days in advance of the hearing.

SEC. 4. Section 13160 of the Water Code is amended to read:

13160. The state board is designated as the state water pollution control agency for all purposes stated in the Federal Water Pollution Control Act and any other federal act, heretofore or hereafter enacted, and is (a) authorized to give any certificate or statement required by any federal agency pursuant to any such federal act that there is reasonable assurance that an activity of any person subject to the jurisdiction of the state board will not reduce water quality below applicable standards, and (b) authorized to exercise any powers delegated to the state by the Federal Water Pollution Control Act (33 U.S.C. 466, et seq.) and acts amendatory thereto.

SEC. 5. Section 13160.1 is added to the Water Code, to read:

13160.1. The state board may establish a reasonable fee schedule to cover the cost of giving any certificate which is required or authorized by any federal law with respect to the effect of any existing or proposed facility, project, or construction work upon the quality of waters of the state, including certificates requested by applicants for a federal permit or license pursuant to subdivision (b) of Section 21 of the Federal Water Pollution Control Act and certificates requested pursuant to Section 169 of the Internal Revenue Code, as amended in 1969, with respect to water pollution control facilities.

SEC. 6. Section 13170 is added to the Water Code, to read:

13170. The state board may adopt water quality control plans in accordance with the provisions of Sections 13240 to 13244, inclusive, insofar as they are applicable, for waters for which water quality standards are required by the Federal Water Pollution Control Act and acts amendatory thereof or supplementary thereto. Such plans, when adopted, supersede any regional water quality control plans for the same waters to the extent of any conflict.

SEC. 7. Section 13245 of the Water Code is amended to read:

13245. A water quality control plan, or a revision thereof adopted by a regional board, shall not become effective unless and until it is approved by the state board. The state board may approve such plan, or return it to the regional board for further consideration and resubmission to the state board. Upon resubmission the state board may either approve or, after a public hearing in the affected region, revise and approve such plan.

SEC. 8. Section 13247 of the Water Code is amended to read:

13247. State offices, departments, and boards, in carrying out activities which may affect water quality, shall comply with water quality control plans approved or adopted by the

state board unless otherwise directed or authorized by statute, in which case they shall indicate to the regional boards in writing their authority for not complying with such plans.

SEC. 9. Section 13300 of the Water Code is amended to read:

13300. Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.

SEC. 10. Section 13301 of the Water Code is amended to read:

13301. When a regional board finds that a discharge of waste is taking place or threatening to take place in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action. In the event of an existing or threatened violation of waste discharge requirements in the operation of a community sewer system, cease and desist orders may restrict or prohibit the volume, type, or concentration of waste that might be added to such system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order. Cease and desist orders may be issued directly by a board, after notice and hearing, or in accordance with the procedure set forth in Section 13302.

SEC. 11. Section 13304 of the Water Code is amended to read:

13304. (a) Any person who discharges waste into the waters of this state in violation of any waste discharge requirement or other order issued by a regional board or the state board, or who intentionally or negligently causes or permits any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board clean up such waste or abate the effects thereof or, in the case of threatened pollution or nuisance, take other necessary remedial action. Upon failure of any person to comply with such cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring such person to comply therewith. In

any such suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.

(b) The regional board may expend available moneys to perform any cleanup, abatement, or remedial work required under the circumstances set forth in subdivision (a) which in its judgment is required by the magnitude of endeavor or urgency of prompt action needed to prevent substantial pollution, nuisance, or injury to any waters of the state. Such action may be taken in default of, or in addition to, remedial work by the waste discharger or other persons, and regardless of whether injunctive relief is being sought. The regional board may perform the work itself, or by or in cooperation with any other governmental agency, and may use rented tools or equipment, either with operators furnished or unoperated. Notwithstanding any other provisions of law, the regional board may enter into oral contracts for such work, and the contracts, whether written or oral, may include provisions for equipment rental and in addition the furnishing of labor and materials necessary to accomplish the work. Such contracts shall be exempt from approval by the Department of General Services pursuant to the provisions of Section 14780 of the Government Code.

(c) If such waste is cleaned up, the effects thereof abated, or, in the case of threatened pollution or nuisance, other necessary remedial action is taken by any governmental agency, the person or persons who discharged the waste, within the meaning of subdivision (a), shall be liable to that governmental agency to the extent of the reasonable costs actually incurred in cleaning up such waste, abating the effects thereof, or taking other remedial action. The amount of such costs shall be recoverable in a civil action by, and paid to, such governmental agency and the state board to the extent of the latter's contribution to the cleanup costs from the State Water Pollution Cleanup and Abatement Account or other available funds.

SEC. 12. Section 13320 of the Water Code is amended to read:

13320. (a) Within 30 days of any action or failure to act by a regional board under subdivision (c) of Section 13225, Article 4 (commencing with Section 13260) of Chapter 4 of this division, Chapter 5 (commencing with Section 13300) of this division, Chapter 7 (commencing with Section 13500) of this division, or Division 7.5 (commencing with Section 14000), any aggrieved person may petition the state board to review such action or failure to act. In case of failure to act, the 30-day period shall commence upon refusal of the board to act, or 60 days after request has been made to the board to act. The state board may, on its own motion, at any time review such action or failure to act and also any failure to act under Article 3 (commencing with Section 13240) of Chapter 4 of this division.

(b) The evidence before the state board shall consist of (i) the record before the regional board, and (ii) any other relevant evidence which, in the judgment of the state board, should be considered to effectuate and implement the policies of this division.

(c) The state board may find the regional board action or inaction to be appropriate and proper. Upon finding that the action of the regional board, or the failure of the regional board to act, was inappropriate or improper, the state board may: (1) direct that the appropriate action be taken by the regional board, (2) refer the matter to any other state agency having jurisdiction, (3) take the appropriate action itself, or (4) any combination of the foregoing. In taking any such action, the state board is vested with all the powers of the regional boards under this division.

(d) In the event a waste discharge in one region affects the waters in another region and there is any disagreement between the regional boards involved as to the requirements which should be established, either regional board may submit the disagreement to the state board which shall determine the applicable requirements.

SEC. 13. Section 13360 of the Water Code is amended to read:

13360. No waste discharge requirement or other order of a regional or state board or decree of court issued under the provisions of this division shall specify the design, location, type of construction or particular manner in which compliance may be had with such requirement, order or decree, and the person so ordered shall be permitted to comply therewith in any lawful manner; provided, as to disposal sites other than those found by the state board to be adequately regulated by another governmental agency under subdivision (b) of Section 14020 and evaporation ponds from which there is no drainage or seepage, the restrictions of this section shall not apply to waste discharge requirements or orders or decrees with respect to the discharge of solid waste requiring the installation of riprap, the construction of walls and dikes, the installation of surface and underground drainage facilities to prevent runoff from entering the disposal area or leakage to underground or surface waters or other reasonable requirements to achieve the above or similar purposes, and provided further that if the court, in an action for an injunction brought under this division, finds that the enforcement of an injunction restraining the discharger from discharging waste would be impracticable, the court shall have the power to issue any order reasonable under the circumstances requiring specific measures to be undertaken by the discharger to comply with the discharge requirements, order or decree.

SEC. 14. Section 1.5 of this act shall not be operative until July 1, 1972.

CHAPTER 1289

An act to amend Section 14225 of the Education Code and Section 21155 of the Government Code, relating to retirement.

[Approved by Governor October 29, 1971. Filed with Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 14225 of the Education Code is amended to read:

14225. Any retirant who retired for service, whose last employment as a member of the system prior to such retirement was in a state college, may, without reinstatement from retirement or any loss or interruption of benefits under this part, serve as a member of the teaching staff of a state college provided that such service does not exceed 90 teaching days in any one fiscal year, and the compensation payable to such persons for such service does not exceed four thousand dollars (\$4,000) in that fiscal year.

SEC. 2. Section 21155 of the Government Code is amended to read:

21155. A retired person may serve without reinstatement from retirement or loss or interruption of benefits provided by this system as a member of the academic staff of a state college or of the University of California; provided, that such service shall not exceed 90 working days in any fiscal year, and the compensation payable to such person for such service shall not exceed four thousand dollars (\$4,000) in that fiscal year.

CHAPTER 1290

An act to amend Sections 26822.3 and 72056.1 of the Government Code, relating to the Judges' Retirement Law.

[Approved by Governor October 29, 1971. Filed with Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 26822.3 of the Government Code is amended to read:

26822.3. In addition to, and at the same time, as fees are collected pursuant to Sections 26821, 26821.2, 26826, 26826.2, 26827, and 26827.2, a fee of three dollars (\$3) shall be collected.

The funds shall be transmitted at the end of each month to the State Controller for payment into the Judges' Retirement Fund.

SEC. 2. Section 72056.1 of the Government Code is amended to read:

72056.1. In addition to, and at the same time, as fees are collected pursuant to Sections 72055 and 72056, a fee of two dollars (\$2) shall be collected.

The funds shall be transmitted at the end of each month to the State Controller for payment into the Judges' Retirement Fund.

CHAPTER 1291

An act to amend Section 35541 of, and to add Sections 35490.5 and 35541.7 to, the Health and Safety Code, relating to housing.

[Approved by Governor October 29, 1971. Filed with Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 35490.5 is added to the Health and Safety Code, to read:

35490.5. Each housing authority may make expenditures which it determines to be reasonable for planning new public housing projects, which will replace dwelling units of any temporary housing project to be demolished pursuant to Section 35541.

SEC. 2. Section 35541 of the Health and Safety Code is amended to read:

35541. Except as otherwise provided in Sections 35541.5, 35541.6, and 35541.7, dwelling structures in any such temporary housing project shall not be disposed of for use as housing, but such dwelling structures shall be demolished and shall be demolished not later than one year after the 61st day after final adjournment of the 1971 Regular Session of the Legislature.

SEC. 3. Section 35541.7 is added to the Health and Safety Code, to read:

35541.7. Dwelling structures in any such temporary housing project may be operated by any city, county, or housing authority where the Department of Housing and Community Development, after investigation and report, finds that a workable plan to provide replacement housing pursuant to existing state and federal laws has been adopted by the local agency prior to July 1, 1972, and where by resolution, the city, county, or housing authority finds that demolition pursuant to Section 35541 would create a hardship for tenants of such structures.

In any event, such structures shall be demolished not later than one year after the 91st day after final adjournment of the 1973 Regular Session of the Legislature.

CHAPTER 1292

An act to amend Section 5300 of the Streets and Highways Code, relating to special assessments.

[Approved by Governor October 29, 1971. Filed with
Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 5300 of the Streets and Highways Code is amended to read:

5300. Whenever a railroad, street, or interurban railroad right-of-way shall be included within any district to be assessed for the cost of any work provided in this division, such railroad right-of-way (whether it is owned in fee or as an easement) shall be included in the warrant, assessment, and diagram. Such railroad right-of-way shall be assessed only if, and to the extent that, it is found that it will benefit from the proposed improvement, and such railroad, street, or interurban railroad right-of-way shall be subject to sale for nonpayment of assessments as provided in this division. In determining whether or not such railroad right-of-way benefits, its use as a right-of-way for a railroad shall be presumed to be permanent.

CHAPTER 1293

An act to amend Sections 11503 and 11703 of the Vehicle Code, relating to occupational licenses.

[Approved by Governor October 29, 1971. Filed with
Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 11503 of the Vehicle Code is amended to read:

11503. The department may refuse to issue a license and certificate to an applicant when it determines that:

(a) The applicant was previously the holder of a license and certificate issued under this code, which license and certificate were revoked for cause and never reissued by the department, or which license and certificate were suspended for cause and the terms of suspension have not been terminated.

(b) The applicant was previously a limited or general partner, stockholder, director, or officer of a partnership or corporation whose license and certificate issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated.

(c) If the applicant is a partnership or corporation, that one or more of the limited or general partners, stockholders,

directors or officers was previously the holder or a limited or general partner, stockholder, director or officer of a partnership or corporation whose license and certificate issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated, or that by reason of the facts and circumstances touching the organization, control and management of the partnership or corporation, business will be directed, controlled, or managed by individuals who, by reason of their conviction of violations of this code, would be ineligible for a license and that by licensing such corporation or partnership the purposes of this code would likely be defeated.

(d) The applicant, or one of the limited or general partners, if the applicant be a partnership, or one or more of the officers or directors of the corporation, if a corporation be the applicant, or one or more of the stockholders if the policy of such business will be directed, controlled, or managed by such stockholder or stockholders, has ever been convicted of a felony or a crime involving moral turpitude. A conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

(e) The information contained in an application is incorrect.

(f) The applicant, or one of the limited or general partners, if the applicant be a partnership, or one or more of the officers, directors or stockholders of the corporation, if a corporation be the applicant, based on the information contained in the application or by subsequent investigation, is not of good moral character.

(g) The decision of the department to suspend or revoke a license under the provisions of subdivision (b) of Section 11518 or subdivision (c) of Section 11721 has been entered, and the applicant was the licensee, a copartner, or an officer, director, or stockholder of such suspended or revoked licensee.

SEC. 2. Section 11703 of the Vehicle Code is amended to read:

11703. The department may refuse to issue a license and certificate to a manufacturer, transporter, or dealer, when it determines that:

(a) The applicant was previously the holder of a license and certificate issued under this chapter, which license and certificate were revoked for cause and never reissued by the department, or which license and certificate were suspended for cause and the terms of suspension have not been fulfilled.

(b) The applicant was previously a limited or general partner, stockholder, director, or officer of a partnership or corporation whose license and certificate issued under the authority

of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated.

(c) If the applicant is a partnership or corporation, that one or more of the limited or general partners, stockholders, directors or officers was previously the holder or a limited or general partner, stockholder, director or officer of a partnership or corporation whose license and certificate issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated, or that by reason of the facts and circumstances touching the organization, control, and management of the partnership or corporation business the policy of such business will be directed, controlled, or managed by individuals who, by reason of their conviction of violations of the provisions of this code, would be ineligible for a license and that by licensing such corporation or partnership the purposes of this code would likely be defeated.

(d) The applicant, or one of the limited or general partners, if the applicant be a partnership, or one or more of the officers or directors of the corporation, if a corporation be the applicant, or one or more of the stockholders if the policy of such business will be directed, controlled, or managed by such stockholder or stockholders, has ever been convicted of a felony or a crime involving moral turpitude. A conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

(e) The information contained in the application is incorrect.

(f) The decision of the department to suspend or revoke a license under the provisions of Section 11721(c) has been entered, and this applicant was the licensee, a copartner, or an officer, director or stockholder of such suspended or revoked licensee.

SEC. 3. Section 11503 of the Vehicle Code is amended to read:

11503. The department may refuse to issue a license and special plates to an applicant when it determines that:

(a) The applicant was previously the holder of a license and special plates issued under this code, which license and special plates were revoked for cause and never reissued by the department, or which license and special plates were suspended for cause and the terms of suspension have not been terminated.

(b) The applicant was previously a limited or general partner, stockholder, director, or officer of a partnership or corporation whose license and special plates issued under the

authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated.

(c) If the applicant is a partnership or corporation, that one or more of the limited or general partners, stockholders, directors or officers was previously the holder or a limited or general partner, stockholder, director or officer of a partnership or corporation whose license and special plates issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated, or that by reason of the facts and circumstances touching the organization, control and management of the partnership or corporation, business will be directed, controlled, or managed by individuals who, by reason of their conviction of violations of this code, would be ineligible for a license and that by licensing such corporation or partnership the purposes of this code would likely be defeated.

(d) The applicant, or one of the limited or general partners, if the applicant be a partnership, or one or more of the officers or directors of the corporation, if a corporation be the applicant, or one or more of the stockholders if the policy of such business will be directed, controlled, or managed by such stockholder or stockholders, has ever been convicted of a felony or a crime involving moral turpitude. A conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

(e) The information contained in an application is incorrect.

(f) The applicant, or one of the limited or general partners, if the applicant be a partnership, or one or more of the officers, directors or stockholders of the corporation, if a corporation be the applicant, based on the information contained in the application or by subsequent investigation, is not of good moral character.

(g) The decision of the department to suspend or revoke a license under the provisions of subdivision (b) of Section 11518 or subdivision (c) of Section 11721 has been entered, and the applicant was the licensee, a copartner, or an officer, director, or stockholder of such suspended or revoked licensee.

SEC. 4. Section 11703 of the Vehicle Code is amended to read:

11703. The department may refuse to issue a license and special plates to a manufacturer, transporter, or dealer, when it determines that:

(a) The applicant was previously the holder of a license and special plates issued under this chapter, which license and special plates were revoked for cause and never reissued by the

department, or which license was suspended for cause and the terms of suspension have not been fulfilled.

(b) The applicant was previously a limited or general partner, stockholder, director, or officer of a partnership or corporation whose license and special plates issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated.

(c) If the applicant is a partnership or corporation, that one or more of the limited or general partners, stockholders, directors or officers was previously the holder or a limited or general partner, stockholder, director or officer of a partnership or corporation whose license and special plates issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated, or that by reason of the facts and circumstances touching the organization, control, and management of the partnership or corporation business the policy of such business will be directed, controlled, or managed by individuals who, by reason of their conviction of violations of the provisions of this code, would be ineligible for a license and that by licensing such corporation or partnership the purposes of this code would likely be defeated.

(d) The applicant, or one of the limited or general partners, if the applicant be a partnership, or one or more of the officers or directors of the corporation, if a corporation be the applicant, or one or more of the stockholders if the policy of such business will be directed, controlled, or managed by such stockholder or stockholders, has ever been convicted of a felony or a crime involving moral turpitude. A conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

(e) The information contained in the application is incorrect.

(f) The decision of the department to suspend or revoke a license under the provisions of subdivision (e) of Section 11721 has been entered, and this applicant was the licensee, a copartner, or an officer, director or stockholder of such suspended or revoked licensee.

SEC. 5. It is the intent of the Legislature, if this bill and Assembly Bill No. 2214 are both chaptered and amend Section 11503 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 2214, that the amendments to Section 11503 proposed by both bills be given effect and incorporated in Section 11503 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Assembly Bill No. 2214 are both chaptered, both amend Section 11503, and Assembly Bill No. 2214 is chaptered

before this bill, in which case Section 1 of this act shall not become operative.

SEC. 6. It is the intent of the Legislature, if this bill and Assembly Bill No. 2214 are both chaptered and amend Section 11703 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 2214, that the amendments to Section 11703 proposed by both bills be given effect and incorporated in Section 11703 in the form set forth in Section 4 of this act. Therefore, Section 4 of this act shall become operative only if this bill and Assembly Bill No. 2214 are both chaptered, both amend Section 11703, and Assembly Bill No. 2214 is chaptered before this bill, in which case Section 2 of this act shall not become operative.

CHAPTER 1294

An act to add Sections 1502.5 and 1532.5 to the Elections Code, relating to precinct maps.

[Approved by Governor October 29, 1971. Filed with Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 1502.5 is added to the Elections Code, to read:

1502.5. Following each general election, the county clerk shall file copies of all precinct maps with the Secretary of State.

The Secretary of State shall maintain a file of the copies of all such precinct maps for 12 years, and shall make them available to anyone who wishes to examine them.

SEC. 2. Section 1532.5 is added to the Elections Code, to read:

1532.5. Following each general election, the county clerk shall file copies of all precinct maps with the Secretary of State.

The Secretary of State shall maintain a file of the copies of all such precinct maps for 12 years, and shall make them available to anyone who wishes to examine them.

CHAPTER 1295

An act to amend Section 42682 of, and to add Chapter 12.5 (commencing with Section 45541) to Division 17 of, the Agricultural Code, relating to vegetables.

[Approved by Governor October 29, 1971. Filed with Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 42682 of the Agricultural Code is amended to read:

42682. The director may, upon a petition of a person that the director finds has a substantial interest in the growing or handling of the particular fruit, nut or vegetable involved, establish, modify or rescind by regulation, which regulation shall initially take effect January 1, 1971, standard container, lid, marking, sizing requirement for commodities, and packing arrangement for any fruits, nuts or vegetables, for which specific quality standards have otherwise been provided by law or regulation.

The director shall not by regulation adopt any new container or packing requirement which has not been used as an experimental pack or container, authorized by Article 4 (commencing with Section 42731) of Chapter 2, and Article 2 (commencing with Section 43481) of Chapter 4, of Division 17.

The director shall, upon the petition of 10 persons that he finds have a substantial interest in the growing or handling of the particular fruit, nut or vegetable involved, hold a hearing to establish if the requested standard container, lid, marking, sizing requirement for commodities, or packing arrangement for any fruit, nut or vegetable for which specific quality standards have otherwise been provided should be adopted by regulation.

All regulations shall be adopted in accordance with Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 2. Chapter 12.5 (commencing with Section 45541) is added to Division 17 of the Agricultural Code, to read:

CHAPTER 12.5. CABBAGE

Article 1. Standards and Packaging

45541. Cabbage shall conform to the quality standards established, by regulations, by the director when he finds that such regulation will provide acceptable cabbage to the consumer.

45542. It is unlawful for any person to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport, cause to be transported, or sell cabbage in bulk, or in any container or subcontainer, unless such cabbage, and their containers, conform to the provisions of the regulations adopted by the director.

CHAPTER 1296

An act to amend Sections 13352 and 13355 of the Vehicle Code, relating to the driving privilege.

[Approved by Governor October 29, 1971 Filed with
Secretary of State October 29, 1971]

The people of the State of California do enact as follows:

SECTION 1. Section 13352 of the Vehicle Code is amended to read:

13352. The department shall immediately suspend or revoke the privilege of any person to operate a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of driving a motor vehicle while under the influence of intoxicating liquor or upon receipt of a report of a judge of the juvenile court, a juvenile traffic hearing officer, or a referee of a juvenile court showing that the person has been found to have committed the offense of operating a vehicle while under the influence of intoxicating liquor. The suspension or revocation shall be as follows:

(a) Upon a first such conviction or finding, other than under Section 23101, such privilege shall be suspended for a period of six months, unless the court in case of the first conviction or finding only suspends such privilege under authority of Section 13201 or Section 13358 or recommends no suspension.

(b) Upon a first such conviction or finding under Section 23101 such privilege shall be suspended for one year and shall not be reinstated until such person gives proof of ability to respond in damages as defined in Section 16430.

(c) Upon a second such conviction or finding within seven years, such privilege shall be suspended for one year and shall not be reinstated unless and until such person gives proof of ability to respond in damages as defined in Section 16430.

(d) Upon a second such conviction or finding under Section 23101 within three years, such privilege shall be permanently revoked.

(e) Upon a third or subsequent such conviction or finding within 10 years such privilege shall be revoked and shall not be reinstated for a period of three years and until such person files proof of ability to respond in damages as defined in Section 16430.

For the purposes of subdivisions (c), (d), and (e), the finding of the juvenile court judge, the juvenile traffic hearing

officer, or the referee of a juvenile court, specified in the first paragraph of this section: shall also be considered a conviction.

Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 2. Section 13355 of the Vehicle Code is amended to read:

13355. The department shall revoke the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court, a juvenile traffic hearing officer, or a referee of a juvenile court to have committed any of the following offenses.

(a) Manslaughter arising from the operation of a motor vehicle.

(b) Operating a vehicle while a habitual user of or while under the influence of narcotic drugs in violation of the provisions of Section 23105.

(c) Failure of the driver of a vehicle involved in an accident resulting in injury or death to any person to stop or otherwise comply with Section 20001.

(d) Two or more offenses of violating Section 20002, 23103, 23104, or subdivision (a) of Section 23109 within a period of 12 months from the time of the first offense, or upon a combination of two or more of any such offenses within a like period.

Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 3. Section 13352 of the Vehicle Code is amended to read:

13352. The department shall immediately suspend or revoke the privilege of any person to operate a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or while under the combined influence of intoxicating liquor and any drug, or while addicted to the use of any drug except as provided in subdivision (b) of Section 23105, or upon receipt of a report of a judge of the juvenile court, a juvenile traffic hearing officer, or a referee of a juvenile court showing that the person has been found to have committed the offense of operating a vehicle while under the influence of intoxicating liquor or any drug, or while under the combined influence of intoxicating liquor and any drug, or while addicted to the use of any drug except as provided in subdivision (b) of Section 23105. The suspension or revocation shall be as follows:

(a) Upon a first such conviction or finding, other than under Section 23101 or 23106 such privilege shall be

suspended for a period of six months, unless the court in case of the first conviction or finding only suspends such privilege under authority of Section 13201 or 13358 or recommends no suspension.

(b) Upon a first such conviction or finding under Section 23101 or 23103 such privilege shall be suspended for one year and shall not be reinstated until such person gives proof of ability to respond in damages as defined in Section 16430.

(c) Upon a second such conviction or finding of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, or while addicted to the use of any drug except as provided in subdivision (b) of Section 23105, or any combination of such convictions within seven years, such privilege shall be suspended for one year and shall not be reinstated unless and until such person gives proof of ability to respond in damages as defined in Section 16430.

(d) Upon a second such conviction or finding under Section 23101 or 23103 within three years, such privilege shall be permanently revoked.

(e) Upon a third or subsequent such conviction or finding of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, or while addicted to the use of any drug except as provided in subdivision (b) of Section 23105, or any combination of such convictions within 10 years such privilege shall be revoked and shall not be reinstated for a period of three years and until such person files proof of ability to respond in damages as defined in Section 16430.

For the purposes of subdivisions (c), (d), and (e), the finding of the juvenile court judge, the juvenile traffic hearing officer, or the referee of a juvenile court, specified in the first paragraph of this section shall also be considered a conviction.

Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 4. Section 13355 of the Vehicle Code is amended to read:

13355. (a) The department shall revoke the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court, a juvenile traffic hearing officer, or a referee of a juvenile court to have committed any of the following offenses:

(1) Manslaughter arising from the operation of a motor vehicle, except manslaughter as specified in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(2) Operating a vehicle while a habitual user of or while under the influence of narcotic drugs in violation of the

provisions of Section 23105.

(3) Failure of the driver of a vehicle involved in an accident resulting in injury or death to any person to stop or otherwise comply with Section 20001.

(4) Two or more offenses of violating Section 20002, 23103, 23104, or subdivision (a) of Section 23109 within a period of 12 months from the time of the first offense, or upon a combination of two or more of any such offenses within a like period.

(b) The department may suspend the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court, juvenile traffic hearing officer, or referee of a juvenile court to have committed the offense of manslaughter resulting from the operation of a motor vehicle as provided in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(c) Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 5. Section 13355 of the Vehicle Code is amended to read:

13355. The department shall revoke the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court, a juvenile traffic hearing officer, or a referee of a juvenile court to have committed any of the following offenses:

(a) Manslaughter arising from the operation of a motor vehicle.

(b) Operating a vehicle while a habitual user of or while under the influence of narcotic drugs in violation of the provisions of Section 23105.

(c) Failure of the driver of a vehicle involved in an accident resulting in injury or death to any person to stop or otherwise comply with Section 20001.

(d) Two or more offenses of violating Section 20002, 23103, 23104, or subdivision (a) of Section 23109 within a period of 12 months from the time of the first offense, or upon a combination of two or more of any such offenses within a like period.

Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 6. Section 13355 of the Vehicle Code is amended to read:

13355. The department shall revoke the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court, a juvenile traffic hearing officer, or a referee of a juvenile court to have committed any of the following offenses:

(a) Manslaughter arising from the operation of a motor vehicle.

(b) Operating a vehicle in violation of the provisions of Section 23105.

(c) Failure of the driver of a vehicle involved in an accident resulting in injury or death to any person to stop or otherwise comply with Section 20001.

(d) Two or more offenses of violating Section 20002, 23103, 23104, or subdivision (a) of Section 23109 within a period of 12 months from the time of the first offense, or upon a combination of two or more of any such offenses within a like period.

Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 7. Section 13355 of the Vehicle Code is amended to read:

13355. (a) The department shall revoke the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court, a juvenile traffic hearing officer, or a referee of a juvenile court to have committed any of the following offenses:

(1) Manslaughter arising from the operation of a motor vehicle, except manslaughter as specified in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(2) Operating a vehicle while a habitual user of or while under the influence of narcotic drugs in violation of the provisions of Section 23105.

(3) Failure of the driver of a vehicle involved in an accident resulting in injury or death to any person to stop or otherwise comply with Section 20001.

(4) Two or more offenses of violating Section 20002, 23103, 23104, or subdivision (a) of Section 23109 within a period of 12 months from the time of the first offense, or upon a combination of two or more of any such offenses within a like period.

(b) The department may suspend the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court, juvenile traffic hearing officer, or referee of a juvenile court to have committed the offense of manslaughter resulting from the operation of a motor vehicle as provided in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(c) Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 8. Section 13355 of the Vehicle Code is amended to read:

13355. (a) The department shall revoke the privilege of

any person to operate a motor vehicle who has been found by a judge of the juvenile court, a juvenile traffic hearing officer, or a referee of a juvenile court to have committed any of the following offenses:

(1) Manslaughter arising from the operation of a motor vehicle, except manslaughter as specified in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(2) Operating a vehicle in violation of the provisions of Section 23105.

(3) Failure of the driver of a vehicle involved in an accident resulting in injury or death to any person to stop or otherwise comply with Section 20001.

(4) Two or more offenses of violating Section 20002, 23103, 23104, or subdivision (a) of Section 23109 within a period of 12 months from the time of the first offense, or upon a combination of two or more of any such offenses within a like period.

(b) The department may suspend the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court, juvenile traffic hearing officer, or referee of a juvenile court to have committed the offense of manslaughter resulting from the operation of a motor vehicle as provided in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(c) Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 9. Section 13353 of the Vehicle Code is amended to read:

13355. The department shall revoke the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court, a juvenile traffic hearing officer, or a referee of a juvenile court to have committed any of the following offenses:

(a) Manslaughter arising from the operation of a motor vehicle.

(b) Operating a vehicle in violation of the provisions of Section 23105.

(c) Failure of the driver of a vehicle involved in an accident resulting in injury or death to any person to stop or otherwise comply with Section 20001.

(d) Two or more offenses of violating Section 20002, 23103, 23104, or subdivision (a) of Section 23109 within a period of 12 months from the time of the first offense, or upon a combination of two or more of any such offenses within a like period.

Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 10. Section 13355 of the Vehicle Code is amended to read:

13355. (a) The department shall revoke the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court, a juvenile traffic hearing officer, or a referee of a juvenile court to have committed any of the following offenses:

(1) Manslaughter arising from the operation of a motor vehicle, except manslaughter as specified in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(2) Operating a vehicle in violation of the provisions of Section 23105.

(3) Failure of the driver of a vehicle involved in an accident resulting in injury or death to any person to stop or otherwise comply with Section 20001.

(4) Two or more offenses of violating Section 20002, 23103, 23104, or subdivision (a) of Section 23109 within a period of 12 months from the time of the first offense, or upon a combination of two or more of any such offenses within a like period.

(b) The department may suspend the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court, juvenile traffic hearing officer, or referee of a juvenile court to have committed the offense of manslaughter resulting from the operation of a motor vehicle as provided in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(c) Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 11. It is the intent of the Legislature, if this bill and Assembly Bill No. 1069 are both chaptered and amend Section 13352 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 1069, that the amendments to Section 13352 proposed by both bills be given effect and incorporated in Section 13352 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Assembly Bill No. 1069 are both chaptered, both amend Section 13352, and Assembly Bill No. 1069 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

SEC. 12. It is the intent of the Legislature that if this bill and Assembly Bill No. 600, Assembly Bill No. 861, or Assembly Bill No. 1069, or any combination thereof, are chaptered and amend Section 13355 of the Vehicle Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Assembly Bill No. 600 are both chaptered and amend Section 13355 of the Vehicle Code, but Assembly

Bill No. 861 and Assembly Bill No. 1069 are not chaptered or as chaptered do not amend that section, and this bill is chaptered after Assembly Bill No. 600, the amendments proposed by both bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 4 of this act. Therefore, if Assembly Bill No. 600 is chaptered before this bill and both bills amend Section 13355, and Assembly Bill No. 861 and Assembly Bill No. 1069 are not chaptered or as chaptered do not amend that section, Section 4 of this act shall be operative and Section 2 and Sections 3 to 10, inclusive, of this act shall not become operative.

(b) If this bill and Assembly Bill No. 861 are both chaptered and amend Section 13355 of the Vehicle Code, but Assembly Bill No. 600 and Assembly Bill No. 1069 are not chaptered or as chaptered do not amend that section, and this bill is chaptered after Assembly Bill No. 861, the amendments proposed by both bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 5 of this act. Therefore, if Assembly Bill No. 861 is chaptered before this bill and both bills amend Section 13355 and Assembly Bill No. 600 and Assembly Bill No. 1069 are not chaptered or as chaptered do not amend that section, Section 5 shall be operative and Sections 2 and 4 and Sections 6 to 10, inclusive, of this act shall not become operative.

(c) If this bill and Assembly Bill No. 1069 are both chaptered and amend Section 13355 of the Vehicle Code, but Assembly Bill No. 600 and Assembly Bill No. 861 are not chaptered or as chaptered do not amend that section, and this bill is chaptered after Assembly Bill No. 1069, the amendments proposed by both bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 6 of this act. Therefore, if Assembly Bill No. 1069 is chaptered before this bill and both bills amend Section 13355, and Assembly Bill No. 600 and Assembly Bill No. 861 are not chaptered or as chaptered do not amend that section, Section 6 of this act shall be operative and Sections 2, 4, and 5, and Sections 7 to 10, inclusive, of this act shall not become operative.

(d) If this bill and Assembly Bill No. 600 and Assembly Bill No. 861 are all chaptered and amend Section 13353 of the Vehicle Code, but Assembly Bill No. 1069 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 600 and Assembly Bill No. 861, the amendments proposed by all three bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 7 of this act. Therefore, if Assembly Bill No. 600 and Assembly Bill No. 861 are chaptered before this bill and all three bills amend Section 13355, and Assembly Bill No. 1069 is not chaptered or as chaptered does not amend that section,

Section 7 shall be operative and Section 2, and Sections 4 to 6, inclusive, and Sections 8 to 10, inclusive, of this act shall not become operative.

(e) If this bill and Assembly Bill No. 600 and Assembly Bill No. 1069 are all chaptered and amend Section 13355 of the Vehicle Code, but Assembly Bill No. 861 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 600 and Assembly Bill No. 1069, the amendments proposed by all three bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 8 of this act. Therefore, if Assembly Bill No. 600 and Assembly Bill No. 1069 are chaptered before this bill and all three bills amend Section 13355, and Assembly Bill No. 861 is not chaptered or as chaptered does not amend that section, Section 8 of this act shall be operative and Section 2, and Sections 4 to 7, inclusive, and Sections 9 and 10 of this act shall not become operative.

(f) If this bill and Assembly Bill No. 861 and Assembly Bill No. 1069 are all chaptered and amend Section 13355 of the Vehicle Code, but Assembly Bill No. 600 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 861 and Assembly Bill No. 1069, the amendments proposed by all three bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 9 of this act. Therefore, if Assembly Bill No. 861 and Assembly Bill No. 1069 are chaptered before this bill and all three bills amend Section 13355, and Assembly Bill No. 600 is not chaptered or as chaptered does not amend that section, Section 9 shall be operative and Section 2, and Sections 4 to 8, inclusive, and Section 10 of this act shall not become operative.

(g) If this bill and Assembly Bill No. 600, Assembly Bill No. 861, and Assembly Bill No. 1069 are all chaptered, and all four bills amend Section 13355 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 600, Assembly Bill No. 861, and Assembly Bill No. 1069, the amendments proposed by all four bills shall be given effect and incorporated in Section 13355 in the form set forth in Section 10 of this act. Therefore, if Assembly Bill No. 600, Assembly Bill No. 861, and Assembly Bill No. 1069 are all chaptered before this bill and all four bills amend Section 13355 of the Vehicle Code, Section 10 of this act shall be operative and Section 2 and Sections 4 to 9, inclusive, of this act shall not become operative.

CHAPTER 1297

An act to add Section 53216.5 to the Government Code, relating to pension trusts.

[Approved by Governor October 29, 1971. Filed with Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 53216.5 is added to the Government Code, to read:

53216.5. Notwithstanding any other provisions of this article, the legislative body, trust, or other body, authorized to make investments for a pension trust, qualified under Section 401 of the Internal Revenue Code of 1954, as amended, may with the approval of the governing body of the local agency and under the advice of counsel invest the assets of the pension trust in any investment authorized under Section 2261 of the Civil Code, subject to the prudent investment rule set forth in that section. Such investments shall be subject to the provisions of Section 13 of Article XII of the Constitution respecting investment of moneys of public pension and retirement funds.

CHAPTER 1298

An act to amend Section 10012.5 of the Elections Code, relating to elections.

[Approved by Governor October 29, 1971. Filed with Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 10012.5 of the Elections Code is amended to read:

10012.5. Each candidate for elective office in any local agency, city, county, city and county or district may prepare a statement of qualifications on an appropriate form provided by the clerk. Such statement may include the name, age and occupation of the candidate and a brief description of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself. Such statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations. Such statement shall be filed in the office of the clerk when his nomination papers are returned for filing, if it is for a primary election, or for an election for offices for which there is no primary. Such statement shall be filed in the office of the clerk no later than the 59th day before the election, if it is for an election for which nomination papers are not required to be filed. It may be withdrawn, but not changed, during the period

for filing nomination papers and until 5 p.m. of the next working day after the close of the nomination period.

The clerk shall send to each voter together with the sample ballot, a voter's pamphlet which contains the written statements of each candidate's qualifications that is prepared pursuant to this section. The statement of each candidate shall be printed in type of uniform size and darkness, and with uniform spacing. The clerk shall provide a Spanish translation to those candidates who wish to have one, and shall select a person to provide such translation from the list of approved Spanish language translators and interpreters of the superior court of the county or from an institution accredited by the Western Association of Schools and Colleges.

The local agency may bill each candidate availing himself of these services a sum not greater than the actual prorated costs of printing, handling, and translating, if any incurred by the agency as a result of providing this service. Only those charges may be levied and each candidate using these services shall be charged the same.

The clerk shall reject any statement, which contains any obscene, vulgar, profane, scandalous, libelous or defamatory matter, or any language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward, or which tends to cast ridicule or shame upon any person or group of persons by reason of race, color, religion or manner of worship, or any language or matter the circulation of which through the mails is prohibited by Congress.

Nothing in this section shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the voter's pamphlet.

CHAPTER 1299

An act to appropriate funds for increases in compensation for state officers and employees and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 29, 1971. Filed with Secretary of State October 29, 1971.]

I am reducing the appropriation contained in Senate Bill No. 166 from \$956,000 to \$640,000.

The State Personnel Board estimates that \$640,000 will be needed for night shift differential payments for the period November 15, 1971 through June 30, 1972. The reduced appropriation reflects the Personnel Board's estimate.

With the above reduction, I have approved SB 166.

RONALD REAGAN, Governor

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the General Fund to the Department of Finance the sum of nine hundred fifty-six thousand dollars (\$956,000) in augmentation of sub-

section (a) of Item 77 of the Budget Act of 1971 for allocation by executive order of the Department of Finance to the several state agencies

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Unless this bill takes immediate effect the principle of like pay for like work for state employees, as set forth in Section 18550 of the Government Code, will be violated with corresponding effects on the morale of state employees.

CHAPTER 1300

An act to amend Sections 22009.1, 22209, 22211 and 22303 of, to add Sections 22156 and 22554.5 to, and to repeal Sections 22152.6, 22155.1, 22155.5, 22155.8, and 22214 of, the Government Code, relating to the Public Employees' Retirement System, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 29, 1971. Filed with Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 22009.1 of the Government Code is amended to read:

22009.1. "Retirement system" includes:

(a) A pension, annuity, retirement or similar fund or system established by a public agency and covering only positions of that agency.

(b) The Public Employees' Retirement System with respect only to employees of the state and employees of the University of California in positions covered by that system.

(c) The Public Employees' Retirement System with respect to employees of all school districts in positions covered under each contract entered into by a county superintendent of schools and the system.

(d) The State Teachers' Retirement System with respect to all employees in positions covered by that system except employees of a public agency having any employees in positions covered by such system who are also in positions covered by a local retirement system for the retirement of teachers, or for membership in which public school teachers are eligible, operated by city, city and county, county or other public agency or combination of public agencies of the state.

(e) The Legislators' Retirement System with respect to all employees in positions covered by that system.

(f) The Judges' Retirement System with respect to all employees in positions covered by that system.

(g) The University of California Retirement System only with respect to all employees in positions covered by that system.

(h) The San Francisco City and County Employees' Retirement System with respect to all employees in positions covered by that system.

(i) Any other retirement system with respect only to employees of any two or more of the public agencies having employees in positions covered by such system, as designated by the board and with regard to which the board authorizes conduct of a referendum.

(j) Any retirement system with respect only to employees of a hospital which is an integral part of a city incorporated between January 15, 1898 and July 15, 1898 in positions covered by the system, as designated by the board on request of the city.

(k) Except as otherwise provided in subdivisions (b) through (j) above, any retirement system with respect to employees of each of the public agencies having employees in positions covered by the system.

(l) Each division or part of a retirement system, as defined in subdivisions (a), (b), (c), (e), (g), (h), (i), (j), and (k) of this section, which is divided pursuant to this chapter into two parts:

(1) The part composed of the positions of members of such system who desire coverage under the federal system.

(2) The part composed of the positions of members of such system who do not desire coverage under the federal system.

SEC. 2. Section 22152.6 of the Government Code is repealed.

SEC. 3. Section 22155.1 of the Government Code is repealed.

SEC. 4. Section 22155.5 of the Government Code is repealed.

SEC. 5. Section 22155.8 of the Government Code is repealed.

SEC. 6. Section 22156 is added to the Government Code, to read:

22156. The board shall divide the retirement system defined in subdivision (e) of Section 22009.1. The division shall be conducted in accordance with this article, except that the election among members of the system shall not be required, at a time to be determined by the board so as to permit modification of the agreement no later than June 30, 1972.

SEC. 7. Section 22209 of the Government Code is amended to read:

22209. At the request of a public agency, or as otherwise permitted by the board, any class or classes of positions covered by a retirement system which may be excluded from

coverage under the federal system pursuant to paragraph (3) or (5) of Section 218(e) of the Social Security Act, and to which the agreement does not already apply, may be excluded from the agreement at the time it is made applicable to such retirement system; except that such exclusion shall not include any services to which Section 218(e)(3)(B) of the Social Security Act is applicable.

SEC. 8. Section 22211 of the Government Code is amended to read:

22211. Notwithstanding any other provisions of this part, the board shall execute a modification of the agreement in conformity with the provisions of Section 218 of the Social Security Act and applicable federal regulations adopted pursuant thereto, to include the services of employees in positions covered by the retirement system as defined in paragraph (1) of subdivision (l) of Section 22009.1 established by division of the retirement system defined by subdivision (e) of Section 22009.1 upon completion of such division as directed in Section 22156. The modification shall be executed no later than June 30, 1972 and shall include all eligible members, with coverage effective as of January 1, 1970.

SEC. 9. Section 22214 of the Government Code is repealed.

SEC. 10. Section 22303 of the Government Code is amended to read:

22303. In the case of employees in positions covered by the retirement systems set forth in subdivision (f) of Section 22009.1, the board shall conduct each such referendum; provided, that each such referendum is authorized by the Legislature.

SEC. 11. Section 22554.5 is added to the Government Code, to read:

22554.5. The State Controller shall withhold from salary paid by Controller's warrant on and after July 1, 1972 to each Member of the Legislature and every other state officer in an office covered by the Legislators' Retirement System, who are included in the agreement, the amount required to be deducted from salaries and wages of employees under Section 3101 of the Internal Revenue Code of 1954. Contributions required of such persons, with respect to salaries paid for services rendered after the effective date of coverage of such persons under the federal system and prior to the time contributions are first withheld from salary, shall be paid from the Legislators' Retirement Fund. Such contributions shall be paid to the Legislators' Retirement Fund by the person for whom the contribution was made by one cash payment or by payroll deductions over a period determined by the board, and subject to minimum payments determined by the board.

Contributions required of an employer under the provisions of Section 3111 of the Internal Revenue Code of 1954 on salary paid to legislators, and other state officers included in the California State Social Security Agreement of 1951, pur-

suant to this part, for services performed on and after January 1, 1970 and prior to July 1, 1972, shall be paid to the Legislators' Retirement Fund by the person for whom the contribution was made by one cash payment or by payroll deduction over a period determined by the board, and subject to minimum payments determined by the board.

The State Controller shall transmit to the board amounts withheld from salaries pursuant to this section and all contributions required of the state as an employer on salary paid on and after the effective date of coverage, together with all wage, contribution and other reports required to fulfill the obligations of the state under the agreement.

Sec. 12. There is hereby appropriated from the General Fund to the Legislators' Retirement Fund a total of one hundred sixty thousand dollars (\$160,000), or as much thereof as may be necessary for payment of the contributions payable from such fund pursuant to Section 22554.5 of the Government Code, on salary paid Members of the Legislature and other state officers included in the California State Social Security Agreement of 1951 pursuant to this act, for services performed on and after January 1, 1970 and prior to July 1, 1972.

Sec. 13. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the benefits of this act to be available to eligible members of the Legislators' Retirement System in the shortest possible time, this act must take effect immediately.

CHAPTER 1301

An act to amend Sections 4450, 4451, and 4452 of the Government Code, relating to public buildings.

[Approved by Governor October 29, 1971. Filed with Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 4450 of the Government Code is amended to read:

4450. It is the purpose of this chapter to insure that all buildings, structures, sidewalks, curbs and related facilities, constructed in this state by the use of state, county, or municipal funds, or the funds of any political subdivision of the state shall be accessible to and usable by, the physically handicapped. All buildings, structures, and related facilities shall adhere to the American Standards Association Specifica-

tions A 117.1-1961 for making buildings and facilities accessible to, and usable by, the physically handicapped.

SEC. 2. Section 4451 of the Government Code is amended to read:

4451. Except as otherwise provided in this section, this chapter shall be limited in its application to all buildings and facilities stated in Section 4450 intended for use by the public, which have any reasonable availability to, or usage by, physically handicapped persons, including all facilities used for education and instruction including the University of California, the California State Colleges, and the various junior college districts, which are constructed in whole or in part by the use of state, county, or municipal funds, or the funds of any political subdivision of the state.

Buildings, structures, and facilities, occupied 50 percent or more, which are leased, rented, contracted, sublet or hired for periods in excess of two years by any municipal, county, or state division of government, or special district shall be made accessible to and usable by the physically handicapped. Exceptions to this paragraph may be made upon application to, and approval by, the Department of Rehabilitation.

All buildings and facilities constructed in this state after the effective date of this chapter from any of these funds or any combination thereof shall conform to each of the standards and specifications as prescribed in American Standards Association Specifications A 117.1-1961 except Sections 2.3, 2.4, 5.11, 5.12, and Figure 1 as related to Section 5.4.1.

These standards and specifications shall be adhered to in those buildings and facilities under construction on the effective date of this chapter, unless the authority responsible for the construction shall determine that the construction has reached a state where compliance is impractical. This chapter shall apply to temporary or emergency construction as well as permanent buildings.

Administrative authorities as designated under Section 4453 may grant exceptions from the literal requirements of this standard or permit the use of other methods or materials, but only when it is clearly evident that equivalent facilitation and protection are thereby secured.

SEC. 3. Section 4452 of the Government Code is amended to read:

4452. It is the intent of the Legislature that American Standards Association Specifications A 117.1-1961 shall be used as minimum standards to insure that buildings, structures and related facilities covered by this chapter are accessible to, and functional for, the physically handicapped to, through, and within their doors, without loss of function, space, or facility where the general public is concerned.

Any unauthorized deviation from these standards and specifications shall be rectified by full compliance within 90 days after discovery of the deviation.

CHAPTER 1302

An act to add Section 20082.5 to, and to amend Section 25541.7 of, the Education Code, relating to community colleges.

[Approved by Governor October 29, 1971. Filed with Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 25541.7 of the Education Code is amended to read:

25541.7. (a) The increases in the maximum rate of tax authorized by Section 25541.5 shall remain in effect until the end of the seventh consecutive fiscal year following the date of the first election at which the first district bond issue for community college purposes is passed, in community college districts in which such seventh consecutive year expires on July 1, 1971.

(b) The increases in the maximum rate of tax authorized by Section 25541.5 shall remain in effect until the end of the fifth consecutive fiscal year following the date of the first election at which the first district bond issue for community college purposes is passed, in community college districts in which such fifth consecutive fiscal year expires on July 1, 1971.

(c) The increase in the maximum rate of tax authorized by Section 25541.5 shall remain in effect until the end of the seventh consecutive fiscal year following the date of the first election at which a bond issue for a community college was passed in any community college district in which such seventh consecutive fiscal year ends on June 30, 1975, and such first bond issue passed provided for the issuance of bonds at a rate of interest of 5 percent.

(d) The increase in the maximum rate of tax authorized by Section 25541.5 shall remain in effect until the end of the seventh consecutive fiscal year following the date of the first election at which a bond issue for a community college was passed in any community college district in which such seventh consecutive fiscal year ends on June 30, 1976.

SEC. 2. Section 20082.5 is added to the Education Code, to read:

20082.5. The capacity of a project or portion of a project for which an aviation maintenance technician school certificate has been received from the Federal Aviation Administration, shall be determined by using, as a component in the formula for space standards, 510 square feet per station.

CHAPTER 1303

An act to amend the heading of Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of Title 2 of, and to amend Sections 11370.1, 11370.2, 11370.3, 11370.4, 11372, 11422.1, 11502, 11507.7, 11524, 14379, 14380, and 27727 of, the Government Code, relating to administrative procedure.

[Approved by Governor October 29, 1971 Filed with
Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of Title 2 of the Government Code is amended to read:

CHAPTER 4. OFFICE OF ADMINISTRATIVE HEARINGS

SEC. 2. Section 11370.1 of the Government Code is amended to read:

11370.1. As used in the Administrative Procedure Act "director" means the executive officer of the Office of Administrative Hearings.

SEC. 3. Section 11370.2 of the Government Code is amended to read:

11370.2. (a) There is in the Department of General Services the Office of Administrative Hearings which is under the direction and control of an executive officer who shall be known as the director.

(b) The director shall have the same qualifications as hearing officers, and shall be appointed by the Governor subject to the confirmation of the Senate

(c) Any and all references in any law to the Office of Administrative Procedure shall be deemed to be the Office of Administrative Hearings.

SEC. 3.5. Section 11370.3 of the Government Code is amended to read:

11370.3. The director shall appoint and maintain a staff of hearing officers qualified under Section 11502 of this code which is sufficient to fill the needs of the various state agencies. The director shall also appoint shorthand reporters and such other technical and clerical personnel as may be required to perform the duties of the office. The director shall assign a hearing officer for any proceeding arising under Chapter 5 of the Administrative Procedure Act and upon request from any agency may assign a hearing officer to conduct other administrative proceedings not arising under said chapter and shall assign hearing reporters as required. Any hearing officer or other employee so assigned shall be deemed an employee of the office and not of the agency to which he is assigned. When not engaged in hearing cases, hearing officers may be assigned by

the director to perform other duties vested in or required of the office including those provided for in Section 11370.5.

SEC. 4. Section 11370.4 of the Government Code is amended to read:

11370.4. The total cost to the state of maintaining and operating the Office of Administrative Hearings shall be determined by, and collected by the Department of General Services in advance or upon such other basis as it may determine from the state or other public agencies for which services are provided by the office.

SEC. 5. Section 11372 of the Government Code is amended to read:

11372. "Department" as used in this chapter means the Office of Administrative Hearings.

SEC. 6. Section 11422.1 of the Government Code is amended to read:

11422.1. (a) No regulation adopted as an emergency shall remain in effect more than 120 days unless the adopting agency has complied with Sections 11423, 11424, and 11425, prior to the adoption of the emergency regulation, or has, within said 120-day period, given notice of the adoption of the emergency regulation in a manner substantially similar to that required for the proposed adoption of a regulation and has afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that required by Section 11425. The agency shall, prior to the expiration of the 120-day period, transmit to the department for filing with the Secretary of State and with the Rules Committee of each house of the Legislature, a certification that either Sections 11423, 11424, and 11425 were complied with prior to adoption, or that compliance was had with this section within the said period.

(b) In the event an emergency regulation was filed as an amendment of an existing regulation, upon failure of the adopting agency to file a certificate of compliance as provided in (a) above, the regulation as it existed prior to such emergency amendment shall thereupon become effective and, after notice to the adopting agency by the Office of Administrative Hearings shall be reprinted in the California Administrative Code in the place of such emergency amendment.

(c) In the event a regulation is originally adopted and filed as an emergency and the adopting agency fails to file a certificate of compliance as provided in (a) above, such failure shall constitute a repeal thereof and, after notice to the adopting agency by the Office of Administrative Hearings, shall be deleted from the California Administrative Code.

SEC. 7. Section 11502 of the Government Code is amended to read:

11502. All hearings of state agencies required to be conducted under this chapter shall be conducted by hearing officers on the staff of the Office of Administrative Hearings. The

Director of the Office of Administrative Hearings has power to appoint a staff of hearing officers for the office as provided in Section 11370.3 of the Government Code. Each hearing officer shall have been admitted to practice law in this state for at least five years immediately preceding his appointment and shall possess any additional qualifications established by the State Personnel Board for the particular class of position involved.

SEC. 8. Section 11507.7 of the Government Code is amended to read:

11507.7. (a) Any party claiming his request for discovery pursuant to Section 11507.6 has not been complied with may serve and file a verified petition to compel discovery in the superior court for the county in which the administrative hearing will be held, naming as respondent the party refusing or failing to comply with Section 11507.6. The petition shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why such matter is discoverable under this section, and the ground or grounds of respondent's refusal so far as known to petitioner.

(b) The petition shall be served upon respondent party and filed within 15 days after the respondent party first evidenced his failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, whichever period is longer. If from a reading of the petition the court is satisfied that the petition sets forth good cause for relief, the court shall issue an order to show cause directed to the respondent party; otherwise the court shall enter an order denying the petition. The order to show cause shall be served upon the respondent and his attorney of record in the administrative proceeding by personal delivery or certified mail and shall be returnable no earlier than 10 days from its issuance nor later than 30 days after the filing of the petition. The respondent party shall have the right to serve and file a written answer or other response to the petition and order to show cause.

(c) The administrative proceeding shall be stayed during the pendency of the proceedings before the superior court only if the court issues an order to show cause and only if a copy of the order to show cause is filed with the Office of Administrative Hearings forthwith upon issuance thereof.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that such matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under such provisions, the court may order lodged with it such matters as are provided in subdivision (b) of Section 915 of the Evidence Code and examine such matters in accordance with the provisions thereof.

(e) The court shall decide the case on the matters examined by the court in camera, the papers filed by the parties, and such oral argument and additional evidence as the court may allow.

(f) Unless otherwise stipulated by the parties, the court shall no later than 30 days after the filing of the petition file its order denying or granting the petition, provided, however, the court may on its own motion for good cause extend such time an additional 30 days. The order of the court shall be in writing setting forth the matters or parts thereof the petitioner is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the clerk upon the parties. Where the order grants the petition in whole or in part, such order shall not become effective until 10 days after the date the order is served by the clerk. Where the order denies relief to the petitioning party, the order shall be effective on the date it is served by the clerk.

(g) The order of the superior court shall be final and not subject to review by appeal. A party aggrieved by such order, or any part thereof, may within 15 days after the service of the superior court's order serve and file in the appropriate court of appeal a petition for a writ of mandamus to compel the superior court to set aside or otherwise modify its order. Where such review is sought from an order granting discovery, the order of the trial court and the administrative proceeding shall be stayed upon the filing of the petition for writ of mandamus, provided, however, the court of appeal may dissolve or modify the stay thereafter if it is in the public interest to do so. Where such review is sought from a denial of discovery, neither the trial court's order nor the administrative proceeding shall be stayed by the court of appeal except upon a clear showing of probable error.

(h) Where the superior court finds that a party or his attorney, without substantial justification, failed or refused to comply with Section 11507.6, or, without substantial justification, filed a petition to compel discovery pursuant to this section, or, without substantial justification, failed to comply with any order of court made pursuant to this section, the court may award court costs and reasonable attorney fees to the opposing party. Nothing in this subdivision shall limit the power of the superior court to compel obedience to its orders by contempt proceedings.

SEC. 9. Section 11524 of the Government Code is amended to read:

11524. The agency may grant continuances. When a hearing officer of the Office of Administrative Hearings has been assigned to such hearing, no continuance may be granted except by him or by the hearing officer in charge of the appropriate regional office of the Office of Administrative Hearings, for good cause shown.

SEC. 10. Section 14379 of the Government Code is amended to read:

14379. (a) Determination of rights pursuant to Section 14378 shall be by a hearing officer appointed for that purpose from the staff of the Office of Administrative Hearings.

(b) The party seeking a determination of rights shall give notice in writing of the claim setting forth the facts on which the claim is based to the other party and to the Office of Administrative Hearings. The Office of Administrative Hearings shall appoint a hearing officer to hear such claim. The hearing officer shall be appointed within 60 days after such notice, but not before completion of the contract, unless the department consents to earlier appointment, and the hearing officer shall hear and determine the controversy and render his decision in writing within 60 days after his appointment, unless otherwise agreed by the parties, provided, however, that for good cause, the hearing officer may extend such time. Each party shall bear its own costs and shall pay one-half of the costs of the hearing.

(c) The decision of the hearing officer shall be final if supported by law and by substantial evidence.

SEC. 11. Section 14380 of the Government Code is amended to read:

14380. The Office of Administrative Hearings shall adopt rules and regulations, pursuant to Chapter 4.5, Part 1, Division 3, Title 2 of the Government Code, to implement the claims procedure authorized by this article.

SEC. 12. Section 27727 of the Government Code is amended to read:

27727. Any county or other local public entity may contract with the Office of Administrative Hearings of the State of California, and such office is hereby authorized to contract for such services for a hearing officer to conduct proceedings pursuant to this chapter.

SEC. 13. All persons, other than temporary employees, serving in the civil service as employees of the Office of Administrative Procedure shall remain in the state civil service and are hereby transferred to the Office of Administrative Hearings on the effective date of this act. The status, positions, and rights of such persons shall not be affected by such transfer and shall continue to be retained by them pursuant to the State Civil Service Act.

SEC. 14. On the effective date of this act the Office of Administrative Hearings shall succeed the Office of Administrative Procedure and all services, authority, rights and responsibilities heretofore attached to the Office of Administrative Procedure, including work in progress, are transferred to the Office of Administrative Hearings.

SEC. 15. Any regulations of the Office of Administrative Procedure in effect on the operative date of this act shall continue as regulations of the Office of Administrative Hearings until amended or repealed pursuant to law.

CHAPTER 1304

An act to amend Sections 23151, 23181, 23183, 23222, 23222a, 23223, 23224, 23282, 23332, 23504, and 25401 of, to add Article 3.5 (commencing with Section 23201) to Chapter 2 of Part 11 of Division 2 of, and to add Sections 23151.1, 23224.5 and 23332.5 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor October 29, 1971. Filed with Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 23151 of the Revenue and Taxation Code is amended to read:

23151. With the exception of financial corporations, every corporation doing business within the limits of this state and not expressly exempted from taxation by the provisions of the Constitution of this state or by this part, shall annually pay to the state, for the privilege of exercising its corporate franchises within this state, a tax according to or measured by its net income, to be computed at the rate of 7 percent upon the basis of its net income for the next preceding income year. In any event, each such corporation shall pay annually to the state, for the said privilege, a minimum tax of one hundred dollars (\$100).

SEC. 1.5. Section 23151.1 is added to the Revenue and Taxation Code, to read:

23151.1. Notwithstanding Section 23151, every corporation (except financial corporations) doing business within the limits of this state and not exempted from taxation by the provisions of the Constitution of this state or by this part, shall annually pay to the state for the privilege of exercising its corporate franchises within this state, a tax determined as follows:

(a) With respect to taxable years beginning after December 31, 1971, the tax for the taxable year in which the corporation commences to do business within this state, whether or not for 12 full months, shall be the minimum tax prescribed in Section 23153.

(b) With respect to taxable years beginning after December 31, 1972, other than the first taxable year described in subdivision (a) and the final taxable year described in subdivisions (c) or (d), a tax according to or measured by its net income, to be computed at the rate prescribed in Section 23151 upon the basis of its net income for the next preceding income year.

(c) With respect to taxable years beginning after December 31, 1972, a tax for the taxable year during which the corporation ceases doing business, dissolves or withdraws shall be:

(1) According to or measured by its net income, to be computed at the rate prescribed in Section 23151, upon the basis of its income for the next preceding income year, plus

(2) According to or measured by its net income, to be computed at the rate prescribed in Section 23151, upon the basis of its income of the taxable year during which the corporation ceases doing business, dissolves or withdraws.

(d) With respect to taxable years beginning after December 31, 1971, if a corporation commences to do business and ceases doing business, dissolves, or withdraws in the same taxable year, the tax for such taxable year shall be according to or measured by its net income for such taxable year, to be computed at the rate prescribed in Section 23151.

(e) In the case of a taxpayer which ceased doing business in a taxable year ending before January 1, 1972, but dissolved or withdrew thereafter, the tax for the taxable year during which the corporation dissolves or withdraws shall be:

(1) According to or measured by its net income, to be computed at the rate prescribed in Section 23151, upon the basis of its income for the income year next preceding the taxable year in which it ceased doing business, plus

(2) According to or measured by its net income, to be computed at the rate prescribed in Section 23151, upon the basis of its income of the taxable year during which the corporation ceased doing business.

(f) In any event, the tax shall be not less than the minimum tax prescribed in Section 23153.

SEC. 2. Section 23181 of the Revenue and Taxation Code is amended to read:

23181. (a) An annual tax is hereby imposed upon every bank located within the limits of this state according to or measured by its net income, upon the basis of its net income for the next preceding income year at the rate provided under Section 23186. With respect to the taxation of national banking associations, the state adopts the method numbered (4) authorized by the act of March 25, 1926, amending Section 5219 of the Revised Statutes of the United States, Title 12, Section 548, United States Code.

(b) With respect to taxable years beginning after December 31, 1972, the tax for the taxable year during which the bank ceases doing business, dissolves or withdraws shall be:

(1) According to or measured by its net income for the next preceding income year, at the rate provided under Section 23186, plus

(2) According to or measured by its net income for the taxable year of cessation of business, dissolution or withdrawal, at the rate provided under Section 23186.

If a bank commences to do business and ceases doing business, dissolves or withdraws in the same taxable year, the tax for such taxable year shall be according to or measured by its net income for such year, at the rate provided under Section 23186.

(c) In the case of a bank which ceased doing business in a taxable year ending before January 1, 1972, but dissolved or withdrew thereafter, the tax for the taxable year during which the bank dissolves or withdraws shall be:

(1) According to or measured by its net income for the income year next preceding the taxable year in which it ceased doing business, plus

(2) According to or measured by its net income for the taxable year during which the bank ceased doing business, at the rate provided under Section 23186.

SEC. 3. Section 23183 of the Revenue and Taxation Code is amended to read:

23183. (a) An annual tax is hereby imposed upon every financial corporation doing business within the limits of this state and taxable under the provisions of Section 16 of Article XIII of the Constitution of this state, for the privilege of exercising its corporate franchises within this state, according to or measured by its net income, upon the basis of its net income for the next preceding income year at the rate provided under Section 23186.

(b) Notwithstanding subdivision (a), after December 31, 1971, the tax for the taxable year in which the financial corporation commences to do business within this state, whether or not for 12 full months, shall be the minimum tax prescribed in Section 23184. Further, with respect to taxable years beginning after December 31, 1972, the tax for the taxable year during which the financial corporation ceases doing business, dissolves or withdraws shall be:

(1) According to or measured by its net income for the next preceding income year, at the rate prescribed in Section 23186, plus

(2) According to or measured by its net income for the taxable year of cessation of doing business, dissolution or withdrawal, at the rate provided under Section 23186, or

(3) The minimum tax prescribed in Section 23184, whichever tax is the greater.

If the financial corporation commences to do business and dissolves or withdraws in the same taxable year, the tax for such taxable year shall be according to or measured by its net income for such year, at the rate provided under Section 23186, or the minimum tax provided in Section 23184, whichever tax is the greater.

(c) In the case of a financial corporation which ceased doing business in a taxable year ending before January 1, 1972, but dissolved or withdrew thereafter, the tax for the taxable year during which the corporation dissolves or withdraws shall be:

(1) According to or measured by its net income for the income year next preceding the taxable year in which it ceased doing business, plus

(2) According to or measured by its net income for the taxable year during which the financial corporation ceased doing business, at the rate provided under Section 23186.

SEC. 4. Article 3.5 (commencing with Section 23201) is added to Chapter 2 of Part 11 of Division 2 of the Revenue and Taxation Code, to read:

Article 3.5. Credit for Prepaid Tax

23201. (a) In the case of a taxpayer whose tax for the first taxable year was computed under Sections 23222 to 23224, inclusive (or corresponding sections of prior laws), there shall be allowed as a credit against the tax for the taxable year of cessation of doing business, dissolution or withdrawal, an amount equal to the tax paid for the first taxable year which constituted a full 12 months of doing business in this state.

(b) In the case of a taxpayer whose tax for the first taxable year was computed under subdivision (b) or (c) of Section 23151, or subdivision (b) or (c) of Section 23183, there shall be allowed as a credit against the tax for the taxable year of cessation of doing business, dissolution or withdrawal, an amount equal to the minimum tax in effect for the first taxable year.

23202. (a) In the case of a taxpayer which has been a transferee in a reorganization to which Sections 23251 to 23254, inclusive (or corresponding sections of prior laws), were applicable, there shall be allowed as a credit against the tax imposed for the taxable year of cessation of doing business, dissolution or withdrawal, an amount equal to the amount by which any tax paid by prior transferors or by the transferee as a transferor:

(1) Under Sections 23222 to 23224, inclusive (or corresponding sections of prior laws), for the first taxable year of the transferors which constituted a full 12 months of doing business, or

(2) Under subdivision (b) or (c) of Section 23151 or subdivision (b) or (c) of Section 23183.

(b) The credit allowable under this section shall be in addition to any credit which may be allowable to the taxpayer under Section 23201. However, any credit previously allowed or allowable under Sections 23201 and this section shall not be allowed again in computing a credit under this section.

23203. The credits provided by Sections 23201 and 23202 shall be allowable only upon submission by the taxpayer of evidence establishing to the satisfaction of the Franchise Tax Board the amount of the tax paid pursuant to Sections 23222 to 23224, inclusive (or corresponding sections of prior laws), and with respect to which the credit is claimed.

23204. No credit under this article shall be allowed or made after four years from the last day prescribed for filing the return for the taxable year of dissolution or withdrawal, or after one year from the date of overpayment or within the

periods prescribed under Article 1 of Chapter 22, whichever period expires the latest, unless before the expiration of such period a claim therefor is filed by the taxpayer.

SEC. 5. Section 23222 of the Revenue and Taxation Code is amended to read:

23222. (a) If a taxpayer commences to do business in this state during its first taxable year its tax for that year shall be adjusted upon the basis of the net income received during that taxable year, at the rate applicable to that year, a credit being allowed for the prepayment of the minimum tax. The return for the first taxable year, which shall be filed within 2 months and 15 days after the close of that year, shall also be the basis for the tax of said taxpayer for its second taxable year, if its first taxable year is a period of 12 months. In every case in which the first taxable year of a taxpayer constitutes a period of less than 12 months, or in which a taxpayer does business for a period of less than 12 months during its first taxable year, said taxpayer shall pay as a prepayment of the tax for its second taxable year a tax based on the income for the first taxable year computed under the law and at the rate applicable to the second taxable year, the same to be due and payable at the same times and in the same manner as if that amount were the entire amount of its tax for that year; and upon the filing of its tax return within 2 months and 15 days after the close of the second taxable year it shall pay a tax for said year, at the rate applicable to that year, based upon its net income received during that year, allowing a credit for the prepayment; but in no event, except as provided in Section 23332, shall the tax for the second taxable year be less than the amount of the prepayment for that year, and said return for its second taxable year shall also be the basis for the tax of said taxpayer for its third taxable year, if the second taxable year constitutes a period of 12 months.

(b) The provisions of subdivision (a) shall be applicable only in the computation and payment of taxes with respect to taxable years beginning before January 1, 1973.

SEC. 6. Section 23222a of the Revenue and Taxation Code is amended to read:

23222a. In every case in which the second or succeeding taxable years of a commencing taxpayer constitute a period of less than 12 months or in which the taxpayer does business for a period of less than 12 months during its second or succeeding taxable years, the tax for such year or years shall be measured by the income of that period or periods subject to the continuation of the prepayment procedure outlined in Section 23222. In no event shall the income of any period or periods herein described be used as the measure of the tax for the succeeding taxable year, other than the prepayment, until the last short period is succeeded by a taxable period of 12 months, in which case the income of the last short period shall,

if greater than the income of the 12-month period, constitute the measure of the tax for such 12-month period.

Thereafter the procedure outlined in Section 23222, in respect of the second and third taxable years, shall apply and the taxpayer shall not be subject to the provisions of this section.

In the event that a taxpayer is dissolved or withdraws from this state while subject to the provisions of this section, its tax for the year of dissolution or withdrawal shall be measured by its net income for such year. However, in no event shall the tax be less than the minimum tax provided by Section 23153.

The provisions of this section shall be applicable only in the computation and payment of taxes with respect to taxable years beginning before January 1, 1973.

SEC. 7. Section 23223 of the Revenue and Taxation Code is amended to read:

23223. (a) When any taxpayer commences to do business in this state for the first time in any taxable year other than the year of incorporation or qualification, its tax for that taxable year and for the succeeding taxable year shall be computed in accordance with the provisions of Section 23222 relative to first and second taxable years, a credit being allowed for any tax payable under Section 23153 for the year in which it commences to do business.

(b) The provisions of subdivision (a) shall be applicable only in the computation and payment of taxes with respect to taxable years beginning before January 1, 1973.

SEC. 8. Section 23224 of the Revenue and Taxation Code is amended to read:

23224. (a) Notwithstanding the provisions of Section 23222 and Section 23223, if a corporation, which has been subject to the provisions of Chapter 3 commences to do business in this state, its tax shall be computed as follows:

(1) Such corporation shall pay a tax under Chapter 3 for the whole of the year it commences to do such business;

(2) Such corporation shall, for the taxable year succeeding the year it commences to do business in this state, pay a tax under this chapter measured by its income for that taxable year;

(3) Such corporation shall, for its third taxable year, pay a tax, under this chapter, measured by its income for its second taxable year;

(4) Notwithstanding any other provisions of this part, such corporation shall file its return for such second and third taxable years on or before the 15th day of the third month following the close of its second taxable year.

(b) The provisions of subdivision (a) shall be applicable only in the computation and payment of taxes with respect to taxable years beginning before January 1, 1973.

SEC. 9. Section 23224.5 is added to the Revenue and Taxation Code, to read:

23224.5. After December 31, 1972, if a corporation, which has been subject to the provisions of Chapter 3 commences to do business in this state, such corporation shall pay a tax under Chapter 3 for the whole of the taxable year it commences to do such business, and for taxable years thereafter, such corporation shall be taxed in accordance with subdivision (b) of Section 23151.

SEC. 10. Section 23282 of the Revenue and Taxation Code is amended to read:

23282. (a) The tax imposed upon any taxpayer which has suffered the suspension or forfeiture provided in Section 23301, and which revives in any taxable year other than the taxable year in which suspension or forfeiture occurred, shall be computed in the same manner as provided in Sections 23222 to 23224, inclusive, relative to the computation of taxes upon taxpayers commencing to do business for the first time after incorporation or qualification. In addition to the taxes, penalties, and interest specified in Section 23305, such taxpayer shall prepay a tax in an amount equal to the minimum tax provided for in Section 23153 as a condition precedent to the issuance of a certificate of revivor.

(b) After December 31, 1972, the tax imposed upon any taxpayer which has suffered the suspension or forfeiture provided in Section 23301, and which revives in any taxable year other than the taxable year in which suspension or forfeiture occurred, shall be computed in the same manner as provided in subdivision (b) of Section 23151 or subdivision (b) of Section 23183, relative to the computation of taxes upon taxpayers commencing to do business for the first time after incorporation or qualification. In addition to the taxes, penalties, and interest specified in Section 23305, such taxpayer shall prepay the minimum tax imposed by this subdivision as a condition precedent to the issuance of a certificate of revivor.

SEC. 11. Section 23332 of the Revenue and Taxation Code is amended to read:

23332. (a) Except in the case of a taxpayer subject to the provisions of Section 23222a, any taxpayer which is dissolved or withdraws from the state during any taxable year shall pay a tax only for the months of the taxable year which precede the effective date of such dissolution or withdrawal, according to or measured by (1) the net income of the preceding income year or (2) a percentage of net income determined by ascertaining the ratio which the months of the taxable year, preceding the effective date of dissolution or withdrawal, bears to the months of the income year, whichever is the lesser amount. As to financial corporations, the offset from the tax for the months of such taxable year prior to the effective date of such dissolution or withdrawal shall not exceed that proportion of the offset computed under Sections 23184 to 23185b,

inclusive, which the number of said months prior to the effective date of such dissolution or withdrawal bears to the number of months of the preceding income year. The taxes levied under this chapter shall not be subject to abatement or refund because of the cessation of business or corporate existence of any taxpayer pursuant to a reorganization, consolidation, or merger (as defined by Section 23251). In any event, each corporation shall pay a tax not subject to offset for such period in an amount equal to the minimum tax prescribed by Section 23153.

(b) The provisions of subdivision (a) shall be applied only in the computation and payment of taxes for taxable years beginning before January 1, 1973. With respect to taxable years beginning after December 31, 1972, the tax for the taxable year in which the taxpayer ceases doing business, dissolves or withdraws shall be determined under subdivision (b) or (c) of Section 23151, subdivision (b) of Section 23181, or subdivision (b) or (c) of Section 23183, whichever is applicable.

SEC. 12. Section 23332.5 is added to the Revenue and Taxation Code, to read:

23332.5. If a financial corporation ceases doing business dissolves or withdraws from the state during any taxable year beginning after December 31, 1972, the tax for the taxable year during which cessation of doing business, dissolution or withdrawal occurs shall be computed as prescribed by subdivision (b) or (c) of Section 23183. In determining the amount of such tax, a financial corporation will be allowed an offset against the amounts paid during the final taxable year to this state as personal property taxes, or as license fees or excise taxes as described in subdivisions (a) to (d), inclusive, of Section 23184. However, after the allowance of such offsets, the tax on a financial corporation shall not be less than 7 percent of its net income for the final taxable year nor less than the minimum tax provided in Section 23184.

SEC. 12.5. Section 23504 of the Revenue and Taxation Code is amended to read:

23504. Where a corporation formerly subject to tax under Chapter 2 (commencing with Section 23101) becomes subject to tax under Chapter 3 (commencing with Section 23501), the tax for the year in which the change occurs will be assessed under Chapter 2 (commencing with Section 23101) and not under Chapter 3 (commencing with Section 23501). For years subsequent to the year in which the change occurs, the tax will be assessed under Chapter 3 (commencing with Section 23501).

SEC. 13. Section 25401 of the Revenue and Taxation Code is amended to read:

25401. (a) Except as provided in subdivision (b) or subdivision (c), every taxpayer subject to the tax imposed by this part shall, within 2 months and 15 days after the close of its income year, transmit to the Franchise Tax Board a return in

a form prescribed by it, specifying for the income year, all such facts as it may by rule, or otherwise, require in order to carry out the provisions of this part. A tax return, disclosing net income for any income year, filed pursuant to Chapter 2 or Chapter 3 of this part shall be deemed filed pursuant to the proper chapter of this part for the same income period, if the chapter under which filed is determined erroneous.

(b) In the case of cooperative associations described in Section 24404, returns shall be filed on or before the 15th day of the ninth month following the close of its income year.

(c) In the case of taxpayers which cease doing business, dissolve or withdraw, each such taxpayer shall within 2 months and 15 days after the close of the taxable year in which cessation, dissolution or withdrawal takes place, transmit to the Franchise Tax Board a return in a form prescribed by it, specifying for the taxable year, all such facts as it may by rule, or otherwise, require in order to carry out the provisions of this part.

SEC. 14. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into effect immediately.

SEC. 15. The provisions of this act, except as may otherwise be specifically provided, shall be applied with respect to the computation of taxes on or measured by net income of taxable years beginning after December 31, 1972.

SEC. 16. If any chapter, part, sentence, article, subdivision, or clause of this act is for any reason held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining provisions of this act, and if the provisions of this act relating to the change in the definition of the taxable year and the computations applicable thereto are held invalid or unconstitutional, then all taxes imposed by this part shall be computed as if the change in the definition of the taxable year had never been enacted.

CHAPTER 1305

An act to amend Sections 13812, 13825, 13834.1, 13835, 13838, 13857, 13918, 13961, 13981, 13990, 14020, 14022, 14026, 14029, 14030, 14052, 14053, 14070, 14080, 14105, 14108, 14109, 14112, 14121, 14180, 14182, 14185, 14186, 14188, 14189, 14211, 14213, 14214, 14215, 14223, 14240, 14260, 14280, 14301, 14302, 14303, 14330, 14331, 14332, 14333, 14334, 14335, 14371, 14440, and 14445 of, the heading of Article 24 (commencing with Section 14300) of Chapter 4 of Division 10 of, to add Sections 13804, 13805, 13813, 13821, 13824.5, 13828.4, 13829.5, 13830, 13833.7, 13834.3, 13837.5, 13838.5, 13844.2, 13844.4, 13846.5, 13846.8, 13852.5, 13860, 13861, 13981.5, 14028, 14100, 14111, 14122, 14186.5, 14187, 14190, 14196, 14198, 14220.5, 14220.7, 14223.5, 14224,

14224.5, 14243, 14244, 14261, 14262, 14282, 14284, 14285, 14300, 14334.6, 14334.8, 14445.5, 17301.2, and 17668.5 *tc*, and to repeal Sections 13804, 13805, 13813, 13821, 13826, 13893, 13983, 14001, 14027, 14038, 14047, 14051, 14081, 14082, 14100, 14101, 14102, 14103, 14104, 14106, 14107, 14111, 14114, 14115, 14122, 14123, 14125, 14126, 14181, 14183, 14187, 14190, 14191, 14192, 14193, 14194, 14195, 14196, 14197, 14212, 14219, 14224, 14241, 14243, 14244, 14245, 14246, 14261, 14262, 14263, 14263.5, 14282, 14284, 14285, 14300, 14303.5, 14304, 14305, 14336, 14443, and 14444 *of*, and to repeal Article 17 (commencing with Section 14130) and Article 25 (commencing with Section 14310) of Chapter 4 of Division 10 of the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor October 29, 1971. Filed with Secretary of State October 29, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 13804 of the Education Code is repealed.

SEC. 2. Section 13804 is added to the Education Code, to read:

13804. The Legislature recognizes that the assets of the State Teachers' Retirement System are insufficient to meet the obligations of that system already accrued or to accrue in the future in respect to service credited to members of that system prior to July 1, 1972. Therefore, the Legislature declares the following policies in respect to the financing of the State Teachers' Retirement System:

(a) Members shall be required to contribute a percentage of salaries earned.

(b) The employing agencies shall contribute a percentage of total salaries on which member contributions are based.

(c) The state shall contribute a sum certain for a given number of years for the purpose of payment of benefits.

SEC. 3. Section 13805 of the Education Code is repealed.

SEC. 4. Section 13805 is added to the Education Code, to read:

13805. The costs of administration of the system shall be paid from the Teachers' Retirement Fund.

SEC. 5. Section 13812 of the Education Code is amended to read:

13812. When the compensation of a member is a factor in any computation to be made under this chapter, including but not limited to computation of members' and school districts' or other employing agencies' contributions to the Retirement Annuity Fund and excluding computation of compensation earnable during time prior to July 1, 1956, there shall be excluded from such computations any compensation based on overtime service performed by a member.

SEC. 6. Section 13813 of the Education Code is repealed.

SEC. 7. Section 13813 is added to the Education Code, to read:

13813. The revision of the State Teachers' Retirement Law, including this section, enacted at the 1970 Regular Session of the Legislature, shall not be construed to affect the structure of the accounts and benefits of persons retired prior to July 1, 1972, or their beneficiaries, except as specifically provided.

SEC. 8. Section 13821 of the Education Code is repealed.

SEC. 9. Section 13821 is added to the Education Code, to read:

13821. "Accumulated contributions" means the sum of all member contributions, except annuity deposits and tax-sheltered contributions, made for service after July 1, 1944, together with interest credited thereon.

SEC. 10. Section 13824.5 is added to the Education Code, to read:

13824.5. "Annual salary" means salaries earned during a school year excluding salaries for overtime service.

SEC. 11. Section 13825 of the Education Code is amended to read:

13825. "Annuity" means payments for life derived from the "accumulated annuity deposits" or the "accumulated tax-sheltered contributions" of a member.

SEC. 12. Section 13826 of the Education Code is repealed.

SEC. 13. Section 13828.4 is added to the Education Code, to read:

13828.4. "Benefits" means any monthly payment due a retirant or other beneficiary, and includes lump sum payments due on account of death.

SEC. 14. Section 13829.5 is added to the Education Code, to read:

13829.5. "California service" means service performed in California for which credit may be given.

SEC. 15. Section 13830 is added to the Education Code, to read:

13830. "Child" or "children" means the unmarried offspring of a member under 18 years of age, not adopted by a person other than a spouse, or an unmarried minor, under 18 years of age, adopted by the member. It includes a stepchild if the child is in the custody of the member and is receiving more than one-half of his support from the member. It also includes the member's unmarried children who are under age 22, and who are registered as full-time students. For purposes of Sections 14152, 14155 and 14156 "child" or "children" means any offspring or adopted children of the member, retirant or other beneficiary. A "full-time student" means a child who is in full-time attendance as a student at an educational institution, as determined by the board in light of the standards and practices of the institution involved, except that no individual shall be considered a "full-time student" if he is paid by his employer while attending such an educational

institution at the request of, or pursuant to a requirement of, his employer. An "employer" as used in this section, includes a private or public employer, including the United States government, any of its branches, or any of its armed services.

SEC. 16. Section 13833.7 is added to the Education Code, to read:

13833.7. "Credited service" means service for which the required contributions have been paid.

SEC. 17. Section 13834.1 of the Education Code is amended to read:

13834.1. "Dependent widower" means a person who was married to the member at the time of the death of the member, and whose marriage occurred more than 12 months prior to the member's death, and who was receiving at least one-half of his support from the member at the time of the member's death.

SEC. 18. Section 13834.3 is added to the Education Code, to read:

13834.3. "Dependent parent" means a natural parent of a member, or a parent who adopted the member prior to the earlier of the occurrence of the member's marriage or his attaining age 18, and who was receiving one-half of his or her support from the member at the time of the member's death.

SEC. 19. Section 13835 of the Education Code is amended to read:

13835. "Disability" or "disabled" means any medically determinable physical or mental impairment which can be expected to be of long, continued and indefinite duration which prevents a teacher from performing his usual duties for his employer; or the duties of a position of comparable level for which he is qualified by education, training and experience, and excludes any condition resulting from willful, self-inflicted injury.

SEC. 20. Section 13837.5 is added to the Education Code, to read:

13837.5. "Family benefits" means the benefits provided for in Section 14186.

SEC. 21. Section 13838 of the Education Code is amended to read:

13838. "Final compensation" means the highest average annual compensation earnable by a member during any period of three consecutive years during his membership in the system or time during which he was not a member but for which he has received credit under the system, except such time as was so credited pursuant to the provisions of Sections 13999 and 14000.

For the purposes of this section, periods of service separated by breaks in service may be aggregated to constitute a period of three consecutive years, if the periods of service are consecutive except for such breaks.

Time during which a member is in state service or in the employment of a local school district or of a county superintendent and is also a member of another retirement system to which the state, a county, or the university contributes shall not be considered to be an absence for the purposes of this section, and the determination of the final compensation of such a member shall take into consideration his compensation earnable while he was a member of such other system, providing retirement under this system is concurrent with the member's retirement under the other system.

The board may specify a different final compensation with respect to benefits based on part-time service performed prior to July 1, 1956, for which credit was given under this system under board rules in effect prior to such date.

SEC. 22. Section 13838.5 is added to the Education Code, to read:

13838.5. "Improvement factor" means an increase of 2 percent in benefits for each year commencing on a September 1, following the first anniversary of the effective retirement date, or the date on which monthly benefits commenced to accrue to any beneficiary other than a retirant or such other periods as specifically stated in this chapter. Such factor shall not be compounded nor shall it be applicable to annuities payable from the Annuity Deposit Fund or sheltered annuities. The Legislature reserves the right to adjust the amount of the "improvement factor" up or down as economic conditions dictate. No adjustments of the improvement factor shall reduce the monthly retirement allowance or benefit below that which would be payable to the recipient under this chapter had this section not been enacted.

SEC. 23. Section 13844.2 is added to the Education Code, to read:

13844.2. "Other public systems" means the old age, survivors, disability and health insurance program provided by the Federal Social Security Act, the federal civil service retirement program, federal military disability, railroad retirement, a workman's compensation program, federal railroad retirement or any other public retirement system in California.

SEC. 24. Section 13844.4 is added to the Education Code, to read:

13844.4. "Parent" means a natural parent of a member or a parent who adopted the member prior to his attainment of 18 years of age or to the member's marriage, whichever occurs earlier.

SEC. 25. Section 13846.5 is added to the Education Code, to read:

13846.5. "Projected earned salary" means a 2 percent increase applied to the highest annual salary earned by a member in any one of the three school years preceding death, or disability.

SEC. 26. Section 13846.8 is added to the Education Code, to read:

13846.8. "Projected service" means the credited service plus the service which the *member* would have been credited with at age 60 had he continued to serve and receive credit at the same rate he was credited during the year covered by the earnings that were used in the calculation of the disability or family benefit.

SEC. 27. Section 13852.5 is added to the Education Code, to read:

13852.5. "Spouse" means a person who was married to the member at the time of the death of the member and whose marriage occurred more than 12 months prior to the death of the member.

SEC. 28. Section 13857 of the Education Code is amended to read:

13857. "Survivor allowance" means the allowance provided for in Section 14186 as it read under the law in effect on June 30, 1972.

SEC. 29. Section 13860 is added to the Education Code, to read:

13860. "Unmodified allowance" means the allowance prior to a reduction under an option.

SEC. 30. Section 13861 is added to the Education Code, to read:

13861. "Widow" means a person who was married to the member at the time of the member's death and whose marriage occurred more than 12 months prior to the member's death.

SEC. 31. Section 13893 of the Education Code is repealed.

SEC. 32. Section 13918 of the Education Code is amended to read:

13918. Earned interest not credited to accounts and other income shall be used to provide the benefits under this chapter.

SEC. 33. Section 13961 of the Education Code is amended to read:

13961. Persons employed in a position requiring membership in this system, but who are members of a local system or a county retirement system are excluded from membership in the system. A member so excluded shall not be considered to have terminated his membership or right to a retirement allowance based on time served as a member unless he withdraws his contributions as provided in Section 14070.

SEC. 34. Section 13981 of the Education Code is amended to read:

13981. Service performed prior to July 1, 1972, shall be credited according to the provisions of the law in effect at the time service was performed.

Service performed on or after July 1, 1972, by a member shall be credited in the proportion the compensation paid

bears to the compensation the member would have received if he had been employed on a full-time day basis in the particular position in which he is employed throughout the school term, school year, or for a period of service at least the equivalent to a school term.

SEC. 35. Section 13981.5 is added to the Education Code, to read:

13981.5. Persons employed on a part-time basis, including persons employed in night schools and adult education programs, shall receive credit for time served in the proportion that the salary earned bears to the salary which would have been earned if employed full time. When a person is employed on an hourly or daily basis, full-time employment shall be considered as one hundred seventy-five (175) days or one thousand fifty (1,050) hours if the service is confined to a school term, or two hundred sixty (260) days or one thousand five hundred sixty (1,560) hours if the service extends for a full school year. The board shall make equitable adjustments for service which extends for a period greater than a school term but less than a school year.

SEC. 36. Section 13983 of the Education Code is repealed.

SEC. 37. Section 13990 of the Education Code is amended to read:

13990. Service shall be computed by school years and not by calendar years, portions of years served being accumulated and counted as service. All of the service performed during any one school year in a position requiring membership in this system shall not count for more than one year, and the service credited under this system to any member as performed during any school year, shall not exceed the fraction of a year which makes one year of service, when added to the service credited to such member under the Public Employees' Retirement System, the Retiring Annuities System of the University of California, or any locally administered retirement system in California including a local system as defined by Section 13840, as performed during such year.

In lieu of any other benefits provided by this chapter, any member who performed service prior to July 1, 1956, shall receive retirement benefits for that service at least equal to the benefits which he would have received for that service under the provisions of this chapter as they existed on June 30, 1956. The provisions of this paragraph do not apply to service which is credited in local systems.

SEC. 38. Section 14001 of the Education Code is repealed.

SEC. 39. Section 14020 of the Education Code is amended to read:

14020. Contributions made by a member shall be credited to his individual account by the board.

Interest shall be credited to his individual account on the accumulated contributions therein, at rates declared from time to time by the board.

SEC. 40. Section 14022 of the Education Code is amended to read:

14022. Each member who retires is required to have contributed to the Permanent Fund at the following rates for the service credited to him under the system:

(a) Twelve dollars (\$12) for each year of service prior to July 1, 1935, but contributions shall not be required for more than 30 years of service performed prior to July 1, 1935.

(b) Twenty-four dollars (\$24) for each year of service from July 1, 1935, to July 1, 1944.

(c) Sixty dollars (\$60) for each year of service after July 1, 1944 and prior to July 1, 1972.

SEC. 41. Section 14026 of the Education Code is amended to read:

14026. Each member of this system shall contribute to the Teachers' Retirement Fund an amount equivalent to 8 percent of salary earned, excluding salaries for overtime service.

SEC. 42. Section 14027 of the Education Code is repealed.

SEC. 43. Section 14028 of the Education Code is repealed.

SEC. 44. Section 14028 is added to the Education Code, to read:

14028. Members' contributions to the Retirement Annuity Fund for service credited after June 30, 1944, and prior to July 1, 1972, shall be in the amounts required based on percentage rates of contribution applicable for the years included in such period. If such contributions are not paid prior to the effective retirement date payment shall be made in a lump sum, or in such amounts as the board may specify under authority granted by Section 14060.

SEC. 45. Section 14029 of the Education Code is amended to read:

14029. Accumulated contributions credited to a member whose date of birth is changed in the records of the system shall be adjusted to the corrected date by refund to the member or payment by the member, as the case may be.

SEC. 46. Section 14030 of the Education Code is amended to read:

14030. If, at retirement, there are contributions remaining to the credit of the member which were made with respect to time on the basis of which the member will not be entitled to receive a benefit, the board shall refund to the member accumulated contributions as it may allocate to such time.

SEC. 47. Section 14047 of the Education Code is repealed.

SEC. 48. Section 14051 of the Education Code is repealed.

SEC. 49. Section 14052 of the Education Code is amended to read:

14052. The county superintendent shall deduct from salary payments due to the respective members employed by him, the contributions required and at the close of each month shall draw requisitions against the funds from which the

salaries were paid for amounts equal to the total of the contributions deducted during the month.

The amounts shall be deposited in the county treasury.

SEC. 50. Section 14053 of the Education Code is amended to read:

14053. The county auditor shall deduct the required contributions from salary payments due to the respective members employed by the county.

SEC. 51. Section 14070 of the Education Code is amended to read:

14070. Upon the termination of a member's employment by any cause other than death or retirement there shall be paid to him, or if no other benefits are payable under this chapter upon the death of a member, there shall be paid to the beneficiary nominated by the deceased member:

(a) The Permanent Fund contributions, without interest, standing to the credit of his account, as having been made after July 1, 1935 for service performed prior to July 1, 1944.

(b) The accumulated contributions.

(c) The accumulated Annuity Deposit Fund contributions.

(d) The tax-sheltered contributions unless the withdrawal is made within five years of his initial deposit of tax-sheltered contributions, in which case the refunded amount shall be without interest.

SEC. 52. Section 14080 of the Education Code is amended to read:

14080. If a person whose contributions have been refunded reenters the system he may elect to redeposit the contributions, excluding tax-sheltered contributions, after he has performed one year of creditable service subsequent to his reentry.

Such redeposit shall include regular interest. For time prior to July 1, 1944, the interest shall be at $2\frac{1}{2}$ percent compounded annually. Such redeposit shall also include the administration expense provided in Section 14070.5.

SEC. 53. Section 14081 of the Education Code is repealed.

SEC. 54. Section 14082 of the Education Code is repealed.

SEC. 55. Section 14100 of the Education Code is repealed.

SEC. 56. Section 14100 is added to the Education Code, to read:

14100. The school districts and other employing agencies in the state shall contribute monthly to the Teachers' Retirement Fund the following percentages of the total of the salaries upon which members' contributions are based:

(a) For fiscal year ending June 30, 1973	-----	3.2%
(b) For fiscal year ending June 30, 1974	-----	4%
(c) For fiscal year ending June 30, 1975	-----	4.8%
(d) For fiscal year ending June 30, 1976	-----	5.6%
(e) For fiscal year ending June 30, 1977	-----	6.4%
(f) For fiscal year ending June 30, 1978	-----	7.2%
(g) For all fiscal years after June 30, 1978	-----	8%

SEC. 57. Section 14101 of the Education Code is repealed.

SEC. 58. Section 14102 of the Education Code is repealed.

SEC. 59. Section 14103 of the Education Code is repealed.

SEC. 60. Section 14104 of the Education Code is repealed.

SEC. 61. Section 14105 of the Education Code is amended to read:

14105. The county superintendent shall draw his requisition in favor of the State Teachers' Retirement System for the amount of the district and other agency contributions and the requisition, when allowed and signed by the county auditor, shall constitute a warrant against the county treasurer. The county superintendent thereupon shall forward the warrant to the board in Sacramento along with such reports relative thereto as the board may require.

SEC. 62. Section 14106 of the Education Code is repealed.

SEC. 63. Section 14107 of the Education Code is repealed.

SEC. 64. Section 14108 of the Education Code is amended to read:

14108. Within 30 days after the close of each calendar month each state agency which employs members of the system shall pay to the system the contributions required of it by the provisions of Section 14100.

Each remittance shall be in a form acceptable to the board, and shall be accompanied by a statement verified by a duly authorized official, and containing such information as the board may prescribe.

The amounts received shall be deposited forthwith in the State Treasury to the credit of the Teachers' Retirement Fund.

SEC. 65. Section 14109 of the Education Code is amended to read:

14109. Within 30 days after the close of each calendar month,

(a) For members whose compensation is paid by the school districts, the county superintendent shall draw requisitions against the funds of the respective school districts within the county.

(b) For members whose compensation is paid by him, the county superintendent shall draw requisitions against the funds from which salaries were paid.

(c) For members whose compensation is paid by the county, the county auditor shall transfer from the funds from which the salaries were paid.

Such requisitions shall be in amounts equal to the contributions required by Section 14100 and such amounts shall be deposited in the county treasury.

The county superintendent shall draw his requisition in favor of the system for the amount of district and other agency contributions and the requisition, when allowed and signed by the county auditor, constitutes a warrant against the county treasurer.

The county superintendent shall forward the warrant to the board in Sacramento along with such reports relating thereto as the board may require.

SEC. 66. Section 14111 of the Education Code is repealed.

SEC. 66.5. Section 14111 is added to the Education Code, to read:

14111. District taxes may be levied and collected annually pursuant to this section by the respective districts at the same time and in the same manner as other district taxes are levied and collected. The tax shall be in addition to any other district tax now or hereafter authorized by law, and shall not be considered in fixing maximum rates of taxes for school district purposes.

Such tax is for the purpose of providing funds to make contributions to the Teachers' Retirement Fund required of school districts under Section 14100.

The tax provided by this section shall not exceed ten cents (\$0.10) per each one hundred dollars (\$100) of the assessed value of property in an elementary school district or five cents (\$0.05) per each one hundred dollars (\$100) of the assessed value of property within a high school district or community college district.

In a unified school district the tax provided by this section shall not exceed fifteen cents (\$0.15) per each one hundred dollars (\$100) of the assessed value of property within the district.

The tax provided by this section shall be further limited by crediting the amount of foundation support provided in Section 17668.5 of the Education Code for retirement contributions.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in tax rate provided by this section, such balance shall be used exclusively in the following school year for the expenditures of the school district during that year required by Section 14100.

SEC. 67. Section 14112 of the Education Code is amended to read:

14112. The state shall contribute one hundred thirty-five million dollars (\$135,000,000) annually to the Teachers' Retirement Fund for a period of 30 years beginning July 1, 1972.

SEC. 68. Section 14114 of the Education Code is repealed.

SEC. 69. Section 14115 of the Education Code is repealed.

SEC. 70. Section 14121 of the Education Code is amended to read:

14121. The system shall pay to each local district maintaining a local system the amounts due for subventions required prior to the amendments to this section during the 1971 Regular Session of the Legislature on account of persons who retired or died prior to July 1, 1972.

SEC. 71. Section 14122 of the Education Code is repealed.

SEC. 72. Section 14122 is added to the Education Code, to read:

14122. The system shall compute the amount of service credited by local systems and the Permanent Fund contributions credited on July 1, 1972, to members on account of such

service to persons who are members of local systems and pay to districts maintaining local systems the total amount of such contributions with the credited interest accrued on Permanent Fund contributions for such service rendered after July 1, 1944.

SEC. 73. Section 14123 of the Education Code is repealed.

SEC. 74. Section 14125 of the Education Code is repealed.

SEC. 75. Section 14126 of the Education Code is repealed.

SEC. 76. Article 17 (commencing with Section 14130) of Chapter 4 of Division 10 of the Education Code is repealed.

SEC. 77. Section 14180 of the Education Code is amended to read:

14180. (a) Except as otherwise provided in Sections 14186, 14283 or 14284 payment pursuant to subdivision (b) of this section shall be made upon receipt of proof of a member's death which occurred:

(1) Before the effective date of his retirement or after that date but before the date upon which the warrant for his first retirement allowance is mailed, including a warrant for an advance payment as permitted by Section 14370, and within four months after the termination of the member's employment in a position requiring membership in this system, or

(2) While the member was physically or mentally disabled for performance of his duty, if such disability had been continuous from such termination.

(b) There shall be paid to the designated beneficiary:

(1) The Permanent Fund contributions, without interest, standing to the credit of his account, as having been made after July 1, 1935, for service performed prior to July 1, 1944.

(2) The accumulated contributions standing to the credit of his account.

(3) The accumulated annuity deposit contributions standing to the credit of his account.

(4) The accumulated tax-sheltered contributions standing to the credit of his account.

(5) The sum of two thousand dollars (\$2,000), provided the member had at least one year of credited service.

SEC. 78. Section 14181 of the Education Code is repealed.

SEC. 79. Section 14182 of the Education Code is amended to read:

14182. The benefits provided in Section 14180, except as otherwise provided, are payable upon receipt of proof of a member's death which occurred:

(a) While he was employed in a position requiring membership in this system, and was receiving compensation because of such employment, and before the effective date of his retirement or after such date if under the provisions of Section 14281 he is to be considered as an active member at the time of death, or

(b) While the member was disabled, if disability had been continuous from the last day for which compensation was paid to him, or

(c) While he was on a leave of absence without compensation, granted for reason other than disability, and within 18 months after the last day for which compensation was paid, or

(d) Within four months after the termination of the member's employment in a position requiring membership in this system; provided, first that death was not included within the provisions of subdivision (b), and, second, that death does not occur more than 18 months after the last day for which compensation was paid to him, or

(e) Within six months of his last day of service if an application for retirement was received by the system prior to his death, provided benefits are not payable under Section 14280.

SEC. 80. Section 14183 of the Education Code is repealed.

SEC. 81. Section 14185 of the Education Code is amended to read:

14185. Upon receipt of proof of the death of a retirant there shall be paid to the designated beneficiary the sum of two thousand dollars (\$2,000).

From the death benefit provided in this section, there shall be deducted an amount equal to that portion of the benefit payable on account of death by a local system or by the Public Employees' Retirement System. The deduction shall be made regardless of whether such benefit is payable before or after retirement under such local or state system, from contributions of the employer, independently of any optional election made by the person at the time of his retirement under which he received a reduced retirement allowance and a benefit was provided at his death.

SEC. 82. Section 14186 of the Education Code is amended to read:

14186. If a member at the time of death which occurs after June 30, 1972, has one or more years of credited service, and, if there has been a break in the member's employment of more than one year, one-half year of credited service having been performed after the end of the last such break, and on account of whose death the benefit provided by Section 14180 is payable or a retirant who was receiving a disability allowance which commenced to accrue after June 30, 1972:

(a) The surviving spouse of the member, who has the care of children or if there is no such spouse, then

(b) The guardian of surviving children if any, or if none, then

(c) The surviving wife or surviving dependent husband of the member, who does not qualify under subdivision (a) of this section, or if none, then

(d) Each surviving dependent parent of the member shall be paid, regardless of the beneficiary designated by the member under Section 14180, the following applicable family allowance under the conditions stated:

(1) A surviving spouse having the care of children shall receive an annual amount, payable in monthly installments,

of 40 percent of the highest annual salary earned by the member during any one of the last three school years of service, plus 10 percent of such salary for each such child, up to a maximum of 90 percent of such salary.

(2) The guardian of each child, on whose account there is no benefit payable under paragraph (1) shall receive an annual amount payable in monthly installments, of 10 percent of the highest annual salary earned by the member during any one of the last three school years of service up to a maximum of 50 percent of such salary.

If there are more than five children, the benefits payable under paragraphs (1) and (2) on account of children shall be allocated to all children on a share-and-share-alike basis.

(3) If there are no benefits being paid under paragraphs (1) or (2) the unmarried widow or dependent widower, age 60 or over shall receive a monthly payment equal to the amount which would have been payable to such widow or widower based on projected service and projected earned salary, if the member continued service to age 60 and at that time elected option number 3, the benefit payable under this paragraph shall be increased by application of the benefit improvement factor for time which elapses between the date the member would have reached age 60 and the date benefits commence to accrue under this paragraph. For the calculation of the benefit, it shall be considered that the member died on the June 30 following the actual date of death and the spouse reached age 60 on the June 30 prior to attainment of that age, but the benefit shall not begin to accrue until the spouse attains age 60.

(4) If there is no widow, dependent widower or children entitled to benefits under paragraph (2), the dependent parent, age 60, or upon attainment of that age, shall receive a benefit based on projected service and projected earned salary equal to the amount which would have been paid if the member had retired at age 30 and elected option number 3. If there are two parents who qualify under this paragraph the total benefit will be computed on the assumption that the youngest parent is the beneficiary, and the total shall be divided equally for so long as there are two such qualifying parents. Otherwise, the total amount shall be payable to the one who qualifies.

Benefits payable under this section are in lieu of the death benefit payable under paragraph (2) of subdivision (b) of Section 14180, irrespective of the beneficiary designated to receive that benefit, except that a widow, dependent widower or collective dependent parents may elect, prior to the receipt of the first payment under paragraph (3) or (4), to receive that benefit in a lump sum providing there are no children on account of whom benefits are payable under paragraph (1) or (2), subject to a deduction for any benefit previously paid.

In the event of the death of a person who is receiving benefits under this section, or on whose account a benefit is pay-

able, or the spouse remarries, or children are no longer qualified, the benefit payable to or on account of that person shall be terminated on the last day of the month in which such event occurs.

In the event of termination of a benefit payable, or the right to benefits under this section prior to the date such payments total the amount payable under paragraph (2) of subdivision (b) of Section 14180 the balance shall be paid in a lump sum to: (a) all surviving children, irrespective of age, on a share-and-share-alike basis, if payments were made under paragraph (1) or (2); (b) the remarried spouse, if there are no benefits to be paid under paragraph (2) or (4); or (c) the estate of the surviving parent.

SEC. 83. Section 14186.5 is added to the Education Code, to read:

14186.5. Family benefits payable under Section 14186 shall be increased by the benefit improvement factor.

SEC. 84. Section 14187 of the Education Code is repealed.

SEC. 85. Section 14187 is added to the Education Code, to read:

14187. Lump sum payments provided under Section 14186 shall include credited interest on the unpaid balance calculated from: (1) the date of death to the date of payment if no benefits were paid under that section; (2) the date benefits, or rights to benefits, terminated to the date of payment if benefits were paid under paragraphs (1) or (2) of subdivision (d) of that section; (3) the date of death to the date benefits commenced under that section, if benefits were paid under paragraph (4) of subdivision (d) of that section.

SEC. 86. Section 14188 of the Education Code is amended to read:

14188. Family benefits shall begin to accrue on the first day of the month following the death of the member.

SEC. 87. Section 14189 of the Education Code is amended to read:

14189. There shall be deducted from the family benefit any benefits payable to a beneficiary from other public systems.

SEC. 88. Section 14190 of the Education Code is repealed.

SEC. 89. Section 14190 is added to the Education Code, to read:

14190. No person shall be entitled to receive the benefit provided under Section 14186 upon the death of a member if he is qualified to receive this benefit on account of the death of another member. If he would qualify for more than one benefit, except for this section, the benefit to be paid shall be the greater of the amounts which would otherwise be payable.

SEC. 90. Section 14191 of the Education Code is repealed.

SEC. 91. Section 14192 of the Education Code is repealed.

SEC. 92. Section 14193 of the Education Code is repealed.

SEC. 93. Section 14194 of the Education Code is repealed.

SEC. 94. Section 14195 of the Education Code is repealed.

SEC. 95. Section 14196 of the Education Code is repealed.

SEC. 96. Section 14196 is added to the Education Code, to read:

14196. Survivor benefits payable on account of deaths which occurred prior to July 1, 1972, shall be continued in the amounts and under the conditions stated in Sections 14186, 14187, 14188, 14189 and 14190, as they read prior to July 1, 1972.

SEC. 97. Section 14197 of the Education Code is repealed.

SEC. 98. Section 14198 is added to the Education Code, to read:

14198. Benefits payable on account of deaths which occurred prior to July 1, 1972, and provided under Section 14193, as it read prior to July 1, 1972, shall be continued. The provisions of Sections 14194, 14195, 14196 and 14197, as they read prior to such date shall continue to apply to these payments.

SEC. 99. Section 14211 of the Education Code is amended to read:

14211. Any member who comes within any of the following descriptions may be retired for service at his option upon written application therefor to the board:

(a) Who has attained age 55 years or more and who has at least five years of credited California service, if five of the final six years of credited service have been in this state.

(b) Who is credited with service which is not used as a basis for benefits under any other public retirement system, provided he retires concurrently under the Public Employees' Retirement System as a state member of that system, or as an employee of a local school district or of a superintendent, or under the retirement system of the University of California, or under a local system.

In the calculation of allowances of members who qualify for retirement under subdivision (b) of this section, and who are not qualified for retirement under subdivision (a) of this section, there shall be excluded any service performed in other states of the United States, its territories and possessions or in the Dominion of Canada.

Application for retirement under subdivision (b) may be made at any time, and such applicants are not subject to the provisions of Section 14218.

SEC. 100. Section 14212 of the Education Code is repealed.

SEC. 101. Section 14213 of the Education Code is amended to read:

14213. A member may be retired for disability if he has five or more years of credited service, the last five of which have been served in this state, and has not attained age 60.

SEC. 102. Section 14214 of the Education Code is amended to read:

14214. Any member who is qualified for retirement for disability may be retired for disability by the board upon his application, or upon the application of his guardian or conservator, if such application is made:

(a) While the member is employed in a position requiring membership in this system and is receiving compensation because of such employment, or

(b) While he is disabled and such disability has been continuous from the last day for which compensation was paid to him, or

(c) While he is on a leave of absence without compensation, granted for reasons other than disability, and within 18 months after the last day of employment for which compensation was paid, or

(d) Within four months after the termination of the member's employment in a position requiring membership in this system provided, first, that such application was not made under the provisions of subdivision (b) and, second, that such application was not made more than 18 months after the last day for which compensation was paid to him.

SEC. 103. Section 14215 of the Education Code is amended to read:

14215. If, prior to attaining the age of 55 years, a person who is entitled to receive a retirement allowance because of his retirement for disability prior to July 1, 1972, engages in a gainful occupation not in a position requiring membership in the system, the board shall reduce the portion of his monthly retirement allowance which is not provided by his accumulated contributions, to an amount, which when added to the compensation earned monthly by him, does not exceed the amount of the compensation which would be earnable by a person holding the same or an equal position as or to that which he held at the time of his retirement, and in the same salary step or rating, or if no such position then exists such compensation earnable immediately prior to its abolition.

If his earnings are further altered, the board shall further alter such portion of his retirement allowance to the lower of the following amounts:

(a) The amount of such portion of his retirement allowance as it would be if not reduced under this section.

(b) An amount which, when added to the compensation earned by him, equals the amount of the compensation which would be earnable by a person holding the same or an equal position as or to that which he held at the time of his retirement, and in the same salary step or rating, or if no such position then exists, such compensation earnable immediately prior to its abolition.

For purposes of this section the retirement allowance subject to adjustment is the unmodified allowance irrespective of the option elected.

When he attains the age of 55 years, his retirement allowance shall be made equal to the amount it would be if not reduced under this section, and may not again be modified under this section.

SEC. 104. Section 14219 of the Education Code is repealed.

SEC. 105. Section 14220.5 is added to the Education Code, to read:

14220.5. If a person retired for disability after June 30, 1972, is employed, or is self-employed in any capacity, the monthly benefit for disability shall be reduced by fifty cents (\$0.50) for each dollar earned.

SEC. 106. Section 14220.7 is added to the Education Code, to read:

14220.7. When a person who is retired for disability after June 30, 1972, reaches age 60, or at such later date when there are no eligible children, his disability allowance shall be terminated and thereafter he shall receive the allowance payable for service retirement at that age, calculated on the projected earned salary and projected service. The allowance payable under this section shall not be greater than the terminated disability allowance. Annuities payable from the Annuity Deposit Fund or tax-sheltered annuities shall continue in the amounts payable at the time the disability allowance was terminated.

SEC. 107. Section 14223 of the Education Code is amended to read:

14223. Upon cancellation of the retirement allowance, the person's individual account shall be credited with the amount of his accumulated contributions, exclusive of annuity deposit and tax-sheltered contributions, as they were at the date of retirement, less the sum of all payments made under Section 14240(a) or 14260(a) or similar provisions in effect on June 30, 1972. The reduction shall not be greater than the total of such accumulated contributions.

The person's account shall be credited with the Permanent Fund contributions, whether made by him prior to or after retirement, for service performed prior to July 1, 1944.

SEC. 108. Section 14223.5 is added to the Education Code, to read:

14223.5. Upon cancellation of the retirement allowance the person's individual account shall be credited with amounts which are the actuarial equivalents at that time, as based on the disabled life, where retirement had been for disability, or on active life where the retirement had been for service of the annuities being paid from the Annuity Deposit Fund or tax-sheltered contributions. Such credited amounts shall not exceed the amount of his accumulated contributions as they were in those accounts at the date of retirement.

SEC. 109. Section 14224 of the Education Code is repealed.

SEC. 110. Section 14224 is added to the Education Code, to read:

14224. If a retiree who did not elect an option dies prior to the date the total allowance, paid or payable, exclusive of annuities from the Annuity Deposit Fund or tax-sheltered annuities, equals the total contributions, exclusive of contributions on which such annuities were based, and there are no further benefits due, except for the death benefit provided

under Section 14185, the difference between the total contributions and the total of such allowances shall be paid the person who will receive the benefit payable under Section 14185. If the retirant elected an option, and if the retirant and beneficiary both die before a sum equivalent to such contributions is paid, such difference shall be paid to the estate of the beneficiary. This section does not apply to retirements which became effective prior to July 1, 1972.

SEC. 111. Section 14224.5 is added to the Education Code, to read:

14224.5. Allowances payable under Section 14240(a) or 14260(a) shall be increased by application of the improvement factor.

SEC. 112. Section 14240 of the Education Code is amended to read:

14240. Upon retirement for service which became effective after June 30, 1972, a member shall receive a retirement allowance which shall consist of:

(a) An annual allowance payable in monthly installments, upon retirement at age 60 or over, equal to 2 percent of the final compensation for each year of credited service. If the retirement is effective at less than age 60 this allowance shall be reduced by one-half of 1 percent for each full month which will elapse until the member would have reached age 60, and

(b) An annuity which shall be the actuarial equivalent of the accumulated annuity deposits standing to the credit of his account at the time of his retirement, and

(c) A "tax-sheltered annuity" which shall be the actuarial equivalent of the accumulated tax-sheltered contributions standing to the credit of his account at the time of his retirement.

SEC. 113. Section 14241 of the Education Code is repealed.

SEC. 114. Section 14243 of the Education Code is repealed.

SEC. 115. Section 14243 is added to the Education Code, to read:

14243. The minimum unmodified allowance, exclusive of annuities from the Annuity Deposit Fund or tax-sheltered annuities payable for service or disability retirement, shall not be less than ten dollars (\$10) per month multiplied by the years of credited service. This guaranteed amount shall be reduced by the amount of an unmodified allowance payable from a local system based on service credited by this system. If the retirement is effective at less than age 60 this allowance shall be reduced by one-half of 1 percent for each full month which will elapse until the member would have reached age 60.

SEC. 116. Section 14244 of the Education Code is repealed.

SEC. 117. Section 14244 is added to the Education Code, to read:

14244. A person who was a member on June 30, 1972, and had five or more years of service and who had attained age 55, shall have the option of receiving the allowance pay-

able under Section 14245, as it read on that date in lieu of the allowance payable under Section 14240(a).

SEC. 118. Section 14245 of the Education Code is repealed.

SEC. 119. Section 14246 of the Education Code is repealed.

SEC. 120. Section 14260 of the Education Code is amended to read:

14260. Upon retirement for disability, a member shall receive a retirement allowance which shall consist of:

(a) An annual allowance, payable in monthly installments, equal to 50 percent of the highest annual salary earned in any one of the three school years immediately preceding retirement, increased by 10 percent of such salary for each child to a maximum of four such children, and

(b) An annuity which shall be the actuarial equivalent of the accumulated annuity deposits standing to the credit of his individual account at the time of his retirement, and

(c) A tax-sheltered annuity which shall be the actuarial equivalent of the accumulated tax-sheltered contributions standing to the credit of his account at the time of his retirement.

SEC. 121. Section 14261 of the Education Code is repealed.

SEC. 122. Section 14261 is added to the Education Code, to read:

14261. Allowances payable under Section 14260(a) shall be reduced by an amount equal to the unmodified benefits paid or payable under other public systems.

SEC. 123. Section 14262 of the Education Code is repealed.

SEC. 124. Section 14262 is added to the Education Code, to read:

14262. Allowances payable under Section 14260(a) on account of children shall be reduced when children become ineligible. Such reduction shall take into account the increases made by application of the improvement factor, however, the member's disability allowance shall not be less than it would have been if there had never been any eligible children.

SEC. 125. Section 14263 of the Education Code is repealed.

SEC. 126. Section 14263.5 of the Education Code is repealed.

SEC. 127. Section 14280 of the Education Code is amended to read:

14280. Before the warrant for his first allowance for service retirement is mailed, any member may elect to receive the actuarial equivalent of the retirement allowance payable throughout life with the provision that:

Option 2. Upon his death his reduced retirement allowance shall be continued throughout the life of and paid to such person as he has nominated by written designation duly executed and filed with the board at the time of his election; or

Option 3. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of, and paid to such person as he has nominated by written designation

duly executed and filed with the board at the time of his election.

An election made under this section may be revoked or changed by him at any time prior to the mailing of the warrant for his first retirement allowance.

SEC. 128. Section 14282 of the Education Code is repealed.

SEC. 129. Section 14282 is added to the Education Code, to read:

14282. Upon the termination of a disability allowance under Section 14220.7 the retirant may elect to modify the future service retirement allowance payable under Section 14240(a) in accordance with provisions of Section 14280. The actuarial equivalents computed under the option selection shall be based on the ages attained by the member and the beneficiary at the time the disability allowance is terminated.

SEC. 130. Section 14284 of the Education Code is repealed.

SEC. 131. Section 14284 is added to the Education Code, to read:

14284. Any member who has qualified for service retirement under Section 14211 may elect, as provided in Section 14280, and without right of revocation or change after approval of the election by the retirement board, to receive the actuarial equivalent as of the date of his retirement, of the retirement allowance payable to him when and if he retires for service in a reduced retirement allowance according to the provisions of either option 2 or option 3 as stated in Section 14280. If such a member at the time of making the election has a living spouse who would qualify for an allowance under Section 14186, the election under this section shall be invalid and of no effect unless and until the consent of such spouse to it is filed with the system in Sacramento. If the death of such member occurs within 30 days after the date upon which the election is received by the system in Sacramento, then the election shall be void and of no effect and he shall be considered as an active member at the time of death.

Upon such member's death at least 30 days after the date upon which the election is received by the system in Sacramento, and prior to the effective date of his retirement, the person who was nominated by him under the option he elected and who survives him, shall receive an allowance calculated under such option, upon the assumption that such member retired for service on the date of his death and died immediately thereafter. The payment of such allowance to such person shall be in lieu of both the death benefit provided by subdivisions (a) and (b) of Section 14070 or paragraphs (1) and (2) of subdivision (b) of Section 14180 and the family benefit provided by Section 14186, and no death or family benefit shall be paid on account of such death to any person or beneficiary, regardless of whether the person nominated under the option elected, survives the member except for the accumulated annuity deposit contributions and accumulated tax-sheltered contributions, and the amount provided by paragraph (5) of sub-

division (b) of Section 14180, which amounts shall be paid the designated beneficiary.

If such member subsequently retires, he shall receive, regardless of whether the person nominated by him under the option elected is then living, a reduced allowance according to the provisions of Section 14280 and the option elected, and he shall be subject to Section 14281.

The amount of the allowance prior to optional modification shall be calculated on the basis of the member's age at death before retirement, or at retirement, as the case may be, but the reduction of such allowance under the option elected shall be based on the ages of such member and the person nominated by him under such option, at the effective date of such election.

SEC. 132. Section 14285 of the Education Code is repealed.

SEC. 133. Section 14285 is added to the Education Code, to read:

14285. Allowances payable to beneficiaries on account of options elected under Section 14280 or 14284 shall be increased by application of the improvement factor. This factor shall be applicable on the same date when it would have been applied to the allowance of the deceased person.

SEC. 134. The heading of Article 24 (commencing with Section 14300) of Chapter 4 of Division 10 of the Education Code is amended to read:

Article 24. Multiple Retirements

SEC. 135. Section 14300 of the Education Code is repealed.

SEC. 136. Section 14300 is added to the Education Code, to read:

14300. A service retirement allowance under subdivision (a) of Section 14240 shall not be affected by a previous retirement for disability.

SEC. 137. Section 14301 of the Education Code is amended to read:

14301. A retirant under this article shall receive an allowance based upon his credited service and salary from the date of reentry to the date of his subsequent retirement and calculated under Section 14240(a).

SEC. 138. Section 14302 of the Education Code is amended to read:

14302. If less than one year of credited service is performed after last reentry, a retirant under this article shall also receive an allowance equal to the allowance he would have received had he not been reinstated.

SEC. 139. Section 14303 of the Education Code is amended to read:

14303. If one or more years of credited service are performed after last reentry, a retirant under this article shall also receive an allowance based on the same salary and service as that upon which the allowance he received immediately before reentry was based, but calculated under Section 14240(a) on the basis of an age, determined by deducting from his age

at his subsequent retirement, the aggregate time during which he was under retirement.

If the member performs five years of credited service after his last reentry into membership, the salary earnable by him after his reentry shall be used in the calculation of benefits due for service performed prior to such reentry into membership.

SEC. 140. Section 14303.5 of the Education Code is repealed.

SEC. 141. Section 14304 of the Education Code is repealed.

SEC. 142. Section 14305 of the Education Code is repealed.

SEC. 143. Article 25 (commencing with Section 14310) of Chapter 4 of Division 10 of the Education Code is repealed.

SEC. 144. Section 14330 of the Education Code is amended to read:

14330. Monthly allowances payable by the system to a retirant or his beneficiary commencing on July 1, 1972, are increased by the amount set forth in this article.

SEC. 145. Section 14331 of the Education Code is amended to read:

14331. This article applies to allowances payable to the survivor of a deceased person under the provisions of Sections 14193, 14280, and 14284, as those sections read under laws in effect on June 30, 1972.

SEC. 146. Section 14332 of the Education Code is amended to read:

14332. The increase is an amount derived by applying the percentage set forth in the following table opposite the period during which the retirement was effective, to so much of the allowance which otherwise would be payable for such time, excluding any annuity provided by accumulated annuity deposits or accumulated tax-sheltered contributions and prior to any modification under an option, which does not exceed three hundred dollars (\$300):

Period during which retirement became effective	Percentage of increase in monthly allowance
1. Prior to July 2, 1965 -----	14
2. July 2, 1965, through June 30, 1966 -----	12
3. July 1, 1966, through June 30, 1967 -----	10
4. July 1, 1967, through June 30, 1968 -----	8
5. July 1, 1968, through June 30, 1969 -----	6
6. July 1, 1969, through June 30, 1970 -----	4
7. July 1, 1970, through June 30, 1971 -----	2
8. After July 1, 1971 -----	0

SEC. 147. Section 14333 of the Education Code is amended to read:

14333. If the retirant elected to receive his allowance under option 2 or 3 and if the beneficiary named by him under the option is living on July 1, 1972, then the increase is determined by applying the percentage to the modified allowance payable subject to the same limitation specified for the unmodified allowances.

SEC. 148. Section 14334 of the Education Code is amended to read:

14334. If the allowance payable on July 1, 1972, is due a beneficiary, the percentages shall be applied to so much of the monthly allowance payable on that date, excluding annuities from the Annuity Deposit Fund or from tax-sheltered contributions, which does not exceed three hundred dollars (\$300) and shall be based on the effective date of the member's retirement if the allowance is payable under Section 14280, or the date of the member's death if payable under Section 14193 or 14284, as all those sections read under laws in effect on June 30, 1972.

SEC. 149. Section 14334.6 is added to the Education Code, to read:

14334.6. The unmodified allowance, exclusive of annuities from the Annuity Deposit Fund or tax-sheltered annuities, of a person retired prior to July 1, 1972, after the increase provided by Section 14332, shall be an amount equal to at least ten dollars (\$10) per month for each year of credited service. If the retirant elected to have his allowance modified under option 2 or 3, and if his beneficiary is living on September 1, 1972, the increase in his allowance shall be modified under the option selected.

SEC. 150. Section 14334.8 is added to the Education Code, to read:

14334.8. The allowances which commenced to accrue prior to July 1, 1972, and payable on July 1, 1972, exclusive of annuities from the Annuity Deposit Fund and tax-sheltered annuities payable under Sections 14193, 14280 and 14284, as those sections read under laws in effect on June 30, 1972, shall be increased by application of the benefit improvement factor on September 1, 1973, and annually thereafter.

SEC. 151. Section 14335 of the Education Code is amended to read:

14335. This article does not give any retirant, or his successors in interest, or his beneficiary, any claim against the system for any increase in any allowance paid or payable prior to July 1, 1972.

SEC. 152. Section 14336 of the Education Code is repealed.

SEC. 153. Section 14371 of the Education Code is amended to read:

14371. Any loss incurred in connection with an advance payment shall be a charge against the fund from which the payment was derived.

Such advances to an individual may not be made in excess of the amount of accumulated contributions credited to his account and shall be a lien on such contributions until otherwise accounted for.

SEC. 154. Section 14440 of the Education Code is amended to read:

14440. If a member of this system who is or has been a member of another retirement system ceases to be entitled to

retirement benefits from the other retirement system for any service performed after July 1, 1944, and prior to July 1, 1972, which qualifies for credit under this system and for which he has not contributed to the Retirement Annuity Fund under Section 14026, but continues to be a member of this system, upon receipt of refund of his contributions to the other system, he may elect at any time prior to retirement to deposit in the Retirement Annuity Fund an amount equal to the contributions which he would have been required to make during such service if he had not then been a member of the other retirement system, with regular interest from the first of the year next following the date on which such contributions would have been payable to the first of the month following the date such election is received by the system in Sacramento.

SEC. 155. Section 14443 of the Education Code is repealed.

SEC. 156. Section 14444 of the Education Code is repealed.

SEC. 157. Section 14445 of the Education Code is amended to read:

14445. If a member, who has been an employee of a district which has paid employer contributions to the federal government under the Federal Social Security Act, ceases to be entitled to benefits under another retirement system, except social security, he may deposit contributions and interest as provided in Section 14440, and notwithstanding the provisions of Sections 14240 and 14245, the member is entitled to credit for service performed prior to July 1, 1972, as a non-local-fund member. If the member deposits such contributions and interest his retirement allowance prior to modification under an option shall be reduced by an amount equal to the pro rata portion of one-half of his individual social security benefit calculated on the service on which such employer contributions were based.

SEC. 158. Section 14445.5 is added to the Education Code, to read:

14445.5. If a member of this system who has been a member of another retirement system ceases to be entitled to benefits from the other system for any service performed after June 30, 1972, which qualifies for credit under this system and for which he has not contributed to this system such service shall be credited by this system after the member pays an amount equal to 16 percent of the salaries earned for such service with interest at rates to be established by the board. Subject to minimum payment and time limits fixed by the board, the member may make the deposit of the amount in one or more sums.

SEC. 159. Section 17301.2 is added to the Education Code, to read:

17301.2. The State Controller shall during each fiscal year, commencing with the 1972-1973 fiscal year, transfer from the General Fund to the State School Fund such amount, in addition to all other amounts appropriated and transferred to the

State School Fund, as shall provide in the State School Fund for apportionment during the fiscal year: a total amount per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, community college, and adult schools in the state and to the county school tuition funds, as certified by the Superintendent of Public Instruction, of eight dollars (\$8) in the 1972-73 fiscal year and an additional two dollars (\$2) in each fiscal year thereafter to a maximum of twenty dollars (\$20).

The amounts transferred pursuant to this section shall be apportioned and disbursed by the Superintendent of Public Instruction as an increase per unit of average daily attendance in the foundation programs prescribed in Section 17668.5.

SEC. 160. Section 17668.5 is added to the Education Code, to read:

17668.5. The Superintendent of Public Instruction shall increase the various foundation programs for each school unit of average daily attendance by sixteen dollars (\$16) in the 1972-73 fiscal year and an additional four dollars (\$4) in each fiscal year thereafter to a maximum of forty dollars (\$40). The Superintendent of Public Instruction may adjust the small school foundation programs at the elementary, high school and community college levels in accordance with this increase in the regular foundation program.

In addition the Superintendent of Public Instruction shall in making the computation prescribed in Section 17702 of the Education Code increase the computational tax in Section 17702 by:

(a) Four cents (\$0.04) in the 1972-73 fiscal year and an additional one cent (\$0.01) in each fiscal year thereafter to a maximum of ten cents (\$0.10) in an elementary school district.

(b) Two cents (\$0.02) in the 1972-73 fiscal year and an additional one-half cent (\$0.005) in each fiscal year thereafter to a maximum of five cents (\$0.05) in a high school district.

(c) Eight-tenths of one cent (\$0.008) in the 1972-73 fiscal year and an additional two-tenths of one cent (\$0.002) in each fiscal year thereafter to a maximum of two cents (\$0.02) in a community college district.

Further, the Superintendent of Public Instruction shall identify to each school district the amount of increased foundation support granted under this section which shall be used as a limitation on the taxes that may be levied and collected annually under the provisions of Section 14111 of the Education Code.

SEC. 161. This act shall become operative July 1, 1972.